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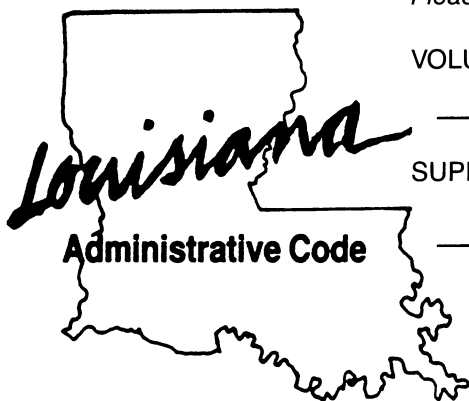
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# Executive Orders

## EXECUTIVE ORDER EWE 87-10

WHEREAS, the state's coastal areas, marshes, and wetlands are eroding at an alarming rate; and

WHEREAS, it is imperative that we preserve, protect, and conserve these valuable and productive areas of our state; and

WHEREAS, the public interest demands that we attempt to stop the erosion and attack the problems through the development of a state plan that is both realistic and achievable; and

WHEREAS, the resources in the state and federal governments should be combined in reaching a solution to the coastal problems; and

WHEREAS, certain members of the state's delegation to the Congress are in key committee positions necessary to lead this effort on the federal level; and

WHEREAS, several key people in state government with special or technical backgrounds are knowledgeable on this subject and are essential to the development of a comprehensive and effective conservation plan:

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

Section 1: The Save Our Coastline Commission (SOCC) is hereby created within the office of the governor.

Section 2: The commission shall be composed of 23 members as follows:

- a. 1. Governor Edwin W. Edwards, or his designee
2. Senator John B. Breaux  
Committee-Environment and Public Works
3. Senator J. Bennett Johnston  
Committee - Appropriations and Energy
4. Congresswoman Lindy Boggs  
House - Appropriations
5. Congressman Jerry Huckaby  
House - Interior
6. Congressman W. J. "Billy" Tauzin  
House - Commerce
7. Congressman Richard Baker  
House - Interior
8. Congressman Jimmy Hayes  
House - Public Works
9. Congressman Robert L. Livingston  
House - Appropriations
10. State Representative Clyde Kimball  
Chairman, House Committee on Natural Resources
11. State Senator Francis "Hank" Lauricella  
Chairman, Senate Committee on Natural Resources
12. State Representative Manuel Fernandez  
House Committee on Natural Resources
13. State Senator Leonard Chabert  
Vice-Chairman, Senate Committee on Natural Resources
14. B. Jim Porter  
Secretary, Department of Natural Resources
15. Herbert W. Thompson  
Commissioner of Conservation

16. Martha A. Madden  
Secretary, Department of Environmental Quality
17. Marty J. Chabert  
Department of Transportation and Development, Office of Public Works
18. Theodore "Ted" Jones, Coordinator  
Federal and State Relations
- b. TECHNICAL
19. Dr. Charles G. "Chip" Groat  
Director, Louisiana Geological Survey
20. William S. "Corky" Perrett  
Department of Wildlife and Fisheries
21. Jack R. Van Lopik  
LSU Center for Wetlands
22. Paul H. Templet  
LSU Environmental Studies
23. Donald Boesch  
Director, Louisiana Universities Marine Consortium  
Section 3: Senator John B. Breaux and Congressman W. J. "Billy" Tauzin shall serve as co-chairmen of SOCC. Senator Francis "Hank" Lauricella shall serve as vice-chairman.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 5th day of February, 1987.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 87-11

WHEREAS, Act No. 38 of 1914 (now R.S. 41:98) vested the Governor of Louisiana with authority to withdraw from sale or entry any of the vacant and unappropriated public lands and lake beds or bottoms belonging to the state, whenever, in his opinion, they appear to be more valuable for mineral than for any other purpose, and to restore to sale or entry all withdrawn lands, at his discretion; and

WHEREAS, acting under the said authority, Honorable Ruffin G. Pleasant then Governor of Louisiana, by executive order issued on March 20, 1917, withdrew from public sale and entry all state lands, except those adjudicated to the state for non-payment of taxes; and

WHEREAS, Section 4 of Article IX of the Constitution of Louisiana of 1974 provides that in all cases the mineral rights on any and all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes; and

WHEREAS, the register of the State Land Office has recommended that the hereinafter described property be restored to sale, since the obvious and apparent motive for the withdrawal from sale or entry of the public lands was for the protection of the state in its ownership of the minerals underlying said lands, and because the Constitution now requires the reservation in all cases of the mineral rights on any and all property sold by the state, there is no longer any particular necessity why the lands

hereinafter described should not be restored to sale.

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

The following described land shall be restored to sale and the same shall be sold under the provisions of Act No. 215 of 1908, as amended (now R.S. 41:131 et seq.). Excepting and reserving, however, to the state of Louisiana all minerals in the land so patented, and to it, or those authorized by it, the right to prospect for, mine and remove such deposits from the same in accordance with Section 4 of Article IX of the Constitution of 1974. Excepted from the lands hereinafter described and not included in this sale, are the waters and beds of all bayous, lagoons, lakes and other water bodies, whether navigable or non-navigable, in conformity with the statutory law of this state dedicating such property to a public purpose; like exception and exclusion are made of the waters and beds of all inland navigable waters, as well as arms of the sea, pursuant to the statutory, codal or constitutional law of the state:

1. All of fractional Section 5, Township 3 South, Range 4 East, St. Helena Meridian, St. Helena Parish Louisiana, estimated to contain 39.18 acres more or less according to map and survey by M.K. Johnston dated March 9, 1974. Sale subject to all existing servitudes, right-of-ways, and encumbrances.

2. All of lots 2 and 4 of fractional Section 4, Township 2 North, Range 3 East, Louisiana Meridian, Avoyelles Parish Louisiana, estimated to contain a total of 39.4 acres more or less according to the original township survey performed by the general surveyor of Louisiana, dated June 6, 1857. Sale subject to existing servitudes, right-of-ways, and encumbrances.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 10th day of February, 1987.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 87-12

WHEREAS, the purpose of this order is to accelerate the implementation of R.S. 39:361 as amended by Act 532 of the 1986 Regular Legislative Session without severely reducing state services or creating hardships;

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

Section 1: The commissioner of administration shall reduce by 1,000 the number of passenger automobiles and light duty pick-up trucks shown in the state's vehicle inventory. The reduction shall be accomplished by June 30, 1987. The vehicles shall be recalled and sold in a manner consistent with prudent logistics. The commissioner of administration, commencing on March 1, 1987, shall file a monthly report with the governor indicating the number of vehicles turned in and the money accruing to the General Fund as a result of the sales thereof. The Division of Administration shall retain no more than 12 percent of the proceeds of these sales to defray the costs associated with

this reduction.

Section 2: Executive Order No. EWE 87-9 is hereby rescinded in its entirety.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana at the Capitol, in the city of Baton Rouge, on this the 11th day of February, 1987.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 87-13

WHEREAS, Executive Order EWE 87-8 was issued January 30, 1987, directing a freeze in the number of state employees, freezing further expenditures for out-of-state travel, professional services, supplies, and equipment, the purpose of which was to prevent non-essential expenditures of appropriated funds; and

WHEREAS, Executive Order EWE 87-8 would create a heavy volume of paper work and consume vast amounts of administrative time which could be used to better advantage in the conduct of state programs; and

WHEREAS, it is possible to accomplish the same purpose by an alternative approach which is more flexible and manageable;

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

Section 1: Except as hereinafter authorized, the number of full-time equivalent positions may not exceed the total of those persons actually paid for working at the close of business on January 26, 1987. The commissioner of administration shall adjust this number to incorporate the effects of Act 3 of the 1986 First Extraordinary Session. The freeze shall be monitored by all department heads so that the number of full-time equivalent employees as of June 30, 1987, shall be the same as the adjusted number as of January 26, 1987. Exempt from this provision are the services provided by the office of correction services necessary to comply with court orders, employees of the Department of Health and Human Resources necessary for the performance of direct patient care or compliance with court orders, and institutions of higher education only as necessary to comply with court orders.

Section 2: Expenditures for out-of-state travel for attending conferences and conventions are prohibited without the express prior approval of the commissioner of administration, except expenditures for travel to trade shows and other events involving the promotion of Louisiana or Louisiana products, and activities necessary for industrial inducement. Also exempt are expenditures for out-of-state travel for audit and other related personnel engaged in revenue collection efforts on behalf of the state and expenditures for athletic travel for which institutions of higher education have executed contractual agreements with other colleges and universities necessitating the travel.

Section 3: A freeze on expenditures for new personal and consulting services contracts is hereby imposed, except for those contracts deemed absolutely essential for the protection of the interests of the state by the department secretary, or his

equivalent.

Section 4: Expenditures for supplies shall be limited to those deemed necessary by the department secretary, or his equivalent.

Section 5: Expenditures for equipment shall be limited, where possible, to that necessary to protect human life and well-being.

Section 6: All requests for exemptions from this order must be directed through the department secretary or his equivalent, to the commissioner of administration. In the event of a severe emergency, the department secretary or his equivalent, may take immediate appropriate action, but such action shall be fully justified in writing to the commissioner of administration within 72 hours.

Section 7: The secretary or his equivalent, of each department shall file a report with the governor on March 15, 1987, and a monthly report thereafter. The first report shall cover the period from February 1, 1987, through March 1, 1987. The report shall include a summary by category of the transactions pursuant to Sections 1, 2, 3, 4, and 5.

Section 8: The provisions of this order shall cover all agencies in the executive branch of state government which receive state general fund appropriations in the General Appropriations Bill, and shall be limited to the state general fund portions of their budgets, and to revolving funds.

Section 9: Executive Order No. EWE 87-8 is hereby rescinded in its entirety.

Section 10: This order shall be effective January 26, 1987.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this the 11th day of February, 1987.

Edwin W. Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 87-14

WHEREAS, Section 252 of the Tax Reform Act of 1986 added a new Section 42 to the Internal Revenue Code of 1986 (the "code") which establishes a low-income housing credit to be allocated to qualified low-income housing projects in an aggregate amount not to exceed the state housing credit ceiling by a housing credit agency of the state of Louisiana (the "state"); and

WHEREAS, the term "housing credit agency" means any agency authorized by the governor or by state law, if applicable, to carry out the provisions of the code relating to low-income housing credits; and

WHEREAS, the Louisiana Housing Finance Agency (the "agency") was created to facilitate the provision of decent, safe and sanitary residential housing at affordable prices to persons and families of low and moderate income; and

WHEREAS, the agency has been provided all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Louisiana Housing Finance Act contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended; and

WHEREAS, the governor now deems it desirable and expedient to designate the Louisiana Housing Finance Agency as the housing credit agency under Section 42 of the code to allocate the low-income housing credit in order to carry out its public purposes;

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

Section 1: The Louisiana Housing Finance Agency (the "agency") is hereby designated the "housing credit agency" as defined in Section 42(h)(7)(A) of the Internal Revenue Code of 1986 (the "code"), for the state of Louisiana (the "state").

The agency is hereby further authorized to act on behalf of the state to establish an allocation and/or application procedure consistent with the code which may include the provision of reasonable application charges, for the allocation of the state's low-income housing credit ceiling.

Section 2: This executive order shall be effective on the date of execution by the governor and shall remain effective unless amended or rescinded by a subsequent executive order or an appropriate state statute as provided for in Section 42(h)(3)(E) of the code.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the State Capitol, in the city of Baton Rouge, on this 12th of February 1987.

Edwin W. Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 87-15

WHEREAS, the use of illicit drugs remains a serious and intractable problem in our society; and

WHEREAS, the United States has the highest rate of teenage drug use of any industrialized nation; and

WHEREAS, the tragic consequences of drug use and alcohol abuse by students are felt not only by students and their families, but also by their communities and the nation; and

WHEREAS, the Congress of the United States has passed the Drug-Free School and Communities Act of 1986 which provides funds to the states to mobilize schools and local organizations in communities throughout the nation in a coordinated program of prevention to bring closer the goal of a drug-free generation and a drug-free society; and

WHEREAS, this coordinated effort can be significantly advanced in Louisiana through the creation of an advisory council to the governor:

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

Section 1: The Governor's Advisory Council on Drug-Free Schools and Communities is hereby created within the Department of Health and Human Resources.

Section 2: The council shall be composed of 10 members, each of whom shall be appointed by the governor to serve at his pleasure. The governor shall designate one member to serve as chairman of the council.

Section 3: The membership of the council shall include representation of the Office of Prevention and Recovery from

Alcohol and Drug Abuse, the Louisiana Commission on Alcohol and Drug Abuse, the state educational authorities, and at least one of the state's colleges or universities.

Section 4: The duties of the council shall include but not be limited to the following:

- a. Assist in setting priorities for the state's Drug-Free Schools and Communities Act program.
- b. Contribute to the design of requests for proposals.
- c. Review and make recommendations on proposals.
- d. Review monitoring reports on grantees.
- e. Recommend disposition of contracts in the case of noncomplying agencies.

Section 5: The Department of Health and Human Resources shall provide such resources, clerical support, and management assistance as may be required to enable the council to carry out its duties.

Section 6: No member of the council shall receive per diem or other compensation for the performance of his duties.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this the 23rd day of February, 1987.

Edwin W. Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 87-16

WHEREAS, the state of Louisiana, through its Department of Agriculture and Forestry and through its system of agricultural colleges, has developed considerable expertise in the field of agriculture, and particularly in the production of grain and foodstuffs for human consumption; and

WHEREAS, the state of Louisiana, through its Department of Agriculture and Forestry and its system of agricultural colleges, has conducted considerable research and experimentation in farm production and farm management and has gained expertise in farm production and farm management through its own efforts as well as that of its private sectors; and

WHEREAS, the state is deeply interested in pursuing opportunities to share its wealth of technical knowledge and expertise in these areas with people of developing nations that are seeking self sufficiency in the production of food and other agriculture commodities particularly the people of the nation of Nigeria with whom the United States and the state of Louisiana have enjoyed productive commercial and cultural exchanges over the years; and

WHEREAS, the Honorable Chief Bashorum M.K.O. Abiola, an outstanding business leader of the nation of Nigeria desires on behalf of his government and his people to make Nigeria self sufficient in food production and in agricultural commodities, and to improve the economy of Nigeria; and

WHEREAS, Chief Abiola has established Abiola Farms, Ltd., which at considerable investment has acquired land for agricultural purposes and has readied land for agricultural use in several Nigerian states where it is believed opportunities for thriving agricultural crops abound, the land being situated in the following states in the following measures:

Kwara State - 10,000 hectares  
Gongola State - 5,000 hectares  
Niger State - 7,000 hectares  
Benue State - 5,000 hectares  
Cross River State - 30,000 hectares  
(to be planted in pine wood); and

WHEREAS, Chief Abiola, through Abiola Farms, Ltd., desires to avail himself, on behalf of the people of Nigeria, of the agricultural production and management expertise that is reposed in the state of Louisiana as hereinabove mentioned; and

WHEREAS, Chief Abiola desires to have his farm enterprise, Abiola Farms, Ltd., contract with the state of Louisiana and its appropriate departments and agencies to assist Abiola Farms, Ltd., in the following ways among others:

- (i) assessing the opportunities for agricultural production on the above referenced farmlands; (ii) planning for the economically successful development of the farmland; (iii) procuring needed expertise to insure the profitable operation of the farms; and

WHEREAS, the African Chamber of Commerce has invited Chief Abiola and Abiola Farms, Ltd., to Louisiana and has facilitated agreements for mutual assistance between the same and the state; and

WHEREAS, it is the mutual interest of the state of Louisiana, the people of Nigeria, and Abiola Farms, Ltd., to confect a contractual arrangement calculated to achieve for Nigeria the capacity to feed its own people from its own lands to benefit Nigeria and to achieve economic stability in the world;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the state of Louisiana issue the following executive order:

Section 1: The Louisiana - Nigeria Cooperative Agriculture Commission is hereby established in the office of the commissioner of the Department of Agriculture and Forestry.

Section 2: The commission shall be composed of the following members, each of whom shall be appointed by the governor to serve at the pleasure of the governor:

- a. The commissioner of the Department of Agriculture and Forestry, or his designee.
- b. The chancellor of the LSU Agricultural Center.
- c. The dean of the Southern University School of Agriculture.
- d. The chairman of the Board of the African Chamber of Commerce.
- e. The chairman of the Louisiana Legislative Black Caucus, or his designee.

Section 3. The commissioner of the Department of Agriculture and Forestry shall serve as chairman of the commission. The commission members may elect such other officers as is deemed necessary.

Section 4: The commission may enter into or cause to be entered into a cooperative agreement on its behalf and on behalf of the state of Louisiana, to provide the following, among other things:

- a. Provision of expert and technical assistance through the Department of Agriculture and Forestry, the LSU Agricultural Center, the Southern University School of Agriculture, and other resources as the commission may identify to determine the feasibility of certain agricultural production on the referenced Nigerian farmlands; to determine the equipment, supplies, and material needed for the same; and to make a comprehensive plan for the short-term and long-term best agricultural use of the farmlands.

- b. Identification of farm managers and procurement of agreements with them to either manage certain of the Abiola

Farm, Ltd., farmlands or to train managers for the same.

c. Identification of sources of foundation support, financial and otherwise that may be available for agricultural development in Africa, and the assembling of the technology needed to apply for foundation grants.

d. Procurement of cooperative and commercial agreements to provide equipment, supplies, and the like as needed by Abiola Farms, Ltd., for agricultural production.

e. Promote development, trade, and commerce in agriculture between the nation of Nigeria and the state of Louisiana.

Section 5. The commission shall submit a written report to the governor at least annually.

Section 6: The commission may use the staff, services, and facilities of the Department of Agriculture and Forestry, the LSU Agricultural Center and the Southern University School of Agriculture, and may use such other personnel, counsel, and facilities as may be obtained from any other public or private source. The commission further is authorized to accept and to expend or otherwise utilize grants, donations, appropriations or contributions of money from any public or private source to fulfill the purpose of this order.

Section 7: No member of the commission shall receive a per diem or other compensation for his services hereunder.

Section 8: The actual expenses of the members of the commission shall be borne by Abiola Farms, Ltd., under agreement with the commission or with the appropriate agency of state government. Abiola Farms, Ltd., shall also bear the expense of feasibility studies or agricultural production studies, for all planning related to the farmlands, and for all implementation of agreements relating thereto, including local and international travel, hotel lodging and meals, supplies and salaries where payment of personnel is required.

Section 9: This order shall remain in effect until modified, amended, or rescinded by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana at the Capitol, in the city of Baton Rouge, on this the 27th day of February, 1987.

Edwin W. Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

### EXECUTIVE ORDER EWE 87-17

WHEREAS, four phosphoric acid plants have requested authorization to discharge up to 12 million tons of gypsum annually into the Mississippi River; and

WHEREAS, there has been concern expressed by communities which utilize the Mississippi River as a source of drinking water; and

WHEREAS, concern has also been expressed as to the impact of those discharges on Louisiana's seafood and tourist industries; and

WHEREAS, the readily apparent alternatives to the proposed discharges are of concern; and

WHEREAS, the four plants employ a large number of

Louisiana citizens and are important to the state's economic base; and

WHEREAS, the protection and overall well-being of the citizens of this state is of primary importance to this administration and the future of the state;

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

SECTION 1: There is hereby established a blue ribbon panel to be composed of the following members:

1. The secretary of the Department of Environmental Quality, or her designee.

2. The secretary of the Department of Transportation and Development, or his designee.

3. The secretary of the Department of Natural Resources, or his designee.

4. The secretary of the Department of Health and Human Resources, or her designee.

5. The secretary of the Department of Commerce, or her designee.

6. One member shall be appointed by the governor from a list of six names submitted by the City of New Orleans.

7. Two members shall be appointed by the governor from a list of six names submitted by the environmental community.

8. One member shall be appointed by the governor from a list of six names submitted by the seafood industry.

9. One member shall be appointed by the governor from a list of six names submitted by other affected industries.

The panel shall be chaired by the secretary of the Department of Environmental Quality.

SECTION 2: The panel shall immediately direct the Louisiana Transportation Research Center to begin development of plans and the formation of a technical research group to perform engineering studies, to include but not be limited to the following activities:

1. Review the state of the art of the use and reuse of gypsum worldwide.

2. Identify and review existing experimental and other reuse projects.

3. Perform research to determine engineering and other pertinent properties of proposed reuse products.

4. Perform market analysis and develop marketing strategies.

5. Initiate implementation projects.

6. Perform long-term monitoring of implementation projects.

7. Evaluate environmental aspects of reuse byproducts.

8. Prepare progress reports on the phases of the research when appropriate.

9. Develop expertise to assist the industry and the state in solving the gypsum disposal problem.

SECTION 3: The panel shall investigate and make recommendations concerning available funding mechanisms to implement the above.

SECTION 4: No member of the commission shall receive a per diem or other compensation or reimbursement of expenses incurred for the performance of his duties hereunder.

SECTION 5: The order shall remain in effect until amended or modified by the governor or until terminated by operation of law.

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 27th day of February, 1987.

Edwin W. Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)) and R.S. 3:3704, the Department of Agriculture and Forestry, Agricultural Industry Board, has adopted the emergency rules detailed below. The Louisiana Agricultural Industry Board has designated 12 certified market participants in the program and receive incentives. Eleven certified market participants have approved 1987 confidential business plans which call for contracting with Louisiana agricultural producers to grow and deliver agricultural commodities or products. These contracts must be entered into during the planting season which is currently under way. In order to assure that these producers are adequately secured and that there is established a method whereby potential violations may be adjudicated and disputed incentive payments are escrowed, a new paragraph is added to Section 7:17711D of the rules and regulations.

Amend LR 7:XXXVI.17711D to add a new paragraph relative to disputed incentive payments and establishment of an escrow fund for said payments.

#### **§17711. Incentive Payments to Certified Market Participants**

##### **A. Incentive Payments Application Procedure**

1. A request for incentive payments shall be submitted in writing on the forms approved by the board.

2. The request for incentive payment form shall be a public record in accordance with R.S. 3:3707 (E) and shall contain the following information:

a. name, address and phone number of certified market participant;

b. signature of authorized agent;

c. date submitted;

d. month for which payment is requested;

e. number of gallons of ethanol sold for which incentive payment is requested; and

f. certification by authorized agent that the information reported on the form is true, correct and complete.

3. The following information shall be submitted simultaneously with request for incentive payment and such information

shall be exempt from R.S. 44:1 et seq. and be considered confidential information:

a. ethanol buyer's name, address and quantity;

b. total number of gallons of ethanol and gasohol sold in Louisiana;

c. copies of shipping and receiving documents; and

d. certification by authorized agent that the information reported is true, correct and complete; and

e. an affidavit in authentic form provided by the commissioner and executed by the blender attesting to the following:

i. the blender has purchased from \_\_\_\_\_, the certified market participant, \_\_\_\_\_ gallons of ethanol on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_, for use in gasohol to be sold in Louisiana;

ii. the blender shall on or before the twentieth day of each month file with the Louisiana Department of Revenue and Taxation report(s) or document(s) or pay monies as may be appropriate relative to taxes imposed on gasohol; and

iii. the blender shall attach to his affidavit and mail to the commissioner certified true copies of report(s) or documents(s) filed or monies paid by the blender with the Louisiana Department of Revenue and Taxation.

iv. the blender shall attach as a schedule to his affidavit and mail to the commissioner a copy of a first-in, first-out perpetual inventory report showing each certified market participant's beginning inventory balance, shipments of ethanol received from said certified market participant during the month, sales of ethanol for said certified market participant that month and ending certified market participant's ethanol inventory. A copy of this schedule will also be sent to the certified market participant.

4. The incentive payments shall be made only to certified market participants who have contracts approved by the board.

##### **B. Procedures for Payment to Certified Market Participants**

1. Certified market participants must submit a written request for payment which shall be reviewed and approved as to form and completeness by the commissioner or his designee.

2. Within five working days of the fifth day of each month, the commissioner shall notify each certified market participant of his approval as to form and completeness of application for the month's incentive payment. This approval shall be evidenced by a certificate or certificates, the Agricultural Industry Board Incentive Payment Certificate, in the form approved by the board, signed by the commissioner stating the payment application has been approved as to form and completeness. The commissioner shall on or before the fifth working day following the fifth day of each month issue to certified market participant their specific Agricultural Industry Board Incentive Payment Certificate. The certified market participant may, with board approval, assign those certificates to a producer, intermediary, blender, financial institution or other person.

3. The commissioner is authorized on behalf of the board to take all necessary steps to make payments to certified market participants from the Agricultural Industry Incentive Fund.

4. Each incentive payment made from the fund shall be applied first to the oldest outstanding certificate issued to the certified market participant until all certificates issued to the certified market participant shall be paid.

##### **C. Procedures For Adjustments In Incentive Payments Due To Overpayment**

In the event the request for incentive payment is inaccurate or erroneous, the commissioner shall notify the certified market participant and if the certified market participant agrees

that an error has been made then the commissioner is authorized to deduct from any future incentive payment requested an amount sufficient to correct any error in payment plus legal interest. If the commissioner and the certified market participant do not agree, then the commissioner shall call an adjudicatory hearing before the board to consider the matter.

D. Procedure for Other Adjustment of Incentive Payments

1. If on a monthly basis the money in the fund is not sufficient to satisfy all outstanding obligations for incentive payments, the payments shall be divided proportionately among the certified market participants in accordance with the following formula: the payment received by each certified market participant shall be in the same proportion to the total funds available for incentive payments as the number of gallons of ethanol produced and sold by the certified market participant for use in gasohol sold in Louisiana bears to the total number of gallons of ethanol produced and sold by all the certified market participants for use in gasohol sold in Louisiana.

2. Any violation of the certified market participant contract, the Act, regulations or any agency and producer contracts (herein violation) makes the certified market participant ineligible for incentive payments and until the issue of eligibility is resolved, there shall be no right to receive incentive payments. If payments have already been wrongfully made to a certified market participant, then the board, in accordance with R.S. 3:3708B, shall order the return and repayment of any incentive payments plus interest. If incentive payments have not been made, then the commissioner shall notify the certified market participant of a potential violation and their ineligibility to receive incentive payments. If the certified market participant notifies the commissioner that it is not in violation, then the certified market participant shall have an opportunity to establish its eligibility for incentive payments at an adjudicatory hearing called by the commissioner or the board within 10 days. When the commissioner denies eligibility based on a potential violation and prior to the adjudicatory hearing, then the disputed incentive payments may, at the board's discretion, be transferred to an escrow account for security and payment of any agency and producer contracts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3704, R.S. 3:3705 and R.S. 3:3707.

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

The Louisiana State Racing Commission has exercised the emergency provision of the Administration Procedure Act, R.S. 49:953 B to adopt the following rule.

#### **§6356. Apprentice Engaged Before Claiming Allowance**

Trainers must have an apprentice jockey engaged before claiming the apprentice allowance.

John P. Davis, DVM  
Secretary

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

#### Title 35 Horse Racing Part V. Racing Procedures

The Louisiana State Racing Commission has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to amend the following rule.

#### **Chapter 63. Entries**

##### **§6361. Trainer Entry of More Than One Owner's Horses**

In added money events where a trainer enters two or more horses, each having bona fide separate owners, the horses may be allowed to run as separate betting units as the discretion of the stewards. However, in all other races only two horse entries may be split.

John P. Davis, DVM  
Secretary

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

#### Drug-Free Schools and Communities Program

The State Board of Elementary and Secondary Education, at its meeting of February 26, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved the application for the federal Drug-Free Schools and Communities Program submitted by the Department.

This emergency adoption is necessary because once the application is approved in Washington, it then becomes the operative State Plan. The application has been submitted to Washington and approval is anticipated in the very near future.

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

## DECLARATION OF EMERGENCY

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

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

Prior to the adoption of P.L. 99-509 (Omnibus Budget Reconciliation Act) on October 21, 1986, the Medicaid statute did not explicitly identify whether otherwise qualified aliens were entitled to benefits. By regulation, the Health Care Financing Administration limited Medicaid eligibility to otherwise eligible aliens who were lawfully admitted for permanent residence or permanently residing in the U.S. under color of law. The Aid to Families with Dependent Children statute and the Supplemen-

tary Security Income statute both limit eligibility for cash assistance benefits to otherwise qualified aliens who are lawfully admitted for permanent residence or otherwise permanently residing in the U.S. under color of law.

Under P.L. 99-509 the Medicaid statute was amended at Section 1903(i) to make it explicit that federal financial participation is not available for state expenditures for aliens who are not lawfully admitted for permanent residence or permanently residing in the U.S. under color of law except where the alien is otherwise qualified for Medicaid and has an emergency medical condition. In order to otherwise qualify for Medicaid as a categorically needy beneficiary, an alien need not actually receive a cash payment under AFDC or SSI (current law precludes payment in such cases). However, the alien must meet the income, resource, and categorical requirements of the applicable cash assistance program.

The Medical Assistance Program will begin providing Medicaid benefits to eligible aliens with emergency medical conditions effective January 1, 1987 as mandated by P.L. 99-509. This rule is in accordance with the provisions of R.S. 49:953(B) which authorize the agency to adopt an emergency rule to implement federal laws or regulations with a mandatory implementation date.

#### RULE

An alien who would otherwise qualify for Medicaid as a categorically needy beneficiary and has an emergency medical condition shall be eligible for Title XIX benefits under the Medical Assistance Program. An emergency medical condition is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. The cost of delivering necessary services (hospital and other providers) covered under Louisiana's Title XIX State Plan to aliens with emergency medical conditions shall be allowable so long as the alien meets the applicable income, resource and categorical eligibility requirements under Title XIX of the Social Security Act. In accordance with P.L. 99-509 this rule shall become effective on January 1, 1987.

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

### DECLARATION OF EMERGENCY

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

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

The Medical Assistance Program promulgated an Emergency Rule, reducing the number of days Skilled Nursing Facility and Intermediate Care Facilities I and II are paid for the absence of a recipient from a facility for inpatient hospital care from

15 to five. This rule was published in the *Louisiana Register*, Vol. 13, Number 2, Page 76, Dated February 20, 1987. To ensure adequate nursing home services are available for Title XIX recipients, the agency is increasing the number of hospital leave days from five to 10. Under this rule, Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for inpatient care for up to 10 days per hospitalization. This rule shall be effective for payments made on or after March 1, 1987. This rule will have no effect on the Medical Assistance Program's limitation on the number of recipient leave days allowed per calendar year.

#### RULE

Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for inpatient care for up to 10 days per hospitalization.

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

### DECLARATION OF EMERGENCY

#### Board of River Port Pilots Commissioners

##### SECTION 1. TERMS

1. *Board* refers to the Board of River Port Pilot Commissioners as defined in R.S. 34:991.

2. *Pilot* refers to river port pilots as defined in R.S. 34:992.

3. *Commission* is the appointment by the governor authorizing one to perform the duties of a river port pilot.

4. *Alcoholic Beverage* refers to any fluid or solid capable of being converted into fluid, suitable for human consumption which contains alcohol.

5. *Drug* refers to all controlled dangerous substances as defined in R.S. 40:961(7).

6. *Prescription Medication* refers to medication which can only be distributed by the authorization of a licensed physician as defined in R.S. 40:961(30).

##### SECTION 2. DRUG USE

###### Rule 1

A pilot shall be free of use of any "drug" as defined in section 1, but excluding "Prescription Medication" as defined in section 1 so long as use of such "prescription medication" does not impair the physical competence of the pilot to discharge his duties.

###### Rule 2

The Board of River Port Pilot Commissioners shall designate a testing agency to perform scientific test or tests to screen for the presence of drugs. These tests shall be conducted at random at the discretion of the Board of River Port Pilot Commissioners.

###### Rule 3

All pilots shall submit to reasonable scientific testing and screening for drugs when directed by the Board of River Port Pilot Commissioners.

###### Rule 4

A. The results of the drug testing and screening shall be



confidential and disclosed only to the Board of River Port Pilot Commissioners and the pilot tested, except that:

(1) the Board of River Port Pilot Commissioners may report the results to the governor and the Board of Directors of the Crescent River Port Pilot Association; and

(2) In the event that the Board of River Port Pilot Commissioners determines that a hearing is required pursuant to R.S. 34:991 and/or 1001 there shall be no requirement of confidentiality in connection with such hearing.

#### Rule 5

Any pilot testing positive for drugs or any residual thereof, shall be suspended from performing the duties of a pilot pending a hearing pursuant to R.S. 34:991 and 1001.

#### Rule 6

Any pilot who refuses to submit to reasonable scientific testing or screening for drugs, fails to cooperate fully with the testing procedures, or in any way tries to alter the test results shall be suspended from performing the duties of a pilot pending a hearing pursuant to R.S. 34:991 and 1001.

#### Rule 7

Any pilot found to be in violation of this Section may be reprimanded, fined, evaluated, and/or treated for drug use and/or have his commission suspended or revoked.

#### Rule 8

Any pilot who is required to undergo evaluation and/or treatment for drug use shall do so at his own personal expense and responsibility; the physician, as well as the evaluation and treatment facility, must be approved by the Board of River Port Pilot Commissioners.

### SECTION 3. ALCOHOL USE

#### Rule 1

No pilot shall consume any alcoholic beverage within six hours before, or during, the performance of his pilotage duties.

#### Rule 2

No pilot shall perform his duties as a River Port Pilot if his blood alcohol content is .04 or greater.

#### Rule 3

Any pilot who believes he would be in violation of any of these rules if he were to perform his duties as a River Port Pilot is obligated to remove himself from duty.

#### Rule 4

The Board of River Port Pilot Commissioners may request a pilot to submit himself to a blood alcohol test upon complaint or reasonable suspicion that a pilot is performing his duties as a River Port Pilot while under the influence of alcohol.

#### Rule 5

Any pilot found to be in violation of this section may be reprimanded, fined, evaluated and/or treated for alcoholism and/or have his commission suspended or revoked.

#### Rule 6

Any pilot who is required to undergo evaluation and/or treatment for alcoholism shall do so at his own personal expense and responsibility; the physician, as well as the evaluation and treatment facility, must be approved by the Board of River Port Pilot Commissioners.

Captain Douglas J. Grubbs  
President

## DECLARATION OF EMERGENCY

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

In accordance with the emergency provision 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 extends the special commercial fishing season of December, 1986 - February, 1987 in Lake Bruin, Tensas Parish, Louisiana, to sunset, March 31, 1987. The same rules regulating the special season, as enacted by the commission at its regular meeting held on December 5, 1986, in New Orleans, shall apply to the extension. An extension of the special season is required for further removal of rough fish from Lake Bruin. The extension was also requested by resolution of the Tensas Parish Police Jury who felt all fishermen would benefit from the extension of the season.

J. Burton Angelle  
Secretary

# Rules

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Seed Commission

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, the Department of Agriculture and Forestry, Seed Commission, is hereby adopting amendments to revise the deadline for applications and certification standards for cottonseed, corn and rice seeds.

#### Title 7

#### Agriculture and Animals

#### Part XIII. Seeds

#### Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law

#### Subchapter B. General Seed Certification Requirements

#### §8729. Application Deadlines

- A. Corn - a minimum of 30 days prior to pollination
- B. Onion bulbs and seeds and shallots - March 1
- C. Clover (crimson, red and white), rescue grass, harding grass, vetch and Irish potatoes - April 1
- D. Oats, wheat, ryegrass and singletary peas - April 15
- E. Watermelon, sweet potatoes and sweet potato plants - May 1
- F. Okra - June 15
- G. Cowpeas - a minimum of 30 days prior to harvest
- H. Rice - July 1
- I. Soybeans - August 1
- J. Bermuda grasses
  - 1. New plantings - minimum of 30 days prior to harvest
  - 2. Established stands (fields certified the previous year) - June 1. (Renewal application must be submitted.)

K. Turf grasses

1. New plantings - at least 15 days prior to land preparation for planting
2. Established stands (fields certified the previous year) - June 1. (Renewal application must be submitted.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

**Subchapter C. Requirements for Certification of Specific Crops/Varieties**

**§8763. Cottonseed Seed Certification Standards**

A. Field Standards

Factor	Breeder	Foundation	Registered	Certified
* *Isolation		100 ft.	100 ft.	50 ft.
Other varieties & off-type plants	None	None	1 plant per acre	5 plants per acre
Noxious weeds:				
Cocklebur	None	5 plants per acre	8 plants per acre	10 plants per acre

\* \*Fields entered for certification must be isolated at least 600 feet from Sea Island cotton, red leaf cotton or other cottons which vary greatly in plant characteristics from the variety entered for certification, and at least one-half mile from G. barbadense and interspecific hybrids involving G. barbadense.

B. Handling and Storage Requirements

1. Ginning

a. Cottonseed entered in all classes of certification shall be ginned on a thoroughly cleaned one-variety gin approved by the Department of Agriculture and Forestry prior to ginning seed to be certified. With special permission of the Department of Agriculture and Forestry, the following procedures can be utilized to gin cottonseed :

- i. Cottonseed for all classes of certification may be ginned on thoroughly cleaned, mixed-variety gins.
- ii. Cottonseed produced for only the certified class may be ginned on a mixed-variety gin if a minimum of three bales are "blown" through the gin prior to catching of the cottonseed to be certified.

b. An inspector of the Department of Agriculture and Forestry must be present if cottonseed for certification is ginned under special permission.

2. Delinting

Delinters must conform to the same requirements set forth for ginners. No cottonseed entered for certification may be delinted outside the State of Louisiana except by special permission of the Department of Agriculture and Forestry.

C. Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure Seed	99.00%	99.00%	99.00%	99.00%
Inert matter	1.00%	1.00%	1.00%	1.00%
Other crops	None	None	3 seed/lb.	5 seed/lb.
Noxious weeds:				
Cocklebur	None	None	1 seed/2 lbs.	1 seed/2 lbs.
Germination	None	70.00%	70.00%	70.00%
Other varieties	None	0.03%	0.05%	0.10%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

**§8771. Hybrid Seed Corn Certification Standards**

A. Eligibility Requirements

The double-cross hybrid, which is the first generation of a cross between two single crosses, the single-cross hybrid, the three-way hybrid and the modified single hybrid will be eligible for certification.

B. Field Inspection

1. Seed fields shall be inspected at least once prior to the pollination period for purity as to plant type. Any off-type or doubtful plants must be destroyed before they shed pollen.

2. At least three field inspections shall be made during the pollinating period, said inspections to be made without previous notification to the grower.

C. Field Standards

1. Unit of Certification

The entire acreage of any one specific commercial hybrid must be entered for certification.

2. Isolation Requirements

Fields in which commercial hybrid corn is being produced must be so located that the female parent is not less than 600 feet in all directions from other corn of a different kernel color or type (sweet, pop, flint, white, red, etc.)

3. Border Rows

When the kernel type and color of the corn in the contaminating field are the same as those of the parents in the crossing field, the isolation distance may be modified by the planting of border rows of the pollen parent. The following table indicated the minimum number of border rows required for fields of various sizes when located at different distances from other corn:

Minimum Distance From Other Corn	Field Size,	
	1 to 20 acres	20 acres or more
-Feet-	- (Minimum) border rows -	
410	0	0
370	2	1
330	4	2
290	6	3
245	8	4
205	10	5
165	12	6
125	14	7
85	16	8
0	—	10

The above isolation requirements do not apply to crossing fields when the same male or pollen parent is used in each. In such cases, the two fields must be clearly divided by use of an area not less than 14 feet or a natural boundary which is permanent and distinctive (e.g., ditch, road, headland, etc.).

4. Detasseling

a. A commercial hybrid will be disqualified for certification when five percent or more of the female seed parent plants have receptive silks:

- i. if more than one percent of the female seed parent plants have shed pollen on one inspection; or
- ii. if a total of two percent of the female seed parent plants have shed pollen on three inspections.

b. Sucker tassels, portions of tassels or tassels on main plants will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have anthers extended from the glumes. In cases where a few silks are out and tassels of the seed parent have begun to shed pollen, the field can be approved by immediate and complete detasseling of the seed parent and removal of the ear shoots with exposed silks, if done to the satisfaction of the De-

partment of Agriculture and Forestry.

D. Seed Standards

Factor	Certified Class
Pure Seed	98.0%
Inert matter	2.0%
Other varieties	0.5%
Noxious and other weeds	None
Off-color, off-type kernels	0.1%
Germination	90.0%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

**§8783. Rice Seed Certification Standards**

A. Isolation Requirements

1. Fields offered for certification must be clearly separated from other fields by a ditch, levee, roadway, fence or barren strip a minimum of 10 feet if the adjoining crop is the same variety and same class.

2. In addition to the preceding regulations, the following isolation distances will pertain if the adjoining crop is a different class or different variety:

No. of Feet From Same Variety/Different Class Planted By		No. of Feet From Other Varieties/All Classes Planted By					
Ground		Air Right		Ground		Air Right	
Drill	Broadcast	Angle	Parallel	Drill	Broadcast	Angle	Parallel
20	50	1,320	100	20	100	1,320	100

Any part of the applicant's field or fields which are closer than these distances must be harvested prior to final inspection or plowed up. Failure to comply with this requirement will disqualify the entire field.

B. Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land requirement	1 yr.	1 yr.	1 yr.	1 yr.
Other varieties	None	None	10 plants per acre	25 plants per acre
° Harmful diseases	None	None	None	None
Noxious weeds:				
Red Rice (including Black Hull Rice) & Spearhead	None	None	None	4 plants per acre
Curly Indigo			4 plants	4 plants per acre

° Diseases seriously affecting quality of seed and transmissible by planting stock.

C. Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Purè seed	98.00%	98.00%	98.00%	98.00%
Inert matter	2.00%	2.00%	2.00%	2.00%
Other crops, including other varieties	None	None	None	2 seed/lb.
Off-color grains if of similar size, quality and maturity	None	5 seed/lb.	10 seed/lb.	20 seed/lb.

Factor	Breeder	Foundation	Registered	Certified
Noxious weeds:				
Red Rice (including Black Hull Rice)	None	None	None	1 seed/4 lb.
Spearhead, Curly Indigo & Mexican Weed	None	None	None	None
Other weeds	0.05%	0.05%	0.05%	0.10%
Germination		80.00%	80.00%	80.00%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

Bob Odom  
Commissioner

**RULE**

**Department of Agriculture and Forestry  
Office of Agro-Consumer Services  
Commission of Weights and Measures**

In accordance with the Administrative Procedure Act and R.S. 55:3, the Department of Agriculture and Forestry, Commission of Weights and Measures, is hereby adopting the amendments detailed below.

**Title 7**

**Agriculture and Animals**

**Part XXXV. Commission of Weights and Measures**

**Chapter 175. Commission of Weights and Measures**

**§17502. Definitions (Amend)**

*Accurate* means a device that when its performance or value (that is, its indications, its deliveries, its recorded representations or its capacity or actual value, etc., as determined by test made with suitable standards) conforms to the standard within the applicable tolerances and other performance requirements. Equipment that fails to conform is inaccurate.

*Commercial* means the use: (1) in proving the size, quantity, extent, area or measurement of things for distribution or consumption, purchased or offered, or submitted for sale, hire or award; (2) in computing any charge for services rendered on the basis of weight or measure; or (3) in determining weight or measure when a charge is made for the determination.

*Commission* means the Commission of Weights and Measures established in R.S. 55:3.

*Compound weighing device* means a weighing device that in its operation utilizes either more than one load receiving element and/or more than one primary indicating element.

*Correct* means conformance to all applicable requirements for weighing and measuring devices. Any other device is incorrect.

*Indicating element* means an element incorporated in a weighing or measuring device by means or which its performance relative to quantity or money value is read from the device itself (i.e. an index-and-graduated-scale combinations, a weighbeam-and-poise combination, a digital indicator, etc.).

*Load-receiving element* means that component of a scale that is designed to receive the load to be weighed (i.e. platforms, decks, rails, hoppers, platters, plates, scoops, etc.).

*Primary indicating element* means those principal indicating elements (visual) and recording elements that are designed to, or may, be used by the operator in the normal commercial use of a device. The term "primary" is applied to any element or elements that may be the determining factor in arriving at the sale representation when the device is used commercially. (Examples of primary elements are the visual indicators for meters or scales not equipped with ticket printers or other recording elements for meters or scales so equipped.) The term "primary" is not applied to such auxiliary elements (i.e. the totalizing register of predetermined-stop mechanism on a meter or the means for producing a running record of successive weighing operations) as these elements being supplementary to those that are the determining factors in sales representations of individual deliveries or weights.

*Weights, measures, or weighing and measuring devices* means all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any such instruments.

#### **§17521. Weighmasters (Amend)**

A. A weighmaster license shall be required of each individual in charge of weighing commodities being bought from or sold to the public and each such individual weighing for the public when a charge is made for such weighing or when a certificate of weight is issued. There shall be at least one such individual on duty at all times that weighing is taking place. Individuals weighing at retail consumer outlets and individuals weighing pre-packaged commodities shall be exempt from this provision.

B. The director of the Louisiana Division of Weights and Measures may issue a weighmaster license after the applicant has passed the required test of his knowledge of weighing equipment.

C. This weighmaster license would be good for one calendar year, beginning January 1 through the month of December, or any part of the calendar year, but would have to be renewed at least 15 days before the beginning of each calendar year.

D. The director of the Division of Weights and Measures shall have the authority to revoke or cancel any weighmaster license if it is found that the weighmaster is improperly using any type of weighing device.

#### **§17523. Registration (Adopt)**

A. Each commercial weighing and measuring device in use in Louisiana shall be registered annually with the commission insofar as is specified in this regulation.

B. Whenever there shall exist a weight or measure or weighing or measuring device in/or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device is regularly used for the business purposes of that place and shall be registered as a commercial device.

C. Scales shall be registered according to the following criteria:

1. make;
2. model;
3. serial number;
4. capacity; and
5. intended use.

D. An annual registration fee as specified in R.S. 55:20 shall be paid as follows:

1. Scales with a capacity of 0 to 50 pounds (Category 1) - \$10

2. Scales with a capacity of over 50 pounds to 1000 pounds (Category 2) - \$10

3. Scales with a capacity of over 1,000 pounds to 10,000 pounds (Category 3) - \$50

4. Scales with a capacity of over 10,000 pounds (Category 4) - \$75

E. A late fee of \$25 will be assessed for each device, the maximum penalty of \$100 per outlet, when the application is submitted after December 31.

F. A late fee of \$25 will be assessed for each new device not registered within 30 days from the date it is put into service.

G. A compound weighing device shall be considered one or more devices for the purpose of registration in accordance with the following:

1. A compound weighing device that consists of a single load receiving element and more than one indicating element shall be considered a single device when all indicating elements may be tested during the same test for the purpose of sealing the device as correct. Said device shall be considered separate devices for each separate test necessary for sealing.

2. A compound weighing device that consist of one indicating element and more than one load receiving element shall for the purpose of registration be considered a separate device for each load receiving element.

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

I. Each application for annual registration shall be accompanied by payment of required fee and said registration shall be valid until December 31. To remain valid, each annual registration must be renewed on or before January 1.

J. Any registration obtained without complying with all of the requirements of these regulations may be voided by the commission.

K. Before a device may be sealed to certify the accuracy and correctness of a device, that device must be registered with the Commission of Weights and Measures of the Louisiana Department of Agriculture and Forestry.

L. In accordance with R.S.55:9, no one shall use, or have in possession for the purpose of current use, any weight, measure or weighing or measuring device which has not been sealed by the commission, its director, or its inspectors, at its direction, within the year prior thereto, unless written notice has been given to the commission to the effect that the weight, measure or weighing or measuring device is available for examination or is due for re-examination.

M. Application for registration or renewal of registration shall fulfill the requirement of notification required in Subsection L of this Section.

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

O. The record of all registrations shall be maintained by the Commission of Weights and Measures and the director of the Division of Weights and Measures in its office in Baton Rouge.

P. Any registrant having a device registered under provisions of this regulation, and that is taken out of commercial use at the location shown on the application for registration, shall notify the commission's office in writing to remove said device from its records.

#### **§17525. Standards (Adopt)**

A. For the purposes of registration of weighing and mea-

asuring devices, the criteria shall be compliance with the applicable requirements of NBS Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and measuring Devices." This publication is published annually by the United States Department of Commerce, National Bureau of Standards.

B. For any device being registered for the first time, it shall be determined that the above criteria has been met and that the device:

1. has been tested and approved in Louisiana prior to January 1, 1987, with no modifications to the device since such test and approval;

2. has been tested by the National Bureau of Standards and shown to comply with Handbook 44 criteria by the issuance of a Report of Test (Prior to 1985) or a Certificate of Conformance (1985, Forward); or

3. has been tested by the Commission of Weights and Measures of the Louisiana Department of Agriculture and Forestry or another state which uses Handbook 44 as its criteria and has been issued a certificate stating such test and compliance with said criteria.

C. For the purpose of registration of a weighing and measuring device, the stated intended use shall be a use that the manufacturer intended or a use that is proven suitable for that device.

**§17527. Penalties (Adopt)**

A. The Commission, or his duly authorized representative, shall mark any device that is incorrect and warn its owner/user that the device is incorrect and should not be used until it is made correct. If a device that has been so marked as incorrect continues to be used commercially, the commission may seize the device in order to protect the public. The commission shall give a notice of intent to seize the incorrect device five calendar days before the actual seizure. However, a device which is not used at a fixed location may be seized immediately upon a determination that said device is incorrect.

B. Upon a showing by the owner/user that adequate steps have been taken to correct the seized device, the commission shall release the seized device.

C. The commission shall give the owner/user of the seized device a hearing within 60 calendar days of a request for such a hearing. If the owner/user of the seized device fails to request a hearing on the seizure within 30 days of seizure, the right to a hearing shall be deemed waived.

D. If the owner/user waives his right to request a hearing and takes no action to retrieve the device within 60 days of seizure, the device shall be deemed abandoned property. The device may then be disposed of by the state with an obligation to the owner.

Bob Odom  
Commissioner

**RULE**

**Department of Agriculture and Forestry  
Office of Management and Finance**

Central Registry

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 3:3660, R.S. 3:3654

and Public Law 99-198 (Food Security Act of 1985), the Department of Agriculture and Forestry, Central Registry, is hereby adopting the amendments detailed below.

LAC 7:XXXVII.18111 should be amended to read as follows revising Subsection D:

**§18111. Farm Product Encumbrance List (Master List)**

A. The Central Registry shall compile all filings into a master list. The master list or portions thereof will be distributed to each registrant based on farm products and parishes as indicated on each registration application (Form CR-3 or CR-4).

B. The master list will be compiled on the first regular business day of each quarter beginning January 1, 1987 and distributed within five regular business days. Each master list shall contain all filings prior to close of business on the last regular business day of the previous quarter. Cumulative addendums shall be compiled on the first and fifteenth day of each month and distributed within three regular business days. The Central Registry will not distribute cumulative addendums on the first of each month in which there is a distribution of a master list.

C. The department shall allow interested parties to obtain direct access to the computerized information in the Central Registry. Request for direct access will be considered on a case by case basis. Method of access, terms, costs and conditions will be stipulated by contract between the department and the interested party. The cost of direct access to the interested party will be limited to the actual cost to the Central Registry.

D. All registrants shall be deemed to have received any master list or cumulative addendum distributed by the Central Registry on the seventh day following the date of mailing to the intended recipient or the date of actual delivery, whichever occurs first. The Central Registry shall maintain accurate records so that such dates can be readily determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3660, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

LAC 7:XXXVII.18119 should be amended to read as following revising Subsection A to delete greens, cheese and milo from the list of farm products.

**§18119. Farm Products List and Codes**

A. In accordance with R.S. 3:3654 (B) and Section 1324 of the Food Security Act of 1985, Public Law 99-198 as amended, and regulations issued thereunder as applicable, only those products listed below shall be deemed farm products by the Central Registry.

CODE	PRODUCT	CODE	PRODUCT
1010	Cabbage	1220	Pecans
1020	Cantalopes	1230	Peppers
1030	Cauliflower	1240	Rice
1040	Corn	1250	Rye Grass Seed
1050	Cotton	1260	Sorghum Grain
1060	Cucumbers	1270	Soybeans
1070	Cushaw	1280	Squash
1080	Flowers, Shrubs & Ornamentals	1290	Strawberries
1090	Garlic	1300	Sugarcane
1100	Grapes	1310	Sunflower Seed
1110	Grass	1320	Sweet Potatoes (Yams)
1130	Hay	1330	Sweet Sorghum
		1340	Tomatoes
		1350	Watermelons
1150	Mushrooms	1360	Wheat
1160	Oats		
1170	Onions		
1180	Oranges		

CODE	PRODUCT	CODE	PRODUCT
1190	Peaches	2020	Eggs
1200	Peanuts	2030	Honey
1210	Peas	2040	Milk
3010	Alligators	3090	Horses
3020	Catfish	3100	Mink
3030	Cattle	3110	Oysters
3040	Chickens	3120	Quail
3050	Crawfish	3130	Prawns
3060	Goats	3140	Sheep (Lamb)
3070	Hogs	3150	Shrimp
3080	Honeybees	3160	Turkeys

B. Louisiana shall be deemed to be a state that has established a Central Registry as to those farm products listed above and shall be deemed not to be such a state as to all other farm products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654, R.S. 3:3660 and Public Law 99-198 (Food Security Act of 1985).

Bob Odom  
Commissioner

**RULE**  
**Department of Commerce**  
**Office of Financial Institutions**

By authority delegated to the commissioner of securities in R.S. 51:709 (15) to promulgate rules thereunder, the transactions described in LAC 64:706 hereof are determined to be exempt from the securities registration provisions of R.S. 51:705.

**Title 64.**  
**Securities**

**Chapter 7. Louisiana Private Offering Exemptions**

**§706. Offer or Sale of Securities by Bank Holding Companies**

A. Any offer or sale of securities offered or sold by a bank holding company organized under the laws of the state of Louisiana and under the supervision of the Board of Governors of the Federal Reserve, and which satisfies the following further conditions and limitations:

1. These securities will be sold to no more than 490 persons.
2. All purchasers of these securities will be bona fide residents of the state of Louisiana.
3. No commission, fee or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in this state unless such person is appropriately registered as a broker-dealer in this state.
4. These securities will not be offered or sold by any form of general solicitation or general advertising.

Fred C. Dent  
Commissioner

**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 December 20, 1986 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

The board adopted an amendment to Board Policy 4.03.48, paragraph 11 to read:

“Any funds derived from tuition fees collected by a school may be expended by that school at the discretion of the agency and as approved by the Board of Elementary and Secondary Education and legislative appropriations, all in compliance with state law.”

Dr. James Meza, Jr.  
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 December 20, 1986 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 3.01.05

The board adopted the State Plan for the Nutrition and Training Program FY 87 as submitted by the State Department of Education, Bureau of Food and Nutrition Services.

Dr. James Meza, Jr.  
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 December 20, 1986 and under the authority contained in Louisiana State Constitution (1984), 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 4.02.09

The board adopted the Administrative Guidelines for the Supervision of School Psychologists. (See pages 851 and 852 of the December, 1986 issue of the Louisiana Register for complete text of guidelines.)

Dr. James Meza, Jr.  
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 December 20, 1986 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 3.02.19.b

The board adopted a salary scale for teacher aides/paraprofessionals in Special School District No. 1 based upon the salary scale for teacher aides/ paraprofessionals in the local school system where the SSD No. 1 facility is located and further recommended that the new salary scale be implemented as soon as funds become available.

Dr. James Meza, Jr.  
Executive Director

## RULE

### Office of the Governor Department of Veterans Affairs War Veterans Home

#### Title 4 ADMINISTRATION Part VII. Governor's Office

[Editor's Note: This rule is being republished to make section adjustments.]

The Louisiana Department of Veterans Affairs hereby amends LAC 4:VII. 937 - 955 as follows:

#### Chapter 9. Veterans Affairs Subchapter D. War Veterans Home

##### §937. Admission Requirements

A. For admission to the Louisiana War Veterans Home, Jackson, LA, for domiciliary or nursing care, a veteran must be a resident of the state of Louisiana.

B. The veteran's military service must be such as to meet the requirements for admission into any veterans administration medical center.

C. The veteran applicant must undergo a medical examination and, as a result, it must be shown that he/she does not have a communicable disease, does not require medical or hospital care for which the home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of the other residents or employees.

D. The veteran must consent to abide by all the rules and regulations governing the home and to follow the course of treatment prescribed by the Veterans Home medical staff.

E. Every resident of the home shall be responsible for payment of the full resident care and maintenance charge. The home administrator may consider waiver of payment of care and maintenance charges only for the amount of difference of income the veteran has and the total charge of care and maintenance.

F. There will be no income limitation as an eligibility requirement for admission to the Louisiana War Veterans Home. Applicants' income or net worth, available or lacking, shall not be a bar to admission.

Authority Note: Promulgated in accordance with R. S. 29:253

##### §939. Care and Maintenance Fees

Care and maintenance fees will be based on all family income. This includes income from all sources (Social Security, veterans administration pension, private pension, interest from savings accounts, income from any/all sources). In no case will the fee charged to the resident be more than the actual cost of care as determined by the director of the Louisiana Department of Veterans Affairs and the Veterans Affairs Commission.

Authority Note: Promulgated in accordance with R. S. 29:384

##### §941. Domiciliary Resident Fees

A. When computing care and maintenance fees, the following rules will apply: For the domiciliary resident, he/she may retain the first \$120 per month of his/her income provided income is \$300 a month or more. Any remaining income will be applied to care and maintenance until maximum care cost is reached. If the income is less than \$300 per month, the resident retains the first \$60 per month and the remainder will be divided equally, half going toward care and maintenance. The veteran is expected to handle personal expenses out of his/her retained funds.

B. If a veteran has a dependent, he/she may be allowed a deduction from total income of up to \$300 per month for a spouse and up to \$150 per month for a dependent child, before the care and maintenance fee is figured. The exact amount of deduction will be computed based on the dependents' monthly income. This rule also applies to nursing care residents.

C. Exclusion - All income received as a direct result of arts and crafts made at the home shall be exempt and excluded as income for consideration in computing the care and maintenance charges. One-half of such income will be returned to the Recreation and Welfare Fund Account to be used in replenishing supplies.

Authority Note: Promulgated in accordance with R. S. 29:261, R. S. 29:384

##### §943. Nursing Care Resident Fees

A. For Nursing Care I, II, and III residents, the following rules will apply when computing care and maintenance fees: Resident will retain the first \$60 per month, to be used for personal expenses. The remaining income will be applied to the care and maintenance fee until maximum care cost is reached.

B. For Nursing Care IV, intermediate level care residents, the following rules will apply when computing care and maintenance fees. Residents will retain the first \$100 per month, to be used for personal expenses. The remaining income will be applied to care and maintenance fee until maximum care cost is reached.

Authority Note: Promulgated in accordance with R. S. 29:261, R. S. 29:384

##### §945. Free Will Election for Benefits

Residents must apply for all monetary benefits for which they may be entitled from both the state and federal government. Any increase as a result thereof will be applied toward care and maintenance until maximum cost of care is reached.

Authority Note: Promulgated in accordance with R. S. 29:261, 29:384

##### §947. Fee Payable in Advance after Admission

Care and maintenance fees are payable one month in advance. These fees are due before the tenth of each month. A

portion of a month will be prorated according to the number of days stay. Residents will not be charged care and maintenance fees for periods of hospital confinement in excess of 96 hours unless they desire that a bed be held until their return. For periods of leave from the home, maintenance fees are payable as arranged with the administrator or his designee. Note: Residents that are unable to pay charges in advance will be allowed to prorate the advance month fee over a 12-month period.

Authority Note: Promulgated in accordance with R. S. 29:261, R. S. 29:384

#### **§949. Fees Adjusted**

Care and maintenance fees will be adjusted when it has been established that there is a change in the veteran's income or family income if he has a dependent. The home reserves the right to request updated information from the resident, dependents, or any other source (signed authority at admission by veteran and/or next of kin). The home also reserves the right to establish retroactive charges effective to the date a change of income occurs.

Authority Note: Promulgated in accordance with R. S. 29:261, R. S. 29:384

#### **§951. Additional Fees**

In addition to the regular care and maintenance fees collected, if less than the maximum monthly amount, and the resident has a savings account in excess of \$500, if single, and \$5,000 if married, the resident will be assessed an amount that would bring his care and maintenance fees up to the maximum allowable per month until his account is reduced to the above stated balance. This rule applies to residents' in-house accounts in excess of \$2,500.

Authority Note: Promulgated in accordance with R. S. 29:384

#### **§953. Home Administrator Authority when Incorrect Income Given**

The home administrator, when given incorrect income information will avail himself of all state laws to recoup all monies that should be made available to the home for care and maintenance fees, retroactive to the time that these monies became available for the residents' use while he/she was staying at the Louisiana War Veterans Home.

Authority Note: Promulgated in accordance with R. S. 29:261, R. S. 29:384

#### **§955. Unusual Financial Circumstances**

All residents of the Louisiana War Veterans Home who feel that they have unusual circumstances can request relief and consideration of reduction of care and maintenance fees. Under no circumstances will the waiver exceed 25 percent of the established care and maintenance fee based on all family income. The residents must apply for this consideration through the war veterans home administrator for recommendation to the director of the Department of Veterans Affairs for approval or disapproval. In the event this request is denied, an appeal may be submitted to the Veterans Affairs Commission for their consideration. The Veterans Affairs Commission's decision shall be rendered final.

AUTHORITY NOTE: Promulgated in accordance with R. S. 29:251.2

Cleo C. Yarbrough  
Executive Director

## **RULE**

### **Office of the Governor Division of Administration Office of State Planning**

Louisiana Community Development Block Grant  
(LCDBG) Program  
FY 1987 Final Statement

#### **I. PROGRAM OBJECTIVES**

The LCDBG Program, as its primary objective, provides grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 51 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons.

Each activity assisted in whole or in part with LCDBG funds must meet one or more of the following objectives:

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

(2) benefit low and moderate income persons.

(3) eliminate or aid in the prevention of slums or blight, or

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

#### **II. GENERAL**

A. APPLICATION PROCESS. This statement sets forth the policies and procedures for the distribution of LCDBG funds. Grants will be awarded to eligible applicants for eligible activities based on a competitive selection process to the extent that funds are available. The applications submitted in FY 1986 for housing and public facilities were rated and ranked and funded to the extent that monies were available. The ranking under the FY 1986 program will also be used to determine the grants selected for funding under the FY 1987 LCDBG Program. In other words, the top ranked applications to the extent that monies were available were funded in FY 1986; the next highest ranked applications will be funded in FY 1987 to the extent that monies are available. Only one application for housing and/or public facilities could be submitted for FY 1986; that same application will be considered for funding in FY 1987. No new applications for housing and public facilities will be accepted in FY 1987. Only new applications for economic development and demonstrated needs will be accepted in FY 1987.

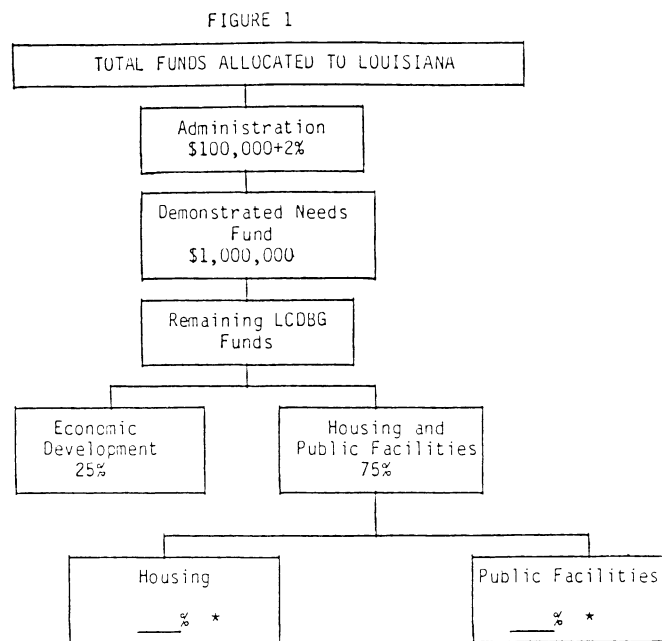
B. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux.

C. ELIGIBLE ACTIVITIES. An activity may be assisted in whole or in part with LCDBG funds if the activity meets the provisions of Title 24 of the U. S. Code of Federal Regulations, Subpart C, as provided in Appendix 4. For application purposes, eligible activities are grouped into the program areas of either housing, public facilities, economic development or demonstrated need.



D. TYPES OF GRANTS. The LCDBG Program has two types of grant applications — single purpose and multi-purpose. Either a single purpose or multi-purpose grant application could have been submitted for the program areas of housing or public facilities. Either a single purpose or multi-purpose grant application may be submitted for demonstrated needs. Only a single purpose grant application may be submitted for economic development. When funds are/were requested for two or more needs in one or more of the two areas (housing or public facilities), excluding auxiliary activities, it is/was classified as a multi-purpose application. Final determination of the classification by type will be made by the state. Regardless of the grant type, all activities (housing and public facilities) were in competition as single purpose within each program category. Activities within a multi-purpose application (housing and public facilities) were rated and ranked individually which could result in only one activity being funded.

E. DISTRIBUTION OF FUNDS. A range of \$20,527,000 to \$23,461,000 in funds will be available for the FY 1987 LCDBG Program. Figure 1 shows how the funds available will be allocated between the various program categories.



\*The percentage distribution among the program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. For rating purposes only, each activity will compete for points within one of the following population categories: < 2,499, 2,500 - 9,999, and > 10,000. For ranking purposes, all applications will compete within the program categories.

Of the total CDBG funds allocated to the state, up to \$100,000 plus two percent will be used to administer the program. In addition, \$1,000,000 will be set aside for the Demonstrated Needs Fund. Since creation and retention of permanent jobs is so critical to the economy of the state of Louisiana, 25 percent of the remaining LCDBG funds will be allocated specifically for economic development type projects. Only economic development applications will compete for these funds. Eco-

nomc development applications will be accepted on a continual basis within the time frame designated by the state. Public facilities and housing applications will be funded with the remaining LCDBG funds. There will be one funding cycle for housing and public facilities applications. This fund will be divided into two program categories as identified in Figure 1; the exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each program category as established under the FY 1986 LCDBG Program. Half of the money was allocated based on the number of applications received in each category and half based on the amount of funds requested in each category.

#### F. SIZE OF GRANTS

(1) Ceilings. The state established a funding ceiling of \$550,000 for single purpose housing grants and \$600,000 for single purpose public facilities grants with the exception of sewer grants which have a funding ceiling of \$750,000. The state has established a funding ceiling of \$750,000 for multi-purpose grants with the provision that each activity within cannot exceed the maximum established for single purpose. The state has established a funding ceiling of \$750,000 for economic development grants.

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

#### G. RESTRICTIONS ON APPLYING FOR GRANTS

(1) Each eligible applicant was entitled to submit one housing or public facilities application under the FY 1986 LCDBG Program year. Those applications will be considered under the FY 1987 LCDBG Program. Any eligible applicant may apply for an economic development project or Demonstrated Needs Fund Grant, even those previously funded under the housing and public facilities components.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants who have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations for FY 1987 housing and public facilities projects will be made as of May 15, 1987. Performance and capacity determinations for economic development and demonstrated needs applications will be made as of the application submitted date. In determining whether an applicant has performed adequately, the state will examine the applicant's performance as follows. In order to be eligible for a grant award in FY 1987, the following thresholds must have been met:

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

b. Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by the state have not met the following performance thresholds:

(i) FY 1982, FY 1983, and FY 1984 LCDBG recipients must have officially closed out.

(ii) FY 1985 LCDBG recipients (excluding recipients for economic development projects) must have expended no less than 95 percent of the total grant amount.

(iii) FY 1986 LCDBG recipients (excluding recipients for economic development projects) must have expended no less than 75 percent of the total grant amount.

c. Audit and monitoring findings made by the state or HUD must be cleared prior to the deadline for receipt of applica-

tions by the state.

The state is not responsible for notifying applicants as to their performance status. The state may provide waivers to these prohibitions, if a waiver is requested in writing prior to the deadline for determining performance and capacity thresholds. There shall be no waiver granted if funds are due to HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

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

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

(2) *Low-moderate Income Persons* are defined as those having income within the Section 8 income limits as determined by the Secretary of Housing and Urban Development. (See Appendices 1 and 2.)

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

(4) *Slums and Blight* is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 3.)

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

### III. METHOD OF SELECTING GRANTEES

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

#### A. DATA

(1) *Low-Moderate Income*. The low-moderate income limits are defined as being within the Section 8 income limits as established by HUD. In order to determine the benefit to low-moderate income persons for a public facility project, the applicant must utilize either census data (if available) or conduct a local survey.

a. *Census Data*. If 1980 census data on income is available by enumeration district, then the state will calculate the applicant's low and moderate income percentages. If the applicant chose/chooses to utilize census data, the low-moderate income levels as shown in Appendix 2 will be followed. However, the applicant must request this data prior to submittal of the application.

b. *Local Survey*. If the applicant chose/chooses to conduct a local survey, the survey sheet in the FY 1986 application package must be/have been used. Local surveys *must* have been conducted for all housing activities.

The annual income limits for low-moderate income persons (regardless of family size) when conducting a survey are shown in Appendix 1. If the applicant chooses to determine low-moderate income based on family size, the following sliding scale *must* be used:

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

\*MSA = Metropolitan Statistical Area

When a local survey, rather than census data, is/was

used to determine the low/mod benefit, a random sample which is/was representative of the population of the entire target area must be/have been taken. There are several methodologies available to insure that the sample is/was random and representative. The methodology used must be/have been stated in your application. If you have/had questions on the methodology to use, you should contact the state for assistance. The appropriate sample size varies with the total number of households in the target area, and is determined by using the following formula:  
$$n = .9604 \times N \div (.0025N + .9579)$$

Where n = required number of households in sample

Where N = total number of occupied households in target areas if the situation arises where it must be determined as to whether or not the sample taken was indeed random, then standard statistical tests at the appropriate geographical level will be used.

Surveys conducted for housing activities must involve 100 percent of the total houses within the target area. Local surveys which have been conducted within 12 months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

B. PROGRAM OBJECTIVES. Each activity contained within such programs must meet one of the following two national objectives:

(1) Principal benefit (at least 51 percent) to low-moderate income persons.

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

a. meets the definition of slums and blight as defined in Act 570 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 3); and

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

The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum/blight.

#### C. SINGLE PURPOSE GRANTS

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

(2) *Specific Program Categories*. All single purpose activities will be/were rated according to the following program categories. Each housing and public facilities activity was rated against all similar activities in the appropriate program and population category.

The criteria for reviewing each of the economic development applications is as follows:

##### a. ECONOMIC DEVELOPMENT (Total of 100 Points)

The following five requirements must be met by economic development applicants.

A firm financial commitment from the private sector will be required upon submission of the application. The private funds/public funds ratio must not be less than 1:1. Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the term of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs or any

recaptured funds. Personal endorsement from all principals of corporations, partnerships, or sole proprietorships shall be required on all loan documents. The principals shall: 1) endorse any loans from corporations and 2) guarantee the payment and fulfillment of any obligation of the corporation. Normally, a principal is defined as owning five percent or more of the business.

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

(3) A minimum of 51 percent of the employment will go to people who at the time of their employment are living in households whose total income is below the low to moderate income limit.

(4) The application must include documentation showing that the project is feasible from the management, marketing, financial and economic standpoints. Management feasibility has to do with the past experience of the developer in managing the type project described in the application, or other similar managerial experience. Marketing feasibility deals with how well the market for the product has already been studied at the application stage - the best case being that the developer already has contracts for purchases in-hand. A typical market study includes detailing industry growth, analysis of competition, the expected geographical sales plan, letters of intent-to-buy, etc. Economic feasibility relates to whether or not the developer has realistic projections of revenues and costs, and whether they show that a reasonable return on the investment can be earned after all liabilities are covered. Sales, profit margins, returns, and break-even points should be projected for the project in this analysis. Financial feasibility has to do with the ability of the firm to meet all its financial obligations in the short and long run, and must be tied to the sales projections, operational costs, loan payback arrangements, etc. Financial ratios of the proposed project should be projected in this analysis also. In analyzing the financial feasibility of a project, the state may suggest alternatives in the timing of expenditures and the proposed use of public and private funds, as well as other financial arrangements proposed in the application.

(5) PROJECT IMPACT (Maximum Possible Points - 100)

To be funded, a community's project must score a minimum of 60 points on project impact. Applications will be scored in the areas of recapture, cost-effectiveness, and leverage ratio. The total points are delineated according to the following categories:

**Recapture** (Maximum Possible Points-35) This will be calculated by dividing the discounted present value of the total recapture by the grant amount minus administrative costs.

$$\text{Recapture Points} = \frac{\text{Discounted PV of recapture}}{\text{Grant Amount Minus Administration}} \times 35$$

**Cost Effectiveness** (Maximum Possible Points-30)

This will be calculated by dividing the \$15,000 maximum by the LCDBG fund cost per job and multiplying this number by the industry multiplier.

**Leverage Ratio** (Maximum Possible Points-35)

The maximum points will be awarded by dividing the actual project leverage ratio by the corresponding leverage scale ratio as shown below:

$$\text{Leverage Points} = \frac{\text{Actual Project Leverage Ratio}}{\text{Private/LCDBG Funds Ratio}} \times 35$$

\$ Amount of LCDBG Funds Requested	Private/LCDBG Funds Ratio
0- 99,999	1.00
100,000-249,999	1.50
250,000-499,999	2.00
500,000-750,000	2.50

Although an application may be determined to be eligible, the state will make the final determination as to whether or not the proposed activity is viable in keeping with the objectives of the program. For projects involving the recapture of economic development loans, the state may recapture up to 100 percent of the pay-back. The specific details of such recapture will be outlined in each contract between the state, the local governing body receiving an award, and the developer. Recaptured economic development funds will be reallocated in accordance with the Division's policy, then in effect, for the redistribution of such funds.

In some instances it may be necessary and appropriate for a local unit of government to receive a grant for infrastructure improvements needed by a specific developer before his proposed job creation project can be implemented. This economic development grant could be used by the local unit of government to provide sewer, water, and street/road access to the industrial/business site. It cannot be used for general industrial park projects created with the hope that a business client will then be attracted. It must be tied to a specific developer creating a specific number of low to moderate income jobs. It must be a "but for" situation where the business cannot locate or expand at that site unless the particular infrastructure is provided. The developer must also show why this location, which lacks proper infrastructure, must be used instead of another site which already has proper infrastructure.

The total amount available from LCDBG Funds for a particular economic development project will remain at \$750,000. A maximum of \$5,000 per job created could be used as an economic development grant to provide infrastructure needs as described above. The maximum amount available to the developer as an LCDBG-ED loan would be decreased by the amount given as a grant.

The criteria for reviewing each of the housing and public facilities was as follows:

b. PUBLIC FACILITIES (Total of 200 Points)

i. PROGRAM IMPACT (Maximum Possible Points-100)

Maximum Impact 100 points — The proposed project would completely remedy existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Moderate Impact 65 points — The proposed project would result in substantial progress being made towards improving existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Minimal Impact-30 points — The project would improve a community's infrastructure but would not address a violation of a state or federal standard promulgated to protect public health and safety or is inadequately documented.

Documentation from the cognizant agencies must have been prepared within 12 months prior to the application deadline date.

ii. BENEFIT TO LOW-MODERATE INCOME PERSONS

(Maximum Possible Points-40)

Percent of Low-Moderate Income (Maximum Possible Points 20) This was calculated by dividing the number of low-moderate income persons benefitting (as defined by the state) by the total persons benefitting. The resulting raw scores were arrayed and the top ranked applicant received 20 points. All other applicants received points based on how they scored relative to the highest score as follows:

$$\text{Low-Mod Number Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 20$$

Improvements which involved different numbers and percentage of beneficiaries, must have been identified separately.

Number of Low-Moderate Income (Maximum Possible Points-20) The maximum points were awarded to the project benefitting the most low-moderate income persons. All other projects received points based on how they scored relative to the highest score.

iii. COST EFFECTIVENESS (Maximum Possible Points-10) Cost estimates per person benefitting were carefully evaluated. For given numbers of persons benefitting, a range of reasonable costs per person by activity were determined, based upon the applications received. Those outside the allowable range received 0 points and those within the allowable range received the maximum points.

iv. PROJECT SEVERITY (Maximum Possible Points-50) This was rated based upon the severity of the problem and extent of the effect upon the health and welfare of the community. Priority was given to sewer and water systems in areas not currently served and to gas system improvements.

c. HOUSING (Total of 200 Points)

i. PROGRAM IMPACT (Maximum Possible Points-75)

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

# of units to be rehabed and replaced

+ # of vacant units to be demolished = Raw Score of owner-occupied substandard units including those in need of demolition and replacement + vacant units in need of demolition inside the target area.

The raw scores will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

No activity will be funded that meets less than 75 percent of the identified need.

This system also permits up to 15 percent of the rehabs to be located outside of the target area(s) without affecting impact scores in any way. Rental units which will be occupied by low-moderate income persons are eligible as long as the number of rental units to be treated does not exceed 10 percent of the total owner occupied units proposed for rehab. Ten percent of the total rehab monies may also be used for emergency repairs. All units, except the emergency repairs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. The number of housing target areas could not exceed three.

ii. NEEDS ASSESSMENT (Maximum Possible Points-25) This was determined by comparing the total number of units to be treated in the target area to the overall needs of the target

area.

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

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

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

iii. BENEFIT TO LOW-MODERATE INCOME (Maximum Possible Points-50) This was calculated by dividing the number of low-moderate income households by the total number of households benefitting. These raw scores were arrayed and the top ranked applicant(s) received 50 points. All other applicants received points based on how they scored relative to the highest score:

$$\text{Low-Mod Benefit} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

Households directly benefitting are only those scheduled for rehab and/or replacement.

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

#### D. MULTI-PURPOSE GRANTS

(1) Definition. A multi-purpose grant provides funds for two or more needs and has major expenditures in more than one activity in one or more of the two program areas, (housing and public facilities).

(2) Specific Program Categories. Multi-purpose grants were rated on the same basis as the single purpose grants. Each activity was rated and ranked individually.

#### E. DEMONSTRATED NEEDS FUND

A \$1 million reserve fund will be established to alleviate critical community needs and to fund innovative or pilot projects. If any unobligated monies remain, those monies may be transferred into the grant category deemed feasible or used in subsequent year funding for the Demonstrated Needs Fund.

A proposal cannot be submitted for consideration under this fund if the same application is currently under consideration for funding under any other LCDBG program category. If not funded under the other category, a proposal for funding may be resubmitted for this fund.

##### (1) Criteria for Determining Eligibility

Each proposed activity must address one of the national objectives and must meet one of the two following criteria.

###### a. Critical Need

The need must be critical and must be verified by an appropriate authority (cognizant state or federal agency) other than the applicant.

###### b. Innovative

The state will receive and evaluate proposals for consideration for funding innovative/demonstration projects.

Proposed activities must be eligible under Section 105(a) of the Housing and Community Development Act of 1974, as amended (see Appendix 4).

##### (2) Proposal Requirements

Communities must request funds by submitting a written proposal to the Division. If funded, a full application as described in Section F must be submitted. The proposal must include:

a. a description of the proposed project;

b. certification that the funding criteria in Section E(1) have been met;

c. how the proposed project and its funding will remedy

the documented need:

- d. a detailed cost estimate signed by a licensed architect or engineer for the monies requested;
- e. documentation that the citizen participation requirements of F.(10) have been met.

#### F. SUBMISSION REQUIREMENTS

Applications shall be submitted to the Division and shall consist of the following. For FY 1987, this relates to economic development and demonstrated needs applications.

(1) Community Development Plan. A description of the applicant's community development and housing needs, including those of low and moderate income persons; and a brief description of the applicant's community development and housing needs to be served by the proposed activity(ies).

(2) Program Narrative Statement. This shall consist of:

- i. identification of the national objective(s) that the activity will address;
- ii. a description of each activity to be carried out with LCDBG assistance. A detailed cost estimate is required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated;
- iii. a statement describing the impact the activity will have on the problem area selected and the needs of low and moderate income persons, including information necessary for considering the program impact;
- iv. a statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

(3) Maps. A map of the local jurisdiction which identifies by project area:

- i. census tracts and/or enumeration districts;
- ii. location of areas with minorities, showing number and percent by census tracts and/or enumeration districts;
- iii. location of areas with low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;
- iv. boundaries of areas in which the activities will be concentrated;
- v. specific location of each activity.

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

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

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

(7) Certification to Minimize Displacement. The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involun-

tarily and permanently displaced as a result of the LCDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

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

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

(10) Certification of Citizen Participation. Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an adequate opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. One public hearing must be held prior to application submittal in order to obtain the citizen's views on community development and housing needs. A notice must be published informing the populace of the public hearing. Citizens must be provided with the following information at the hearing:

- a. the amount of funds available for proposed community development and housing activities;
- b. the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
- c. the plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities.
- d. if applicable, the applicant must provide citizens with information regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published *after* the public hearing has been held but *before* the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the submittal date of the application. Applicants must submit notarized proofs of publication of each public notice.

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

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

#### G. APPLICATION REVIEW PROCEDURE

(1) The application must be mailed or delivered prior to any deadline dates established by the Division. The applicant must obtain a "Certificate of Mailing" from the post office, certifying the date mailed. The Division may require the applicant to submit this Certificate of Mailing to document compliance with

the deadline, if necessary.

(2) The application submission requirements must be complete.

(3) The funds requested must not exceed the ceiling amounts established by the Division.

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

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

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

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

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

(6) Criteria for disapproval of an application. The Division may disapprove an application if:

i. Based on review of the application, it is determined that general administrative costs exceed the following maximums: housing rehabilitation - 11.7 percent of total housing costs, economic development - 5 percent of the LCDBG funds requested for project costs, and public facilities - 6 percent of public facilities costs, except in cases where acquisition in excess of ten parcels is involved, the maximum allowable will be 7.5 percent of public facilities costs.

ii. Based on review of the application, it is determined that engineering fees are not in compliance with those established by the American Society of Civil Engineers and/or the Farmer's Home Administration.

iii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, the state will exercise administrative discretion.

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

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

vi. The activities cannot be completed within the estimated costs or resources available to the applicant.

vii. Any of the items identified under F. SUBMISSION REQUIREMENTS are not included in the application.

H. PROGRAM AMENDMENTS FOR LCDBG PROGRAM.

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

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

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

#### STATE'S PAST USE OF FUNDS

Federal regulations require the state to provide a description of the past use of funds within the Final Statement. The description includes FY 1982, FY 1983, FY 1984, FY 1985 and FY 1986 State-awarded grants. Appendix 5 provides:

a. a description of the use of funds under each previous allocation;

b. an assessment of the relationship of the use of funds to the community development objectives identified by the state in each prior Final Statement; and

c. an assessment of the relationship of the use of funds to the requirements of Section 104 (b) (3) of the Act, as they existed at the time of the certification.

#### ADMINISTRATION

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

#### REDISTRIBUTION OF FUNDS

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

With one exception, the monies as defined above will be placed in the Demonstrated Needs Fund and will be distributed in accordance with the regulations governing that fund. This policy will govern all such monies as defined herein from the FY 1982, FY 1983, FY 1984, FY 1985, FY 1986 and FY 1987 LCDBG Program years as well as subsequent funding cycles, until later amended. The exception to this rule involves the recapture of funds from economic development loans; all economic development loans recaptured beginning with the FY 1987 economic development awards will be distributed by allocating 40 percent of such funds to the Demonstrated Needs Fund and 60 percent of such funds to the economic development program category.

## APPENDIX 1

1986 Median Family Income  
By Parish and MSA

<u>Parish</u>	<u>1986 Median Family Income</u>	<u>Low/Mod Income Limit</u>	<u>Low Income Limit</u>
Acadia	\$ 21,600	\$ 17,280	\$ 10,800
Allen	21,200	16,960	10,600
Ascension	See MSA - Baton Rouge		
Assumption	27,200	21,760	10,880
Avoyelles	16,600	13,280	8,300
Beauregard	23,600	18,800	11,800
Bienville	19,300	15,440	9,650
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	17,500	14,000	8,750
Cameron	27,800	22,240	13,900
Catahoula	17,700	14,160	8,850
Claiborne	20,200	16,160	10,100
Concordia	21,100	16,880	10,550
DeSoto	20,700	16,560	10,350
East Baton Rouge	See MSA - Baton Rouge		
East Carroll	14,400	11,520	7,200
East Feliciana	25,200	20,160	12,600
Evangeline	17,500	14,000	8,750
Franklin	16,600	13,280	8,300
Grant	19,100	15,280	9,550
Iberia	27,400	21,920	13,700
Iberville	27,000	21,600	13,500
Jackson	19,300	15,440	9,650
Jefferson	See MSA - New Orleans		
Jefferson Davis	23,900	19,120	11,950
Lafayette	See MSA - Lafayette		
Lafourche	See MSA - Houma-Thibodaux		
La Salle	21,100	16,880	10,550
Lincoln	23,200	18,560	11,600
Livingston	See MSA - Baton Rouge		
Madison	14,800	11,840	7,400
Morehouse	18,000	14,440	9,000
Natchitoches	18,600	14,880	9,300
Orleans	See MSA - New Orleans		
Ouachita	See MSA - Monroe		
Plaquemines	27,500	22,000	13,750
Pointe Coupee	23,200	18,560	11,600
Rapides	See MSA - Alexandria		
Red River	17,400	13,920	8,700
Richland	16,800	13,440	8,400
Sabine	18,800	15,040	9,400
St. Bernard	See MSA New Orleans		
St. Charles	See MSA New Orleans		
St. Helena	17,700	14,600	8,850
St. James	33,000	26,400	16,500
St. John the Baptist	See MSA New Orleans		
St. Landry	19,300	15,440	9,650
St. Martin	See MSA Lafayette		
St. Mary	29,400	23,520	14,700

<u>Parish</u>	<u>1986 Median Family Income</u>	<u>Low/Mod Income Limit</u>	<u>Low Income Limit</u>
St. Tammany	See MSA New Orleans	\$	\$
Tangipahoa	20,300	16,240	10,150
Tensas	14,500	11,600	7,250
Terrebonne	See MSA Houma - Thibodaux		
Union	19,500	15,600	9,750
Vermilion	23,500	18,800	11,750
Vernon	17,100	13,680	8,550
Washington	19,300	15,440	9,650
Webster	19,900	15,920	9,950
West Baton Rouge	See MSA Baton Rouge		
West Carroll	15,000	12,000	7,500
West Feliciana	22,200	17,760	11,100
Winn	17,300	13,840	8,650

MSA - Metropolitan  
Statistical Areas

MSA Alexandria, LA <sup>1</sup>	23,600	18,880	11,800
MSA Baton Rouge, LA <sup>2</sup>	29,700	23,760	14,850
MSA Houma-Thibodaux, LA <sup>3</sup>	28,400	22,720	14,200
MSA Lafayette, LA <sup>4</sup>	30,700	24,560	15,350
MSA Lake Charles, LA <sup>5</sup>	29,800	23,840	14,900
MSA Monroe, LA <sup>6</sup>	23,400	18,720	11,700
MSA New Orleans, LA <sup>7</sup>	29,200	23,360	14,600
MSA Shreveport, LA <sup>8</sup>	26,700	21,360	13,350

Footnotes:

<sup>1</sup>Includes Rapides Parish only.

<sup>2</sup>Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.

<sup>3</sup>Includes Terrebonne and Lafourche Parishes.

<sup>4</sup>Includes St. Martin and Lafayette Parishes.

<sup>5</sup>Includes Calcasieu Parish only.

<sup>6</sup>Includes Ouachita Parish only.

<sup>7</sup>Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist and St. Charles Parishes.

<sup>8</sup>Includes Caddo and Bossier Parishes.

Source: Section 8 Median Income Data, provided by HUD Area Office, October 1, 1985

APPENDIX 2

1980 Median Family Income  
By Parish and MSA

<u>Parish</u>	<u>1980 Median Family Income</u>	<u>LOW/MOD INCOME LIMIT</u>		<u>LOW INCOME LIMIT</u>	
		<u>Families</u>	<u>Unrelated Individuals</u>	<u>Families</u>	<u>Unrelated Individuals</u>
Acadia	\$ 15,792	\$12,634	\$ 8,844	\$ 7,896	\$ 5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA-Shreveport				
Caddo	See MSA-Shreveport				



Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Calcasieu	See MSA-Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
DeSoto	14,887	11,910	8,337	7,444	5,211
E. Baton Rouge	See MSA-Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA-New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,829	6,180
Lafayette	See MSA-Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,660	13,328	9,330	8,330	5,831
Livingston	See MSA-Baton Rouge				
Madison	10,679	8,543	5,980	5,340	3,738
Morehouse	12,949	10,359	7,251	6,475	4,533
Natchitoches	13,343	10,674	7,472	6,672	4,670
Orleans	See MSA-New Orleans				
Ouachita	See MSA-Monroe				
Plaquemines	19,884	15,907	11,135	9,942	6,959
Pointe Coupee	14,913	11,930	8,351	7,457	5,220
Rapides	See MSA-Alexandria				
Red River	12,482	9,986	6,990	6,241	4,369
Richland	12,112	9,690	6,783	6,056	4,239
Sabine	13,519	10,815	7,571	6,760	4,732
St. Bernard	See MSA-New Orleans				
St. Charles	\$ 23,223	\$18,578	\$ 13,005	\$11,612	\$ 8,128
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John Bapt.	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA-New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermilion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,641	10,913	7,639	6,821	4,775
Webster	See MSA-Shreveport				
W. Baton Rouge	See MSA-Baton Rouge				
West Carroll	10,807	8,646	6,052	5,404	3,783
West Feliciana	14,289	11,431	8,002	7,145	5,002
Winn	12,445	9,956	6,969	6,223	4,356

MSA-Metropolitan Statistical Areas	1980 Median Family Income	LOW/MOD	INCOME LIMIT	LOW INCOME LIMIT	INCOME LIMIT
		Families	Unrelated Individuals	Families	Unrelated Individuals
Alexandria, LA <sup>1</sup>	\$ 15,741	\$12,593	\$ 8,815	\$ 7,871	5,510
Baton Rouge, LA <sup>2</sup>	21,301	17,041	11,929	10,651	7,456
Lafayette, LA <sup>3</sup>	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA <sup>4</sup>	21,316	17,053	11,937	10,658	7,461
Monroe, LA <sup>5</sup>	17,140	13,712	9,598	8,570	5,999
New Orleans, LA <sup>6</sup>	19,196	15,357	10,750	9,598	6,719
Shreveport, LA <sup>7</sup>	18,158	14,526	10,168	9,079	6,355

FOOTNOTES

<sup>1</sup>Includes Rapides and Grant Parishes

<sup>2</sup>Includes East Baton Rouge, West Baton Rouge, Livingston and Ascension Parishes

<sup>3</sup>Includes Lafayette Parish Only

<sup>4</sup>Includes Calcasieu Parish Only

<sup>5</sup>Includes Ouachita Parish Only

<sup>6</sup>Includes Jefferson, Orleans, St. Bernard and St. Tammany Parishes

<sup>7</sup>Includes Bossier, Caddo and Webster Parishes

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

APPENDIX 3

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

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

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

APPENDIX 4

**Eligible Activities**

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

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of

historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance or urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

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

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

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation and rehabilitation, of privately owned properties and including the renovation of closed school buildings);

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

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

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

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the state in which it is located) during any part of the 12-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services unless the secretary finds that the discontinuation of such services was the result of events not

within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government under this title may be used for activities under this Paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

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

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

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

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

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

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

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

(16) activities necessary to the development of comprehensive community-wide energy use strategy, which may include items such as —

(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area;

(B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources;

(C) an analysis of the manner in, and the extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy;

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

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

(F) appropriate provisions for energy emergencies;

(G) identification of the local governmental unit responsible for administering the energy use strategy;

(H) provision of a schedule for implementation of each element in the strategy; and

(I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy;

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

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

(b) Upon the request of the recipient of assistance under this title, the secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under Subsection (a)(4).

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

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

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

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

(2) In any case in which an assisted activity described in Subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (A) not less than 51 percent of the residents of such area are persons of low and moderate income; or (B) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income.

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

APPENDIX 5

Allocation of Funds in Relation to Category and National and State Objectives

The following is a chart reflecting the allocation of LCDBG funds by category for FY's 1982, 1983, 1984, 1985 and 1986. A portion of the funds are currently unallocated due to cancellation of some grants and the fact that all FY 1986 grants have not yet been awarded.

CATEGORY	FY 1982		FY 1983		FY 1984		FY 1985		FY 1986	
	\$	%	\$	%	\$	%	\$	%	\$	%
Prior Year Commitment	13,016,523	42.18	6,579,549	23.68	-0-	0.00	-0-	0.00	-0-	0.00
Economic Development	962,500	3.12	1,252,000	4.50	3,017,463	11.16	4,885,700	18.21	1,475,000	6.29
Housing	4,542,781	14.73	4,311,920	15.52	4,027,541	14.90	5,152,350	19.21	3,969,365	16.92
Public Facilities	9,081,542	29.44	10,890,450	39.19	15,672,542	57.95	14,166,757	52.82	11,996,744	51.13
Planning	196,767	.64	-0-	.00	-0-	0.00	-0-	.00	-0-	0.00
Imminent Threat	1,713,300	5.56	2,070,539	7.45	-0-	0.00	-0-	.00	-0-	0.00
Innovative Housing	-0-	.00	1,100,000	3.96	-0-	0.00	-0-	.00	-0-	0.00
Administration	616,967	2.00	555,740	2.00	640,820	2.37	636,460	2.37	569,220	2.43
Unallocated	82,595	.27	-0-	-0-	-0-	0.00	356,678	1.33	5,450,671	23.23
Demonstrated Needs	635,398	2.06	1,026,802	3.70	3,682,634	13.62	1,625,055	6.06	-0-	0.00
TOTAL	30,848,373	100.00	27,787,000	100.00	27,041,000	100.00	26,823,000	100.00	23,461,000	100.00

The applicants selected for funding in FY's 1982, 1983, 1984, 1985 and 1986 were required to meet one or more of the national objectives. The national objectives for those years were:

1. Elimination of slums and blight and the prevention of blighting influences.
2. Elimination of conditions which are detrimental to health, safety, and public welfare.
3. Benefit to low-moderate income persons.

The following table is a breakdown of the total grants for FY's 1982, 1983, 1984, 1985 and 1986 as they apply to each national objective. Each recipient's administrative monies are not included with the exception of FY 1986.

NATIONAL OBJECTIVES AND FUNDING

National Objective	FY 1982		FY 1983		FY 1984		FY 1985		FY 1986 *	
	\$	%	\$	%	\$	%	\$	%	\$	%
Elimination of Slums and Blight	77,793	.28	-0-	.00	-0-	.00	-0-	.00	-0-	.00
Conditions detrimental to health, safety and public welfare	1,627,300	5.82	2,013,443	7.91	-0-	.00	-0-	.00	-0-	.00
Benefit to low-mod	26,255,955	93.90	23,429,671	92.09	25,083,795	100.00	22,474,012	100.00	17,441,109	100.00
TOTAL	27,961,048	100.00	25,443,114	100.00	25,083,795	100.00	22,474,012	100.00	17,441,109	100.00

\* Only a portion of the FY 1986 grants were not awarded at the time of preparation of this chart.

A State objective has also been included each year to strengthen economic development through the creation of jobs, stimulation of private investment, and community revitalization. That State objective was met through the funding of economic development grants. The economic development grants also met the national objective of benefit to low and moderate income persons and are therefore shown under that national objective.

These regulations are to be effective on March 20, 1987, and are to remain in force until they are amended or rescinded.

Stephanie L. Alexander  
Commissioner

## RULE

### Department of Health and Human Resources Board of Chiropractic Examiners

#### REPEALS

##### RULE II

A chiropractor may advertise only the professional organizations or associations with which he is affiliated. R.S. 37:2816(A)(14). Professional signs must be located on the property occupied by the professional office unless otherwise approved by the board. R.S. 37:2816(14).

##### RULE IV

A chiropractor who holds a Louisiana license but practices in another state may attend a seminar approved by that state board and thereby meet Louisiana's annual seminar requirements for renewal of license. R.S. 37:2810.

##### RULE V

A chiropractor practicing in the state of Louisiana must attend a two-day 12-hour educational seminar utilizing speakers approved by colleges accredited by ACC or CCE or attend an I.C.A., A.C.A. or an accredited chiropractic college seminar. R.S. 37:2810.

##### RULE XII

Advertising is prohibited which offers gratuitous goods or services or discounts in connection with chiropractic services unless the chiropractor provides a disclosure statement to be signed by the patient which explains:

1. when there will be a charge for goods and services;
2. when the free services have been completed and that any additional services the patient requests are subject to charge; or
3. when the discount has been exhausted and any additional services will be subject to full charge; provided, that this rule shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged. R.S. 37:2816(C).

##### RULE XIII

Any advertisement that mentions automobile liability insurance shall state that "policy limitations apply" to the medical payment provisions therein, and must be in bold print. Television advertisements must verbally state that policy limitations apply. R.S. 37:2816(C).

##### RULE XIV

A chiropractor shall not advertise "free x-rays" unless the advertisement states that 1) x-rays shall be taken only if found to be necessary and 2) more than one x-ray is required for diagnostic purposes. R.S. 37:2816(C).

##### RULE XV

It shall be considered unprofessional conduct for any chiropractor to enter into a contract which would obligate a patient to pay for care to be rendered in the future unless the contract provides that the patient is entitled to a complete refund for any care not received. R.S. 37:2803(E).

##### RULE XVI

Each registered chiropractor, upon commencing to practice, shall forthwith notify the board of his office address or addresses. R.S. 37:2804(A) and R.S. 37:2803(E).

##### RULE XVII

Overutilization of services is prohibited. Overutilization refers to services in excess of that warranted by either the patient's condition or the technique applied. Such practice shall constitute a form of misrepresentation, deceit, unprofessional conduct, or gross misconduct. Clinical judgment and other relevant information may be used in determining the possibility of excessive treatment. R.S. 37:2816(A)(5), (6) and (7).

##### RULE XVIII

Chiropractic physicians shall comply with a patient's authorization to provide records, or copies of such records, including x-rays to those whom the patient designates as authorized to inspect or receive all or part of such records. A reasonable charge may be made for the cost of duplicating records. R.S. 37:2816(A)(7).

##### RULE XIX

Chiropractic physicians shall preserve and protect the patient's confidences and records, except as the patient directs or consents or if the law requires otherwise. R.S. 37:2816(A)(7).

##### RULE XX

The board shall issue a certificate of proficiency in x-ray function to any chiropractic assistant who successfully completes a program in education and training in x-ray function and safety that has been approved by the Louisiana Board of Chiropractic Examiners. R.S. 37:2804(D).

##### RULE XXI

All meetings of the board shall be conducted in accordance with Roberts Rules of Order. R.S. 37:2803(E).

##### RULE XXII

Certificates of internship must be displayed in a conspicuous place in the office in which the intern practices. R.S. 37:2803(E), R.S. 37:2806.

##### RULE XXIII

All written examinations conducted by the Board shall be administered to conceal the identity of licensure candidates. R.S. 37:2804(A)(B), and R.S. 37:2805(E).

#### AMENDMENT TO DUE PROCESS PROCEDURES FOR ETHICS VIOLATIONS

##### I. Applicability

A. Unethical conduct shall be determined on the basis of the provisions of the rules and regulations of the Louisiana State Board of Chiropractic Examiners, Ethical Standards of Chiropractors, and other provisions included in R.S. 37:2801 - 37:2880, specifically if a chiropractor:

1. has been convicted of a felony or any offense involving moral turpitude; or
2. is using a narcotic or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person or the public, or to an extent that such use impairs his ability to perform the work of a professional chiropractor with safety to the public; or
3. has impersonated another person holding a license as a chiropractor or allowed another person to use his/her license; or
4. has used any fraud or deception in applying for a license or in taking an examination provided for in the Act; or
5. has accepted commissions or rebates or other forms of remuneration for referring clients to other persons; or
6. has allowed his/her name or license issued under the Act to be used in connection with any person or persons who

perform chiropractic services outside of the area of their training, experience or competence; or

7. has willfully or negligently violated any of the provisions of the Act.

B. These procedures shall apply only in the consideration of alleged violations by licensed chiropractor.

Note: The board will answer complaints regarding the ethical practices of non-licensed persons by making referrals elsewhere when appropriate; for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

C. Complaints may be initiated by any citizen of the state, another licensed chiropractor or by the board on its own initiative.

D. Declaratory statements of the board.

The board may issue a declaratory statement in response to a request for clarification of the effect of rules and regulations of R.S. 37:2801 et seq.

1. A request for a declaratory statement is made in the form of a petition to the board. The petition should include at least:

- a. the name and address of the petitioner;
- b. specific reference to the statute or rules and regulations to which the petitioner relates;
- c. a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or by its potential application to her/him, or in which (s)he is uncertain of its effect.

2. said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 21 days prior to said meeting.

3. The declaratory statement of the board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

## II. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the board shall determine if the complaint refers to an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the involved parties except if contrary to law.

F. The board shall inform the complainant of the initial determination.

1. No Action
2. Informal Inquiry
3. Informal Hearing
4. Formal Hearing

## III. Conduct of an Informal Inquiry/Hearing. This is a non-adversarial procedure

A. Informal inquiry procedures

1. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

a. informing the licensee in writing that a complaint has been filed.

b. a short and plain statement of the nature of the complaint.

c. a reference to the particular sections of the statutes, rules, and/or ethical standards of the board which appear to have been involved.

d. copies of the law and the rules and regulations of the board, and

e. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

2. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the board may be cognizant of all relevant aspects of the case.

3. Evaluating the findings of the informal inquiry. Upon receipt of a reply from the licensee, the board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated.

a. If the determination of the board is that the issues raised by the complainant would constitute a violation of standards, the board shall then determine whether:

- i. Further investigation by correspondence is indicated; or
- ii. Further investigation by an informal hearing is indicated; or
- iii. Institution of formal hearing procedures is indicated.

B. Informal hearing procedures

The board shall conduct informal hearings in executive session in accordance with the following:

1. It is expected that the licensee not have an attorney or other advisors present, although it is his right to do so.

2. Witnesses may be called, but are not placed under oath and no subpoenas are issued.

3. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.

4. No transcript of the informal hearing is made.

C. Evaluating the findings of the informal hearing

1. If the board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the board shall then determine whether:

- a. the violation merits informal disposition; or
- b. a formal hearing will be held.

2. The board, in determining for informal disposition, shall order actions such as:

a. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the board within 30 days of the informal hearing.

b. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the board.

D. Refusal to respond or cooperate with the board

1. If the licensee does not respond to the original inquiry within 30 days, a follow-up letter shall be sent to the licensee by registered mail or certified mail, return receipt requested.

2. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

E. Withdrawal of a complaint

If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the

issues to be of such importance as to warrant completing the investigation in its own right and in the interest of the public welfare.

F. If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

#### IV. Conduct of a Formal Hearing

##### A. Initiating the process

1. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

2. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing.

##### 3. Full notice

The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.

##### a. Notice shall include:

i. a statement of the date, time, place and nature of the hearing;

ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;

iii. a reference to the particular sections of the statutes, rules or ethical standards involved;

iv. a short and plain statement of the matters asserted which shall be the subject of the hearing;

v. a statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.

NOTE: It is the licensee's obligation to keep the board informed of his/her whereabouts.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

#### 4. Designation of Hearing Officer

a. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner.

J. E. Stephenson, D. C.  
Chairman

## RULE

### Department of Health and Human Resources Board of Dentistry

The Louisiana State Board of Dentistry is adopting the following rule. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 10, page 706, dated October 20, 1986.

#### Chapter 9. Provisions for Formal Administrative Procedures-Adjudication

##### §901. Formal Adjudication Proceedings

All formal adjudication proceedings and procedures of the board are conducted in accordance with R.S. 49:950 et seq. which provide for administrative procedures for state agencies, insofar as they are applicable.

Russell R. Dimarco, D.D.S.  
Secretary-Treasurer

## RULE

### Department of Health and Human Resources Board of Dentistry

The Louisiana State Board of Dentistry is adopting the following rule. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 10, page 706, dated October 20, 1986.

#### Chapter 11. Provisions for Informal Disposition of Complaints

##### §1101. Informal Disposition of Complaints.

The Dental Practice Act (R.S. 37:751 et seq.) mandates the Louisiana State Board of Dentistry to regulate the practice of dentistry in the state of Louisiana. Included within the powers and duties of the Board is the provision that it shall investigate complaints of illegal practice when evidence is presented to the board (R.S. 37:760(7)). The board has utilized the Administrative Procedure Act (R.S. 49:950 et seq.) and sections of the Dental Practice Act (R.S. 37:778 et seq.) in conducting formal disciplinary hearings against dentists and dental hygienists. The board now wishes to adopt certain rules pertaining to informal disposition of complaints (as provided in R.S. 49:953 et seq.) to the extent and in the manner appropriate to its proceedings.

Informal procedures may be used by the board under proper facts and circumstances and the conduct of such informal procedures will be in accordance with reasonableness and fairness as dictated by the circumstances. The following steps may be used by the board in connection therewith:

A. All complaints must be in writing, signed, and delivered to the board offices.

B. After receiving and reviewing the initial complaint, the board president, is to authorize and describe the type of informal disposition to be utilized by the board. The complaint may include any grounds recited in R.S. 37:776 and 37:777 or any other section of the Dental Practice Act, as amended.

C. Informal Disposition Number 1 (Correspondence between board and licensee):

1. After written complaint is received by board and authorized by president and one other board member, letter is mailed by board to licensee outlining problem areas and inviting his response thereto. Upon the board's receipt of licensee's satisfactory response, it may drop matter at this time. In less serious complaints, the board may also write licensee and suggest remedial



action and if the licensee agrees to the suggestions, then the board may drop matter and not take any further action.

2. Correspondence to licensee should have sufficient information and details to adequately and fully inform him of the issues to be discussed. A deadline should be given for the receipt of responsive letter from licensee.

3. If the matter is resolved, all correspondence should be kept in the board's office for future reference purposes and the disposition can be treated as a final action by the board.

D. Informal Disposition Number 2 (Conference between board member and licensee on "a dentist to dentist" basis):

1. After written complaint is received by board and authorized by president and one other board member, letter is mailed by board to licensee outlining problem areas and issues. The letter will inform the licensee that the conference is to be conducted informally on a personal "dentist to dentist" basis. The letter will further inform the licensee that his appearance is voluntary, that no attorneys will be utilized, and no record made of the conference.

2. After licensee has sufficient time to receive letter mentioned above, the board member(s) assigned to conduct the "dentist to dentist" conference will contact the licensee to set the date, time, and location of the conference. At this time, the board member will confirm the licensee's voluntary appearance at the informal "dentist to dentist" conference, and further will advise licensee what, if any, records he would need to produce for the informal conference.

3. The informal conference may result in the settlement of some or all issues and as a result of which no further action will have to be taken by the board. If the matter is settled, then the board will drop the matter and take no further action thereon. If the matter is not settled, then after the board member(s) report to the board president, the latter can refer to the board's counsel for formal action under Administrative Procedure Act.

4. If the matter is resolved then the disposition thereof shall be kept in the board's offices for future reference purposes and the disposition can be treated as a final action by the board.

E. Informal Disposition Number 3 (Informal hearing conducted by two or more board members and licensee):

1. After written complaint is received by board and authorized by president and one other board member, letter is mailed by board to licensee outlining problem areas and issues. The date, time and location of informal hearing will be set thereafter by phone call from board member to licensee. The letter should also inform the licensee that the informal hearing was being conducted on a personal "dentist to dentist" basis and no lawyers would be utilized. Further no record of the hearing would be made. Any witnesses used would not be placed under oath and no subpoenas would be used. Any statements made at the informal hearing would not be used or introduced as a formal hearing in the event the matter could not be resolved. The licensee would appear on a voluntary basis however he would have full and adequate notice of the informal hearing and the issues to be discussed.

2. The informal hearing may result in the settlement of some or all issues and as a result of which no further action will have to be taken by the board. If the matter is settled, then a consent decree can be executed between the parties and ratified at the next board meeting. If the matter is not settled, then after the board members (conducting the informal hearing) report to the board president, the latter can refer to the board's counsel for formal action under the Administrative Procedure Act.

3. If the matter is resolved then the disposition and/or

consent decree shall be kept in the board's offices for future reference purposes and the disposition treated as a final action by the board.

F. Informal Disposition Number 4 (Consent decree at any time between the board and licensee):

1. After a written complaint is received by the board and authorized by the president and one other board member, and any communication is had with the licensee, thereafter at any time and for any reason, the licensee may agree to informally settle and/or dispose of the matter and as a result of which a consent decree may be executed between the parties and ratified at the next board meeting.

2. In signing any consent decree, the licensee signs first, before two witnesses and thereafter, submits to the board president for his execution. The consent decree is in writing and someone besides the board president can sign if authorized to do so in advance by the board. Moreover, if this type agreement is undertaken between the board meetings, it should be placed on the agenda of the next board meeting for ratification and thereafter shall be treated as a final action by the board.

G. Informal Disposition format to be completed by board members and filed in board records. Since disposition is final, the board shall release to the public the results of any disposition in accordance with R.S. 37:780 (B).

Russell R. Dimarco, D.D.S.  
Secretary-Treasurer

## RULE

### Department of Health and Human Resources Board of Dentistry

The Louisiana State Board of Dentistry is adopting the following rule. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 10, page 706, dated October 20, 1986.

#### Chapter 3. Dentists

##### §301. Listing as Dental Specialist

A. Dentists may list their names for the practice of a certified specialty (endodontics, oral surgery, orthodontics, pediatric dentistry, periodontics, prosthodontics, dental public health and oral pathology) provided that:

1. the dentist's practice must be limited exclusively to the indicated specialty area of dentistry; and

2. the indicated specialty area of dentistry must be one for which there is an approved certifying board; and

3. the dentist must have completed all educational requirements mandated by the certifying board.

Russell R. Dimarco, D.D.S.  
Secretary-Treasurer

## RULE

### Department of Health and Human Resources Board of Dentistry

The Louisiana State Board of Dentistry is adopting the following rule. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 10, page 706, dated October 20, 1986.

### Chapter 3. Dentists

#### §303. Maintenance of Records on Prescriptions Pursuant to R.S. 37:1204

If a dentist supplies a patient with necessary drugs and medicines for the patient's use, then the dentist shall be required to label medications and maintain prescription files on all such drugs, chemicals, or medications sold and/or dispensed to any patient excepting bona fide samples dispensed at no cost in accordance with R.S. 37:1204. (A).

Russell R. Dimarco, D.D.S.  
Secretary-Treasurer

#### RULE

#### Department of Health and Human Resources Board of Dentistry

The Louisiana State Board of Dentistry is adopting the following rule. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 10, page 706, dated October 20, 1986.

### Chapter 3. Dentists

#### §305. Re-use of Toothbrush in Dental Office Prohibited

If a dentist or any of his employees furnishes a patient with a toothbrush to be used in the dental offices then it must be disposed of immediately following use by the patient. Re-use of any toothbrush in a dental office is prohibited.

Russell R. Dimarco, D.D.S.  
Secretary-Treasurer

#### RULE

#### Department of Health and Human Resources Board of Psychologists

#### Title 46 Professional and Occupational Standards Part LXIII. Psychologists

### Chapter 7. Supervised Practice Leading Toward Licensure

#### §703. Duration and Setting of Supervised Practice

A.2. To be credited toward the two years full-time requirement each assignment in a setting or integrated program shall be of at least six months duration and at least half-time (1000 hours). Any half-time assignments shall extend the period of supervision proportionately beyond two calendar years. This requirement must be completed within five calendar years; for cause shown, the board may grant extensions.

#### 3. Internship Programs

A predoctoral internship shall be credited toward the required two years of supervised experience if that experience was required as a part of the doctoral degree and meets the board's requirements under §305.

Norman J. Bregman, Ph.D.  
Chair

#### RULE

#### Department of Health and Human Resources Board of Psychologists

#### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXIII. Psychologists

### Chapter 3. Training and Credentials §303. Full-time Graduate Program

A. A graduate of a program that is accredited by the American Psychological Association is recognized as holding a doctoral degree with a major in psychology from a university offering a full-time graduate course of study in psychology. The criteria for accreditation serve as a model for professional psychology training.

B. Graduates of programs that are not accredited by the American Psychological Association must meet the following criteria, 1 through 11. Graduates of programs that are accredited by the American Psychological Association must meet the criteria in 11.

1. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

3. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

4. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

5. The program must be an integrated, organized sequence of study.

6. There must be an identifiable psychology faculty and a psychologist responsible for the program.

7. The program must have an identifiable body of students who are matriculated in that program for a degree.

8. The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

9. The doctoral program shall involve at least one continuous academic year of full-time residency on the campus of the institution at which the degree is granted.

10. The program shall be an internal degree program (as opposed to an external degree program) unless it is approved by the American Psychological Association.

11. The curriculum shall encompass a minimum of three academic years of full-time graduate study. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of the four substantive content areas. Graduates who cannot document competence in all substantive content areas (a.-d. below), may demonstrate competence by taking additional course work or examination, not to exceed one substantive content area.

a. Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

b. Cognitive-affective bases of behavior: Learning, thinking, motivation, emotion.

c. Social bases of behavior: Social psychology, group processes, organizational and systems theory.

d. Individual differences: Personality theory, human development, abnormal psychology.

### §305. Specialty Areas

A. If the emphasis of the major in psychology is an applied area such as clinical psychology, counseling psychology, school psychology, or industrial-organizational psychology, the training shall include a set of coordinated practicum and internship training experiences.

B. In applied areas such as counseling, clinical, and school psychology, preparation normally shall involve early and continuing involvement of students in applied setting. Such experience should occur at two levels: practicum and internship.

1. The practicum level is an earlier, prerequisite phase of involvement, usually for academic credit, often on campus, with typical time commitment of eight to 16 hours per week. Practicum settings should provide supervised training in interviewing, appraisal, modes of intervention and research skills or other skills appropriate to the student's level of experience and area of specialization. A minimum of 300 hours of practicum experience should precede the internship. This should include at least 100 hours of direct client contact and at least 50 hours of scheduled individual supervision.

2. The following will be used to identify organized psychology internship training programs:

a. An organized training program, in contrast to supervised experience or on-the-job training, is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose is assuring breadth and quality of training.

b. The internship agency had a clearly designated staff psychologist who was responsible for the integrity and quality of the training program and who was actively licensed/certified by the State/Provincial Board of Examiners in Psychology.

c. The internship agency had two or more psychologists on the staff as supervisors, at least one of whom was actively licensed as a psychologist by the State/Provincial Board of Examiners in Psychology.

d. Internship supervision was provided by a staff member of the internship agency or by an affiliate of that agency who carried clinical responsibility for the cases being supervised. At least half of the internship supervision was provided by one or more psychologists.

e. The internship provided training in a range of assessment and treatment activities conducted directly with clients seeking psychological services.

f. At least 25 percent of trainee's time was indirect client contact (minimum 375 hours).

g. The internship included a minimum of two hours per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with psychological services rendered directly by the intern. There must also have been at least two additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision.

h. Training was post-clerkship, post-practicum and post-externship level.

i. The internship agency had a minimum of two interns at

the internship level of training during the applicant's training period.

j. Trainee had title such as "intern", "resident", "fellow", or other designation of trainee status.

k. The internship agency had a written statement or brochure which described the goals and content of the internship, stated clear expectations for quantity and quality of trainee's work and was made available to prospective interns.

l. The internship experience (minimum 1500 hours) was completed within 24 months.

C. In applied areas such as industrial-organization, engineering and environmental psychology, internship training may take the form of post doctoral supervised experience as defined in the regulations of the board.

Norman J. Bregman, Ph.D.  
Chair

## 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 Food Stamp Program.

This rule is mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 229, Friday, November 28, 1986, page: 42992 - 42994.

Public Law 99-500 increased the dependent care deduction for elderly or disabled households from \$149 to \$160.

It was necessary to adopt this as an emergency rule to avoid sanctions as Public Law 99-500 and federal regulations mandate a December 1, 1986, implementation date.

The emergency rule was published in the December, 1986 *Louisiana Register*.

The rule entitled "Increased Earned Income Deduction" published in the *Louisiana Register* Vol. 12, No. 7, July 20, 1986, page 423 - 424 is hereby amended.

Numbers 5 and 7 were revised. Number 6 was deleted and number 7 renumbered to be 6. The amendment is as follows:

5. The maximum dependent care deduction shall be \$160 for all households.

6. The maximum shelter deduction increases from \$139 to \$147 for households which do not include a member who is elderly or disabled. The amounts in items 5 and 6 will be adjusted October 1, 1986, and each October 1 thereafter.

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 Medical Assistance Program is adopting a rule on the standards for payment for adult day health care services effective March 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 9, page 619, dated September 20,

1986.

A copy of the Adult Day Health Care Standards for Payment is available for review in each local Office of Family Security. The providers impacted by this rule will be sent a copy of the revised standards.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the changes by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

## RULE

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

The Medical Assistance Program is adopting the following rule effective March 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 1, page 45, dated January 20, 1987.

The standards for payment for skilled nursing and intermediate care facility services are amended to include the following:

Definitions:

*Immediate Jeopardy* - for Medicaid certified SNF's, and ICF's means a situation in which a facility's noncompliance with one or more standards for participation poses a serious threat to patients' health and safety such that immediate corrective action is necessary.

*New Admission* - means the admission of a Medicaid recipient who has never been in the facility or, if previously admitted, had been discharged or had voluntarily left the facility. The term does not include the following:

1. individuals who were in the facility before the effective date of denial of payment for new admissions, even if they become eligible for Medicaid after that date;

2. individuals who, after a temporary absence from the facility, are readmitted to beds reserved for them in accordance with the agency's policies on bed reservations during an absence of a recipient from a long term care facility.

Termination of certification for facilities whose deficiencies pose immediate jeopardy.

The Division of Licensing and Certification must terminate a facility's certification if it determines that:

1. the facility no longer meets applicable standards for participation;

2. the facility's deficiencies pose immediate jeopardy to patients' health and safety.

Subsequent to a certification of a facility's noncompliance, the Medical Assistance Program shall, in terminating the provider agreement, follow the agency's appeals process for providers.

Denial of payments for new admissions

1. Basis for denial of payments

The Medical Assistance Program may deny payment for new admissions to a SNF or ICF that no longer meets the applicable standards for participation if either of the following conditions is met:

(a) facility's deficiencies do not pose immediate jeopardy;

if the agency finds that the facility's deficiencies do not pose immediate jeopardy to patients health and safety, the agency may either terminate the facility's provider agreement or deny payment for new admissions;

(b) facility's deficiencies do pose immediate jeopardy; if the agency finds that the facility's deficiencies do pose immediate jeopardy to patients' health and safety and thereby terminates the facility's provider agreement, the agency may additionally seek to impose the denial of payment sanction.

2. Agency procedures

Before denying payments for new admissions, the Medical Assistance Program shall:

(a) provide the facility up to 60 days to correct the cited deficiencies and comply with the standards;

(b) if at the end of the specified period the facility has not achieved compliance, the facility shall be given notice of the agency's intent to deny payment for new admissions, and opportunity for an informal hearing;

(c) if the facility requests a hearing, an informal hearing shall be provided that includes:

(1) the opportunity for the facility to present, before the secretary or designee who was not involved in making the initial determination, evidence or documentation, in writing or in person, to refute the decision that the facility is out of compliance with the applicable standards; and

(2) a written decision setting forth the factual and legal basis pertinent to a resolution of the dispute;

(d) if the decision of the informal hearing is to deny payments for new admissions, the facility and the public shall be provided notice at least 15 days before the effective date of the sanction. Such notice shall include the effective date and the reasons for the denial of payments. The provider's notice shall be sent in writing by certified mail. Public notice shall be published in the state's official journal, the *Louisiana Register*, under potpourri notices;

(e) any facility which receives an adverse action from DHHR may also request an Evidentiary Hearing as outlined in Section XII of the agency's Standards for Payment - SNF/ICF.

3. Effect of denial of medicare payment

(a) Period of denial — If HCFA denies Medicare payments for new admissions to a SNF that also participates in Medicaid the Medical Assistance Program shall deny Medicaid payments for new admissions, effective for the same time period that Medicare payments are denied.

(b) Informal hearing — Only one informal hearing is available to a SNF that participates in both programs. HCFA shall provide any informal hearing requested by the provider.

Duration of denial of payments and subsequent termination

1. Period of denial

The denial of payments for new admissions shall continue for 11 months after the month it was imposed unless, before the end of that period, the Medical Assistance Program finds that:

(a) the facility has corrected the deficiencies or is making a good faith effort to achieve compliance with the standards; or

(b) the deficiencies are such that it is necessary to terminate the facility's provider agreement.

2. Subsequent termination

The Medical Assistance Program shall terminate a facility's provider agreement:

(a) upon the agency's finding that the facility has been unable to achieve compliance with the standards during the period that payments for new admissions have been denied;

(b) effective the day following the last day of denial of payments period; and

(c) in accordance with the agency's procedures for appeal of terminations.

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 Medical Assistance Program is adopting the following rule effective March 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 1, page 46, dated January 20, 1987.

The Medical Assistance Program shall conduct a dispensing fee survey for pharmacy providers every three years provided funding has been appropriated by the legislature and not eliminated as the result of required budget reductions. Should funding not be appropriated by the legislature or eliminated by required budget reductions, the agency shall include in its next annual budget request sufficient funds for a dispensing fee survey.

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 Medical Assistance Program is adopting the following rule effective March 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 1, page 47, dated January 20, 1987.

Prenatal Health Care Services — Prenatal health care services, provided by public prenatal health care clinics under the auspices of the Office of Preventive and Public Health Services shall be reimbursed under Title XIX as a covered service. Public Health Care Service Clinics enrolled in the Title XIX Medicaid Program shall have reimbursement limited to services each clinic is qualified to provide, and authorized under 42 CFR 440.90.

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 Medical Assistance Program is adopting the following rule effective March 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 1, page 48, dated January 20, 1987.

Medicaid shall be automatically granted to eligible Title

IV-E children residing in Louisiana and receiving maintenance assistance from another state. Medicaid benefits provided for Louisiana eligible Title IV-E children residing out of state shall be terminated. Medicaid benefits for out of state cases which are terminated under this rule shall be granted by the state of residence as mandated by P.L. 99-272.

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 Medical Assistance Program is adopting the following rule effective March 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 1, page 48, dated January 20, 1987.

The Office of Family Security shall no longer medically certify a recipient for SNF waived services if the recipient is placed in an ICF facility unless one or more of the following conditions exist: 1. The only skilled nursing facility or vacancy in a skilled nursing facility is located in excess of one hour travel time distance from the recipient's domicile (or that of his/her family).

2. There are no SNF beds available in skilled nursing facilities as verified in the OFS Regional Office records.

3. The transfer may be, in the opinion of the recipient's treating physician, harmful to the physical and/or mental health of the recipient.

4. The OFS state office staff have determined that special conditions exist which warrant the certification of the recipient as a SNF waiver.

All requests for waived services shall be accompanied by a written statement, signed by the treating physician, facility administrator and nursing director, which acknowledges the client's SNF level of care and states that the facility can provide appropriate services to the recipient.

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

#### **RULE**

##### **Department of Health and Human Resources Office of Mental Retardation/ Developmental Disabilities**

By authority of R.S. 28:380 et seq. and in accordance with the Administrative Procedure Act, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities has amended the Treatment of Resident Income in State Intermediate Care facilities for the Mentally Retarded promulgated June 20, 1977, Volume 3, Number 6, Section C.2 regarding retention of \$45 personal care needs has been repealed and amended to read: "Retention of personal care needs will be in accordance with Title XIX policy as promul-

gated by the Department of Health and Human Resources, Office of Family Security.”

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

**RULE**

**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 shall assess every patient in a driving while intoxicated program, to whom the office provides treatment services, a standard co-payment fee of \$10 per session. A patient whose treatment is provided by the Office of Prevention and Recovery from Alcohol and Drug Abuse through a private contractor shall not be assessed a co-payment fee as provided above. Private providers can assess fees otherwise allowable under applicable federal and state laws.

This action is taken in accordance with House Bill No. 133, of the First Extraordinary Session, 1986.

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

**RULE**

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

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

Amend the listing as appropriate to reflect current addresses and etc. for all previously listed manufacturers as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Mo-Dad-1, Inc. P.O. Box 96 Denham Springs, LA	Mo-Dad-1-500 Mo-Dad-1-1000 70726 Mo-Dad-1-1500	500 GPD 1000 GPD 1500 GPD

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

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

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

**HAZARDOUS MATERIAL INFORMATION DEVELOPMENT,  
PREPAREDNESS, AND RESPONSE**

These rules will implement the initial phase of the Hazardous Material Information Development, Preparedness, and Response Act. It is important to note that the data generated during this initial phase will enable the Department of Public Safety and Corrections to comprehensively address all components of this Act in carefully coordinated states. These rules are hereby issued pursuant to the authority granted by Act 435 of the 1985 Regular Legislative Session.

**1. PURPOSE**

The purpose of these rules is to insure that the hazards of all chemicals produced, stored, distributed, transported, imported, consumed, applied, emitted or disposed in Louisiana are communicated to appropriate emergency response organizations, local information repositories, and to the general public upon request. This communication system shall be intended to provide information to medical personnel for emergency medical diagnosis, adequately prepare for disasters, centralize and coordinate regional and local long-range planning concerning the environmental hazards in various localities, to develop a data base which will facilitate research into possible chronic health risks which may appear as the result of the presence of hazardous materials and to allow the Department of Public Safety and Corrections, Office of State Police to coordinate hazardous material emergency response. Nothing contained herein shall be so construed as to conflict with the U.S. Department of Labor’s Hazard Communication Standard 29 CFR 1910.1200.

**2. SCOPE**

A. These rules apply to all persons, corporate or real, in Louisiana, not otherwise excluded in this Section, who produce, store, distribute, transport, import, consume, apply, emit, or dispose any hazardous materials listed pursuant to these rules.

b. These rules do not apply to -

i. hazardous materials under the direct control of the military forces of the United States;

ii. consumer products when packaged for distribution to, and intended for use by the general public;

iii. products used by a facility when used from a container for, and in a manner consistent with, the intended use of the consuming public;

iv. substances reported to the Department of Agriculture under the Louisiana Pesticide Law, or the Louisiana Structural Pest Control Law, provided that pertinent data has been transmitted to the department as provided for in R.S. 30:1150.67;

v. nuclear materials required to be reported under 40:1299.100 or R.S. 30:1101-1120 et seq.;

vi. small businesses operating in the state of Louisiana. The term “small business” shall mean a single business establishment employing a maximum of nine employees and showing a maximum of \$2 million in average annual gross receipts;

vii. cosmetology and barber salons as defined by R.S. 47:301(4)(b) and (11);

viii. household non-commercial use of hazardous materials, provided the the use, storage, or application is from a package purchased from a retail outlet and is specifically designed and intended for use by a person who requires no special information other than what information is supplied on the manufacturer’s label;

ix. forensic laboratories mandated by applicable state law to conduct analyses for law enforcement or regulatory functions. This exemption does not apply to commercial laboratories contracted by government agencies;

x. persons regulated under 29 CFR 1910.1200 only when compliance with Paragraph v of Subsection B clearly conflicts with federal regulations.

### 3. DEFINITIONS

**Board** means the Hazardous Material Information Development, Preparedness, and Response Board.

**Chemical** means any element, chemical compound, or mixture of elements and/or compounds.

**Chemical name** means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation, such as the name located in Appendices A, B, or C of these rules.

**Code** means three letter designation corresponding with identity listed in Appendix D of these rules.

**Container** means any bag, barrel, bottle, box, can, cylinder, drum, storage tank, or the like that contains a hazardous material. For purposes of these rules, pipes or piping systems are not considered to be containers.

**Distributor** means a business, other than a chemical manufacturer or importer, which supplies hazardous materials to other distributors or to manufacturing purchasers.

**Emission** means a discharge into the atmosphere, land, or water, of any material regulated by these rules, whether permitted or not, where such discharge may reasonably be considered dangerous if it escapes beyond the confines of the facility.

**Explosive** means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature, and meets the definition of Part 173.50 of the Louisiana hazardous materials/hazardous waste regulations.

**Facility** means the physical premises used by the owner or operator at which the hazardous materials are manufactured, used, or stored.

**Hazardous material** means any substance listed in Appendices A, B, or C of these rules. *Hazardous material* also means any substance designated by the deputy secretary by rule on recommendation of the board which meets criteria established for adding other material to the list.

**Identity** means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous materials, the label, and the MSDS.

**Label** means any written, printed, or graphic material displayed on or affixed to containers of hazardous materials.

**Material Safety Data Sheet (MSDS)** means written or printed material concerning a hazardous material. An MSDS prepared in accordance with the OSHA Hazard Communication Standard 1910.1200, Paragraph g, or identical to the U.S. Coast Guard Chemical Hazard Response Information System (CHRIS), shall be deemed to be in compliance with these rules. In any case, an MSDS must be prepared in a manner that provides basic chemical identity, health, safety, and emergency response information, consistent with the purpose of these rules.

**Person** means a natural person, whether or not employed at a given facility, a member of the general public, or a firm, association, partnership, co-partnership, joint venture, corpora-

tion, or other legal entity.

**Produce** means to manufacture, process, formulate, or repackage.

**Trade secret** means any confidential formula, pattern, process, device, information, or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business, and gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

**Use** means to package, handle, react, or transfer.

### 4. SURVEY FORM

All persons subject to these rules shall complete and submit the following Hazardous Material Survey Form within 90 days after the effective date of these rules, and no later than March 31 of each subsequent year.

#### HAZARDOUS MATERIALS SURVEY FORM

##### PART A GENERAL INFORMATION

- 1) Facility Name: \_\_\_\_\_
- 2) Location: \_\_\_\_\_
- 3) Mailing Address (if different from location): \_\_\_\_\_
- 4) Business Phone: \_\_\_\_\_ 5) Emergency Phone: \_\_\_\_\_
- 6) Facility Type (check as many as appropriate):

##### a. Alternate means of compliance

- |   |  |
|---|--|
| 1. ___ building industry jobsite  | 8. ___ oil & gas production facility                         |
| 2. ___ wharf or dock (maritime)   | 9. ___ natural gas, crude oil, hydrocarbon product pipeline  |
| 3. ___ electric substation  | 10. ___ hydrocarbon storage facilities (other than refinery) |
| 4. ___ liquefied petroleum gas (only when tanks are clearly marked as such) | 11. ___ railcar storage area (if placarded appropriately)    |
| 5. ___ hazardous waste commercial disposal                                  | 12. ___ explosive storage magazine                           |
| 6. ___ gasoline retail sales  | 13. ___ other  |
| 7. ___ tank truck storage area (if placarded appropriately)                 |  |

##### b. Full survey form

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| 1. ___ manufacturing              | 12. ___ hardware or building supply |
| 2. ___ storage                    | 13. ___ warehouse                   |
| 3. ___ mixing                     | 14. ___ refining                    |
| 4. ___ coatings applicator        | 15. ___ oil recycler                |
| 5. ___ fiberglass repair          | 16. ___ solvent recycler            |
| 6. ___ tank or equipment cleaning | 17. ___ laboratory                  |
| 7. ___ sewerage treatment         | 18. ___ hospital                    |
| 8. ___ waste water treatment      | 19. ___ medical facility            |
| 9. ___ drinking water treatment   | 20. ___ dry cleaner or laundry      |
| 10. ___ coatings warehouse        |                                     |
| 11. ___ food store warehouse      |                                     |

##### PART B. HAZARDOUS MATERIALS INVENTORY

HAZARDOUS MATERIAL IDENTITY AND CODE	INVENTORY RANGE	AGENCY REPORTED TO (if applicable)	SHIPPING PAPER LOCATION (if applicable)

##### PART C. CERTIFICATION

This Hazardous Material Survey Form must be certified as true and correct by a responsible person as follows:

"I hereby certify the information contained herein is true and correct to the fullest extent of my knowledge".

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

##### DO NOT WRITE BELOW THIS LINE

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Disapproved by: \_\_\_\_\_

Reasons: \_\_\_\_\_

## 5. NOTIFICATION

A. Any emission of any hazardous material, when such hazardous material is reported under these rules, which escapes the boundary of any facility, where such emission may reasonably be considered dangerous, must be reported to the Hazardous Materials Unit of the Office of State Police via telephone within 30 minutes of the discovery of that release. Actual notification may be accomplished through local emergency response officials; however, it remains the responsibility of the facility experiencing the release that a proper notification is accomplished.

B. Any person required to report under Sections 8.1, 8.1.1, 8.1.2, or 8.1.3 of Part II of the Department of Environmental Quality's (DEQ) "Notification Regulations and Procedures for Unauthorized Discharges" shall also be required to notify the Hazardous Materials Unit within 30 minutes of discovery of the reportable incident. Upon receipt of emergency notification, the state police shall notify the Department of Environmental Quality. However, it remains the responsibility of the facility experiencing the release that a proper notification of Department of Environmental Quality is accomplished.

C. This emergency reporting does not relieve any person or facility of written or follow-up reporting as may be required under applicable laws, rules, or regulations; e.g., "Prompt Notification," "Written Report after Prompt Notification," or "Written Report Following Emergency/Notification," as contained in "Notification Regulation Procedures for Unauthorized Discharges" of DEQ.

D. Transportation incidents shall be reported according to R.S. 32:1510.

E. All emergency notifications required by these rules shall be reported to (504)925-6595.

## 6. REPORTING

### A. Alternate means of compliance

i. Facilities indicating only Block 6a (of the Hazardous Materials Survey Form) who currently report chemical identities and quantities as may be required by applicable law to any other state agency shall list the agency to whom said chemical is reported, and the names of the hazardous materials reported, on the survey form.

ii. Facilities indicating only Block 6a who do not currently report to any other state agency, and are not solely engaged in transportation, shall list on the survey form all materials listed in Appendix A if the maximum quantity which may be encountered at any given time exceeds 10 pounds "Explosives," as defined by Part 173.50 of the hazardous materials/hazardous waste regulations, must be reported regardless of quantity. Mixtures containing materials listed in Appendix A need not be reported if the aggregate weight of Appendix A materials in said mixture does not exceed 10 percent, provided said mixture was formulated prior to its arrival at the reporting facility. Each material found in Appendix B and Appendix C shall be reported if the maximum quantity exceeds 60 gallons or 600 pounds.

### iii. Fees -

a) Facilities checking only Block 6a shall submit a \$15 fee upon filing the survey form, for each form submitted.

b) Facilities in compliance with the Liquefied Petroleum Gas Commission regulations shall have their fees paid by the Liquefied Petroleum Gas Commission.

c) Said fee shall not exceed \$90 per parish, or \$270 for multi-parish facilities.

d) Agencies of the state or of the state's political subdivisions must file the survey form, but are exempt from the fees.

iv. Facilities indicating Block 6a engaged solely in the transportation of hazardous materials, or facilities whose storage

of hazardous materials is purely incidental to the transportation of hazardous materials, shall -

a) report to the fullest extent possible, hazard classes and total quantities which may be experienced at any given time within the confines of their yard;

b) maintain a copy of the shipping papers as defined by Part 172.200 of the Louisiana hazardous material/hazardous waste regulations, in a central, accessible location, and include this location on the survey form. Shipping papers will not be required to be maintained for any wheeled vehicle which has been emptied to the fullest possible extent and is awaiting cleaning or refill, provided said vehicle is properly placarded according to the last hazardous material contained;

c) maintain all markings, labeling, or other communication devices required by law on all transportation containers, until such time as said container is cleaned, purged, refilled, or discarded, in accordance with applicable state law.

v. Facilities indicating "hazardous waste commercial disposal" shall report previous year's total waste received. Identification of wastes received shall be indicated using the alpha numeric designation as listed in Appendix C.

### B. Full Survey Form

i. facilities indicating Block 6b, refer to Appendices A, B, C, D;

ii. any material found listed in Appendix A shall be reported in quantities which exceed 10 pounds; however, mixtures containing materials listed in Appendix A need not be reported if the aggregate weight of Appendix A materials in said mixture do not exceed 10 percent, provided said mixture was formulated prior to its arrival at the reporting facility. Hazardous materials meeting the definition of "explosives," as contained in Part 173.50 of the hazardous materials/hazardous waste regulations, shall be reported regardless of quantity;

iii. any material listed in Appendices B or C shall be reported when the total quantity at one facility exceeds 60 gallons or 600 pounds per material, unless previously provided for;

iv. any material listed in Appendices A, B, or C, which is also listed in Appendix D, shall also be reported using the three-letter code supplied in Appendix D;

v. hazardous materials required to be reported, but not listed in Appendices A or D, shall be reported by attaching an appropriate material safety data sheet (MSDS) to the survey form.

vi. the facility submitting the MSDS shall be responsible for supplying the most recent MSDS made available by the person supplying the facility;

vii. facilities checking Block 6b shall submit a fee of \$50 per survey form reported. In no case shall the fee exceed \$300 for any one person reporting multiple facilities in one parish; and in no case shall this fee exceed \$1,000.

### C. Inventory Range

Materials listed in Appendices A, B, C, or D shall be listed according to the following range:

Range	Maximum Quantity for any given time
1	10 - 100 lbs.
2	101 - 1,000 lbs.
3	1,001 - 10,000 lbs.
4	10,001 - 100,000 lbs.
5	100,001 - 1,000,000 lbs.
6	Greater than 1,000,000 lbs.

## 7. TRADE SECRETS

A. If an owner or operator believes that disclosing infor-



mation as required by these rules will reveal a trade secret, he may file a trade secret claim with the Department of Public Safety and Corrections (hereinafter referred to as the department) at the time of submission of the survey form(s). He shall first disclose the identity of the material which is the subject of the trade secret claim to the department. In filing such a claim, the owner or operator shall include for each claim -

i. a statement in writing that reporting the information requested would reveal a trade secret, stating that concealment is justified, and the reasons for such concealment;

ii. all appropriate information regarding procedures, including emergency treatment procedures for responding to leaks, spills, and any other exposure to hazardous materials. This information shall also be supplied to designated local governing authorities;

iii. a written statement identifying whether or not the material(s) sought to be protected as part of a trade secret claim appear on the most recent list of the National Toxicology Program Report on Carcinogens or most recent monograph of the International Agency for Research on Cancer.

B. Based on the claim submitted pursuant to Subsection (A) of this Section, the deputy secretary (of the department) shall make an initial determination of the validity of the trade secret claim. If he initially determines that such claim is not valid, he shall set a hearing date to receive information regarding the trade secret claim. The hearing shall be set not more than sixty days from the department's receipt of the owner or operator's claim, and shall be conducted with due regard for confidentiality. The owner or operator shall have the burden of showing the deputy secretary that the trade secret claim is valid. In determining such validity, the deputy secretary shall consider materials provided by the owner or operator regarding -

i. the extent to which the information, for which the trade secret claim is made, is known outside his business;

ii. the extent of measures he has taken to guard the secrecy of the information;

iii. the value of the information to him or his competitor;

iv. the amount of effort or money he has expended in developing the information;

v. the ease or difficulty with which the secret could become known by analytical techniques, laboratory procedures, reverse engineering, or other means;

C. If the deputy secretary determines that the trade secret claim is not valid, he shall notify the owner or operator in writing by certified mail. The owner or operator shall have 15 working days, not to exceed 20 consecutive days, to file an appeal with a court of appropriate jurisdiction. The owner or operator shall notify the department of its filing within five days, in writing, that an appeal has been filed. If no appeal is filed, the owner or operator shall provide the department with a survey form containing the disputed information immediately. If the owner or operator timely notifies the department of filing an appeal, the department shall withhold from public disclosure, any information for which the trade secret claim was made. The deputy secretary's determination shall be considered the final agency review, and he shall inform the owner or operator of his action by certified mail.

D. The subject of any trade secret claim pending or approved shall be treated as confidential information. The department shall protect the confidentiality of trade secrets, provide separate secure storage areas for such information, and shall institute disciplinary procedures, including the firing of department employees who, negligently or intentionally, divulge such information.

E. At such time as the subject of an approved trade secret claim ceases to be a trade secret, the owner or operator shall have the obligation to report such information to the deputy secretary.

F. The provisions of this Section shall not apply to the disclosure of any information required pursuant to any other provision of law or rules adopted pursuant thereto.

G. The department may provide trade secret information to a physician under an agreement of confidentiality, when such information is needed for medical diagnosis or treatment of a person exposed to a hazardous material.

H. Nothing in this Section shall be so construed as to interfere with the duty of a physician to report actual or potential public health problems to the proper authorities.

For reporting purposes Appendices A, B, and C have been derived from the following listings:

Appendix A

EPA's list of 405 acutely toxic chemicals;

Appendix B

Hazardous Materials Table Proper Shipping Names, Section 172.101 of DPSC's Hazardous Materials/Hazardous Waste Regulation; and

Appendix C

The Department of Environmental Quality's list of Reportable Quantities for Notification of Unauthorized Discharges, as found in DEQ's Notification Regulations.

Appendix D

This Section is to be used as a reference. It gives three-letter codes for 900 chemicals and hazardous materials.

Copies of these appendices can be viewed from 8 a.m. to 4:30 p.m., Monday through Friday, at the Hazardous Substance Control Section office located at 7901 Independence Boulevard, Baton Rouge, LA.

Colonel Wiley McCormick  
Deputy Secretary

## RULE

### Department of Revenue and Taxation Tax Commission

Pursuant to the authority granted by R.S. 47:1837, the Louisiana Tax Commission has amended its Real/Personal Property Rules and Regulations for 1987 as follows:

#### CONSTITUTIONAL AND STATUTORY GUIDES SECTION

On Pages CS-5 and CS-6: D.1. Bank Shares to be transferred to a new section entitled FINANCIAL INSTITUTIONS

On Page CS-7: D.2. Insurance Companies becomes D.1., Page CS-5

On Page CS-7: D.3. Inventories transferred to INVENTORY SECTION, Page IV-2

On Page CS-8: D.4. Listing and Assessing of Notes and Indebtedness becomes D.2., Page CS-6

On Page CS-9: E. Statutes Pertaining to Specific Real Property becomes Page CS-6  
FORMS SECTION

On Page RF-1: Removed "in duplicate" from Line 2, Paragraph 1 between the words "form" and "for"

Changed "one copy" to "the form" in Line 5, Paragraph 1

Removed "while retaining a copy for his record" from Lines 5 and 6, Paragraph 1

ADDED: All LAT Personal Property Forms will contain a signature and verification section as follows:

"I declare under the penalties for filing false reports (R.S. 14:125; up to \$500 fine or imprisonment for one year or both) that this return has been examined by me and to the best of my knowledge and belief is a true, correct and complete return." This return must be signed by the taxpayer, authorized officer, employee or partner and by the preparer before a notary public.

#### LOAN AND FINANCE COMPANIES SECTION

On Pages LF 2 and LF-3: Index and composite multipliers updated to the new base date of January 1, 1986

#### WATERCRAFT SECTION

On Page WC-2: Table 2.1 reduced by 20% from previous year

On Pages WC-3 and WC-4: Index and composite multipliers updated to the new base date of January 1, 1986

#### OIL AND GAS PROPERTIES SECTION

On Page OG-5: Correct typographical error in date of adoption

On Page OG-9: Table 3.1 updated by use of new cost and index data

#### DRILLING RIGS AND EQUIPMENT SECTION

On Pages DR-2 and DR-3: Table 4.1 reduced by 50% from previous year

#### PIPELINES SECTION:

On Page PL-1: Cost-new date updated from 1985 to 1986 in Line 9, Paragraph 2

#### AIRCRAFT SECTION

On Page AC-2: Index and composite multipliers updated to the new base date of January 1, 1986

#### INVENTORIES SECTION

On Page IV-1: Valuation of Inventory - added following notation:

There are a variety of approved accounting methods for valuing inventory; however, some of these, such as LIFO (last-in, first-out), do not reflect precise fair market value for ad valorem tax purposes. If LIFO, or any other method, is used that does not reflect current market conditions, an adjustment must be made to bring such "book" costs to actual fair market value.

On Page IV-2: Inventory Records, Inspection of Inventories and Records and Preservation of Inventory Records: These three sub-headings were transferred from the Constitutional and Statutory Guides Section, Pages CS-7 and CS-8

On Page IV-3: Entire page is a new addition to this section dealing with guidelines pertaining to specific merchandise inventories and reads as follows:

#### GUIDELINES PERTAINING TO SPECIFIC MERCHANDISE INVENTORIES

All persons, engaged in the business of retailing or wholesaling merchandise in the state, shall report, on Form LAT-5, a full and accurate disclosure of all merchandise on hand without respect as to whether or not all items are recorded on the person's accounting records.

#### INSTRUCTIONS COVERING REPORTING OF PETROLEUM PRODUCTS INDUSTRY INVENTORIES

See Oil and Gas Properties Section, Pages OG-4 & 5.

#### INSTRUCTIONS COVERING REPORTING OF AUTOMOBILE DEALER'S INVENTORIES

A uniform reporting procedure is hereby established as follows:

(1.) Copies of 12 monthly dealer manufacturer's operating reports must be attached to the LAT-5 Form. If these financial statements do not separate demonstrators from new vehicles, a copy of the Floor Plan Statement shall be attached.

(2.) If vehicles are entered on accounting records only after sold, a complete inventory value must be reported on Form LAT-5 and a copy of the Floor Plan Statement shall be attached.

(3.) Gross inventory values must be reported on Form LAT-5. Assessed values will be based on 12 months average inventories exclusive of demonstrators and executive vehicles carrying a dealer tag.

(4.) Parts inventory will consist of those parts and accessories which are current and returnable.

(5.) Used cars should be reported on a cost basis as carried on accounting records.

#### GENERAL BUSINESS ASSETS SECTION

On Page GB-4: Amusement Devices - Video Games - changed from 5 year life, Sub-table No. 2, to 3 year life, Sub-table No. 1

On Page GB-6: Lumber and Wood Products Industry (Pulp, paper and paper-board M & E) - changed from 25 year life, Sub-table No. 8, to 20 year life, Sub-table No. 7

On Page GB-7: Newspaper M & E (Computer), Office Copy Machines and Office Electronic Machines, including Computers - removed the word "purchased" following each listing

On Page GB-8: Pulp and Paper Mfg. M & E - changed from 25 year life, Sub-table No. 8, to 20 year life, Sub-table No. 7

On Page GB-9: Video Games - changed from 5 year life, Sub-table No. 2, to 3 year life, Sub-table No. 1

On Page GB-10: Reappraisal date changed from January 1, 1985 to January 1, 1986 and all cost indexes changed to reflect new base year

On Page GB-12: All Sub-tables changed to reflect new base year and cost indexes

#### USE VALUE SECTION

On Page UV-3: Added \*Caldwell to list of parishes and removed \* from Morehouse

On Page UV-5: Added "Survey Complete - Being Published" to Caldwell and removed same statement to be replaced by the date "September, 1985" for Morehouse

#### APPEALS AND PUBLIC EXPOSURE OF ASSESSMENTS SECTION

On Page AP-1: No. 1 - Added "15 calendar day" before period of exposure in last sentence

On Page AP-1: No. 5 - Changed order of appearance and renumbered, as indicated listing previously shown as No. 7, Page AP-2

On Page AP-2: No. 6 - Changed order of appearance and renumbered, as indicated, listing previously shown as No. 5, Page AP-1. Added "on the fifteenth day" before "after Board of Review", etc. to wording in first sentence and moved "within three days" to last part of sentence.

On Page AP-2 No. 7 - Changed order of appearance and renumbered, as indicated, listing previously shown as No. 6, Page AP-1. Emphasized "in writing" by underlining and all caps and added "within the next 10-day period" in the first sentence. Added "in writing" underlined and in all caps after "appeal" in the last sentence.

Jamar W. Adcock  
Chairman

**RULE**

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

**Chapter 3. Saltwater Sport and Commercial Fishing  
§313. Excessive killing of fish**

A. The Louisiana Wildlife and Fisheries Commission does hereby adopt the attached rules and regulations as pertaining to the excessive killing of fish as directed by Act 919 of the 1986 legislature.

B. Excessive killing shall be defined as "the killing resulting from taking or attempting to take any fish in excess of what the possessor thereof can process, utilize, or transport from the fishing grounds. Shrimp and shrimping operations are excluded."

C. The commission further adopts a method to determine the market value of fish as 1) ascertaining a price per pound from at least three Louisiana fish buying establishments, or 2) ascertaining a price per pound from National Marine Fisheries Service Market News Reports, or 3) any other published source of information.

J. Burton Angelle  
Secretary

**RULE**

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

**Chapter 3. Saltwater Sport and Commercial Fishing  
§311. Definition of Menhaden and Herring-like Species**

A. The Louisiana Wildlife and Fisheries Commission does hereby adopt the attached rules and regulations as pertaining to the definition of menhaden and herring-like species.

B. The term "menhaden and herring-like species" shall be those species contained within the family Clupeidae, as recognized and published in: A List of Common and Scientific Names of Fishes from the United States and Canada; The American Fisheries Society. Special Publication No. 12, 1980.

J. Burton Angelle  
Secretary

**Notices  
of  
Intent**

**NOTICE OF INTENT**

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3701 et seq.,

the Department of Agriculture, Agricultural Industry Board, is hereby giving notice of its intention to adopt rules and regulations which appear in their entirety as an emergency rule in this issue. Comments can be forwarded to John Compton, Deputy Commissioner, Box 44182, Capitol Station, Baton Rouge, LA 70804; phone (504) 292-3200. A public hearing has been scheduled for Thursday, April 2, 1987, in House Committee Room 6, Louisiana State Capitol, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit views in writing or present arguments at the public hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Agricultural Ethanol Production**

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

Besides the expenditures detailed in R.S. 3:3706, no additional costs are anticipated to implement these rules and regulations.

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

Besides the revenues detailed in R.S. 3:3706, no additional fiscal impact is anticipated with regard to revenue collections.

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

There may be additional costs to certified market participants but at present, these costs are not determinable. The proposed rule, if adopted, will change the method of resolving a dispute concerning a potential violation of the law, the rules, the certified market participant contract, the agency and producer contract and the yearly confidential business plan from the Agricultural Industry Board recognizing a claim and then proving a violation in an adjudicatory hearing to the Agricultural Industry Board documenting and alleging a violation, depositing disputed incentive payment claims into an escrow account and releasing said disputed claims only after an adjudication. (Not recognizing the claim as legitimate until adjudicated)

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

The adoption of this rule may affect various certified market participants as it relates to possible assignments of incentive claims and to the timing of cash flows.

Richard Allen  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst  
Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Management and Finance**

Central Registry

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 3:3660, R.S. 3:3654

and Public Law 99-198 (Food Security Act of 1985), the Department of Agriculture and Forestry, Central Registry, is hereby giving notice of its intention to the amendments detailed below. All inquiries should be sent to Richard Allen, assistant commissioner, Office of Management and Finance, Box 44306, Capitol Station, Baton Rouge, LA 70804. Comments will be accepted through April 2, 1987.

LAC 7:XXXVII. 18101 should be amended to read as follows revising the definition of "Effective Financing Statement":  
§18101. Definitions

*Central Registry* means the place of recordation of all Effective Financing Statements, amendments, assignments, extensions and cancellations to Effective Financing Statements representing security devices.

*Commissioner* means the commissioner of agriculture and forestry of the state of Louisiana or his designee.

*Creditor* means any person who holds an interest under a security device in a farm product to secure the fulfillment of an obligation, whether the obligation is conventional or legal.

*Crop year* means:

1. for a crop grown in soil, the calendar year in which it is harvested or to be harvested;
2. for animals, the calendar year in which they are born or acquired; or
3. for poultry or eggs, the calendar year in which they are sold or to be sold.

*Cumulative addendum* means a document listing all filings with the Central Registry as of the date of issuance that are not listed on the most recent master list.

*Debtor* means any person who owns or has interest in farm products which are subject to a security device.

*Department* means the Louisiana Department of Agriculture and Forestry.

*Effective Financing Statement (EFS)* means an instrument in writing representing a security device which:

1. is an original or reproduced copy thereof;
2. is signed and filed with the commissioner by the creditor; and
3. is signed by the debtor;
4. contains the name and address of the creditor; the name and address of the debtor; the social security number of the debtor, or in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of the debtor; a description of the farm product subject to the security device created by the debtor, including the number of such movables where applicable; the amount of the loan; and a reasonable description of the property, including the parish in which the property is located at the time the statement is signed by the debtor;
5. shall be amended in writing, within three months, similarly signed and filed, to reflect material changes;
6. remains effective for a period of five years from the date of filing, subject to extensions for additional periods of five years each by refiling or filing an extension statement (Form CR-2) within six months before the expiration of the initial five year period, or remains effective and may be extended as otherwise provided by law regulating the creation of the security device;
7. expires on either the expiration of the effective period of the statement or the filing of a notice signed by the creditor that the statement has expired, whichever occurs first, or as otherwise provided by law regulating the expiration of the security device;
8. is accompanied by the filing fee set by the commissioner; and

9. substantially complies with the requirements of this Subparagraph even though it contains minor errors that are not seriously misleading.

*Encumbrance certificate* means an original document signed by the commissioner which:

1. lists all filings in the Central Registry relating to a particular person as of the time and date of issuance of the encumbrance certificate;
2. contains the following information pertaining to each filing:
  - a. debtor name and address;
  - b. secured party name and address;
  - c. description of collateral;
  - d. date and time of filing;
  - e. crop year;
  - f. dollar amount of loan; and
  - g. social security number or IRS taxpayer identification number of debtor; and
3. contains an encumbrance certificate number and date and time of issue.

*Farm product* means an agricultural commodity such as wheat, corn, soybeans or a species of livestock, such as cattle, hogs, sheep, horses or poultry, used or produced in farming operations or a product of such crop or livestock in its unmanufactured state, such as ginned cotton, wool-clip, maple syrup, milk and eggs, that is in the possession of a person engaged in farming operations.

*Farm product encumbrance list (master list)* means a document listing all Effective Financing Statements, amendments, assignments and extensions of Effective Financing Statements which:

1. is organized according to farm product; and
2. is arranged within each such product in alphabetical order according to the last name of the individual debtors, or, in the case of debtors doing business other than as individuals, the first word in the name of such debtors; in numerical order according to the social security number of the individual debtors, or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of such debtors; geographically by parish; and by crop year.

*Filing* means the receipt of any EFS, amendment, assignment, extension or cancellation of an EFS by the Central Registry stamped with the date and time received and assigned a file number.

*Person* means any individual, partnership, corporation, trust or any other business entity.

*Registrant* means any person who has made application with the Central Registry, has paid the required registration fee and received written notice that his application has been accepted.

*Regular business day* means any day that the department is open for routine business.

*Secured party* means any person that has a security interest in a farm product.

*Security device* means any pawn, pledge, mortgage, privilege, lien or other device created on or after January 1, 1987, by which an interest in a farm product is encumbered, either legally or conventionally, to secure the fulfillment of any obligation.

*Security interest* means an interest in a farm product that secures payment or performance of an obligation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3651, R.S. 3:3660, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

Bob Odom  
Commissioner

**Fiscal and Economic Statement  
For Administrative Rules  
Rule Title: Central Registry**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will not be any implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs and/or economic benefits which will directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on completion or employment.

Richard Allen  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Enterprise Zone Program  
R.S. 51:1781-1790

The Finance Division of the Office of Commerce and Industry, on behalf of the Board of Commerce and Industry, advertises its intent to amend the following rule regarding alternate designation of an enterprise zone. The amended rule will read as follows:

**RULE 21. Alternative Designation of Enterprise Zones**

The alternative designation of an Enterprise Zone will be on a one time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority will be limited to a maximum of 10 percent of the total number of originally qualified enumeration districts to be exchanged unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority requesting the alternative designation of an Enterprise Zone must provide valid reasons for requesting an exchange.

In order for an applicant to meet the requirements of RULE 4, those employees who live in an enumeration district/Enterprise Zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.

The effective date of an alternative designation approved by the Board of Commerce and Industry shall be the date of passage affixed to the resolution of the local governing authority requesting alternative designation.

Interested persons may submit written comments on the proposed amendment until 4:45 p.m., April 3, 1987 at the following address: Robert Paul Adams, Director, Finance Division, Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams  
Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated impact on state or local expenditures.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated impact on state or local revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The new rule would allow businesses in the proposed enterprise zone to begin investment spending up to three months earlier than under the current rule. A earlier start on an enterprise zone project should also provide the host community with an earlier economic benefit from the new investment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated impact on competition or employment.

Robert Paul Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:6356 "Apprentice Engaged Before Claiming Allowance" as follows.

**Title 35  
Horse Racing  
Part V: Racing Procedures**

**Chapter 63. Entries**

**§6356. Apprentice Engaged Before Claiming Allowance**

Trainers must have an apprentice jockey engaged before claiming the apprentice allowance.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule

through Monday, April 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall  
Chairman

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

**Rule Title: LAC 35:6356 "Apprentice Engaged Before Claiming Allowance"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This amendment will benefit trainers and apprentice jockeys by stipulating a time when the allowance for an apprentice jockey can be made.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no effects on competition or employment.

Albert M. Stall  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:101. "Definitions," Part "Racing Official" as follows.

**Title 35  
Horse Racing  
Part I: General Provisions**

**Chapter 1. Definitions**

**§101. Definitions**

Racing Official: The officials of a race meeting are as follows: stewards, placing judges, patrol judges, clerk of scales, starter, handicapper, timer, paddock judge, the racing secretary or any association official; also any person employed by an association, who is required to obtain prior approval of employment from the commission, pursuant to the rules of racing or law.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, April 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:101. "Definitions," Part  
"Racing Official"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This amendment will benefit all licensed applicants by clarifying the definition of the title of racing official.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no effects on competition or employment.

Albert M. Stall  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to repeal rule LAC 35:6367, "Entry in Association in Which One Has an Interest" as follows.

**Title 35  
Horse Racing  
Part V: Racing Procedures**

**Chapter 63. Entries**

**§6367. Entry in Association in Which One Has an Interest**

REPEAL

No owner or trainer shall enter, or cause to be entered, a horse to race at a track of an association in which he has a direct or indirect financial interest.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, April 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall  
Chairman

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

**Rule Title: LAC 35:6367 "Entry in Association in Which  
One Has an Interest"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This action will benefit persons who race their own horses at their own tracks by no longer preventing such practice.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no effects on competition or employment.

Albert M. Stall  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:6361 "Trainer Entry of More Than One Owner's Horses" as follows.

**Title 35  
Horse Racing  
Part V: Racing Procedures**

**Chapter 63. Entries**

**§6361. Trainer Entry of More Than One Owner's Horses**

In added money events where a trainer enters two or more horses, each having bona fide separate owners, the horses may be allowed to run as separate betting units at the discretion of the stewards. However, in all other races only two horse entries may be split.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, April 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall  
Chairman

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

**Rule Title: LAC 35:6361 "Trainer Entry of More Than One  
Owner's Horses"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This amendment will benefit horsemen by allowing trainers to not couple horses when raced by different owners.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no effects on competition or employment.

Albert M. Stall  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education  
Drug-Free Schools and Communities Program**

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 application for the federal Drug-Free Schools and Communities Program submitted by the Department of Education.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. May 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Drug-Free Schools**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be an increase in cost at the State Department of Education and local education agency levels due to the new program authorized through the Drug-Free Schools and Communities Act of 1986. The increase in cost will be related to the monies allocated by the federal program.  
The State Department of Education will keep 10 percent of the total grant - \$225,790 while the LEA's will receive - \$2,032,113.

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

The state will receive \$2,257,903 in funding as generated through this Act. The following is a breakdown of funding as required by the law:

Funds to LEA's (90%)	\$2,032,113
Funds to SDE (10%)	*225,790
TOTAL	\$2,257,903
*SDE Administrative Cost	\$ 56,448
SDE Activities	169,342
TOTAL	\$225,790

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

The LEA's and all students both public and private in grades K-12 in our state would be directly impacted through the provision of drug abuse and prevention education programs and services made available through these federal funds.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

LEA's may hire or add personnel with funds provided to them in this program.

Joseph F. Kyle  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Board of Psychologists**

The following notice of intent is to amend the Louisiana Administrative Code, Volume 3.

Title 46  
Professional and Occupational  
Standards  
Part LXIII. Psychologists

**Chapter 5. Examinations**

**§503. Criterion for Passing the Examination for the Professional Practice in Psychology (EPPP)**

The Louisiana State Board of Examiners of Psychologists establishes the criterion for a passing score on the Examination for Professional Practice in Psychology (EPPP) to be 70 percent correct.

Interested persons may comment on the proposed notice of intent in writing until April 20, 1987, at the following address: Norman J. Bregman, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Norman J. Bregman, Ph.D.  
Chair

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

**Rule Title: Title 46 Part LXIII Chapter 5. §503.**

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

There will be no costs or savings to state or local governments.

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 estimated costs or benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Norman J. Bregman, Ph.D.  
Chair

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.

Currently, the worker in the Parish Office of Family Security obtains a doctor's statement as to the need for ambulance transportation when the transport is of a non-emergency nature. When a recipient is transported on an emergency basis a hospital employee in the emergency room signs the claim form to indicate that the recipient was received in the emergency room for treatment. For recipients who are Medicare eligible no statement is obtained.

As a result of a recent audit by the Health Care Financing Administration the Office of Family Security was cited for not obtaining a doctor's statement as to the need for ambulance services on all ambulance transportation. The agency was advised that a doctor's statement certifying the need for ambulance transportation is mandated under federal regulations and a money penalty has been assessed against the agency for non-compliance. Therefore, an emergency rule was adopted to amend the reimbursement limitations on ambulance transportation to avoid further federal sanctions for noncompliance with mandatory federal regulations which are currently in effect. The emergency rule became effective on February 15, 1987 and was published in the *Louisiana Register*, Vol. 13, No. 3, dated March 20, 1987.

Under this rule, the agency will require that a doctor's statement as to the need for ambulance services be attached to every claim that is submitted to our fiscal intermediary for payment.

**PROPOSED RULE**

Reimbursement for ambulance transportation claims shall only be allowed when accompanied by a doctor's statement certifying the need for ambulance services.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.



A public hearing on this proposed rule will be held on April 8, 1987 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.

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: Ambulance Transportation: Required  
Doctor's Statement of Need**

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

There is no impact resulting from this proposed rule.

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

There is no impact resulting from this proposed rule.

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

This proposed rule will have no effect on provider reimbursement or recipient benefits.

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 Family Security**

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

Currently, the Medical Assistance Program makes payment on ambulance transportation claims regardless of Medicare's determination of medical necessity for recipients with dual eligibility. The Health Care Financing Administration has advised the agency that this policy is not in compliance with federal regulations. Under the federal regulations a Medicaid determination of medical necessity for provider services cannot be less restrictive than a Medicare determination of medical necessity for the same service. Therefore, the agency was required to amend its reimbursement limitations on ambulance transportation through emergency rulemaking to avoid federal sanctions for noncompliance with mandatory federal regulations which are currently in effect. The emergency rule was declared in accordance with R.S. 49:953B effective February 15, 1987 and was published in the *Louisiana Register*, Vol. 13, No. 3, dated March 20, 1987.

Under this rule, the agency will deny any payment for ambulance transportation services which are not determined to

be medically necessary when submitted to Medicare for payment.

**PROPOSED RULE**

Reimbursement shall not be allowed for any ambulance transportation claim which has been denied by Medicare based upon a determination that the ambulance transportation provided was not medically necessary.

**COMMENTS**

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on April 8, 1987 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.

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: Denial of Ambulance Claims for  
Lack of Medical Necessity**

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

There is no fiscal impact resulting from this measure.

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

There is no impact resulting from this measure.

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

We do not anticipate any impact on provider reimbursement or recipient benefits as a result of this proposed rule.

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 Family Security**

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

Prior to the adoption of P.L. 99-509 (Omnibus Budget Reconciliation Act) on October 21, 1986, the Medicaid statute

did not explicitly identify whether otherwise qualified aliens were entitled to benefits. By regulation, the Health Care Financing Administration limited Medicaid eligibility to otherwise eligible aliens who were lawfully admitted for permanent residence or permanently residing in the U.S. under color of law. The Aid to Families with Dependent Children statute and the Supplementary Security Income statute both limit eligibility for cash assistance benefits to otherwise qualified aliens who are lawfully admitted for permanent residence or otherwise permanently residing in the U.S. under color of law.

Under P.L. 99-509 the Medicaid statute was amended at Section 1903(i) to make it explicit that federal financial participation is not available for state expenditures for aliens who are not lawfully admitted for permanent residence or permanently residing in the U.S. under color of law except where the alien is otherwise qualified for Medicaid and has an emergency medical condition. In order to otherwise qualify for Medicaid as a categorically needy beneficiary, an alien need not actually receive a cash payment under AFDC or SSI (current law precludes payment in such cases). However, the alien must meet the income, resource, and categorical requirements of the applicable cash assistance program.

The Medical Assistance Program has adopted an emergency rule to implement this change effective January 1, 1987 as mandated by P.L. 99-509. The emergency rule was published in the *Louisiana Register*, Vol. 13, No. 3, Dated March 20, 1987.

#### PROPOSED RULE

An alien who would otherwise qualify for Medicaid as a categorically needy beneficiary and has an emergency medical condition shall be eligible for Title XIX benefits under the Medical Assistance Program. An emergency medical condition is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. The cost of delivering necessary services (hospital and other providers) covered under Louisiana's Title XIX State Plan to aliens with emergency medical conditions shall be allowable so long as the alien meets the applicable income, resource and categorical eligibility requirements under Title XIX of the Social Security Act.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on April 8, 1987 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.

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: Emergency Medical Services for Aliens

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no fiscal impact associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no projected impact on revenue collections resulting from this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Implementation of this proposed rule will establish limited eligibility for emergency medical treatment of aliens who would otherwise be eligible for AFDC or SSI but are not lawfully admitted for permanent residence or otherwise residing in the U.S. under color of law.
- 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 Preventive and Public Health Services

The Department of Health and Human Resources (DHHR), Office of Preventive and Public Health Services (OPPHS) intends to adopt as a rule the following policies and procedures in the operation of the Handicapped Children's Services Program (HCSP) in accordance with the Administrative Procedure Act, R.S. 46:950-970.

These policies and procedures relate to the establishment of a fee system for charging parents or legal guardians a percentage of the cost of all services provided by the HCSP.

Presently, children found to be financially and diagnostically eligible for the HCSP receive all services free of charge, unless they have a third party payor, such as Medicaid or private insurance.

This rule establishes a formula to be used by HCSP staff to determine the eligible parent's or legal guardian's capability to pay a percentage of the costs of the services the child receives. The purpose of this rule is to establish a fee collection system in the HCSP so that parents or guardians, who are able, will pay a portion of the costs of the medical rehabilitation services rendered to their handicapped child. This rule clarifies the procedures by which the HCSP staff will determine financial eligibility and set the family's rate of payment. It also outlines the accounts receivable system necessary to implement the system and related other fiscal opportunities derived from such a system.

#### DEFINITIONS

**FAMILY** - A family is a group of two or more persons residing together who are related through birth, marriage, or adoption or through a "common law marriage" or concubinage; all such related persons are considered as members of one family.

**FAMILY INCOME** - Refers to total annual cash receipts before taxes from all sources. (Income data for a part of a year may be annualized in order to determine eligibility—or instance, by multiplying by four the amount of income received during the most recent three months). Income includes money, wages and salaries before any deductions, but does not include food or rent received in lieu of wages. Income also includes regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, veterans' benefits, public assistance (including Aid to Families with Dependent Children, and Supplemental Security Income), training stipends, alimony, child support, and military family allotments or other regular support, from an absent family member or someone not living in the household; private pensions, government employee pensions, and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts.

Income includes tax refunds, lump sum inheritance, one time insurance payments, or compensation for injury.

Excluded are noncash benefits, such as employer or union paid health insurance or other fringe benefits, food or rent received in lieu of wages, the value of food produced and consumed on farms.

**FAMILY SIZE** - For the purposes of this financial determination a family's size shall be defined as the number of persons living together, under one roof, who are dependent upon a mutual income. A person with an individual income living within the household should be included only if some portion of that income is utilized to meet the needs of the defined household. Foster parents are not to be counted as family members. If a child is in a foster placement and is in the custody of the Department of Health and Human Resources, he shall be considered a family of one.

**HCS MEDICAL CATEGORY NUMBER** - is a value of 1, 5 or 10 used in the financial determination formula to reflect the relative weight of the costliness of the medical condition of the child. This value enables the family with the highest medical costs or larger family to be allowed a lower percentage rate of payment.

**OPERATION:**

All parents or guardians of children now being served by the HCSP and all those newly eligible in the future will be interviewed to ascertain their ability to pay a portion of the costs of

the HCSP services their child will receive.

Those found to have Medicaid eligibility in force shall not be required to make additional co-payments.

All other families shall have a further financial eligibility determination according to a formula for identifying the percentage of the cost of care the family is expected to pay. The formula uses the size of the family and numerical values for family income (Table I) and cost of treatment (Table 11) to calculate a number which identifies the percentage (Table III), as follows: Family income minus family size plus expense of treatment = number on which percentage is based.

If the number equals 10 or above, the percentage of charges owed is calculated in increments as shown in Table III.

Example: The formula for a family of six with an income of \$15,000 and a child with a very costly handicapping condition would be:  $15 - 6 + 1 = 10$  and  $10 = 1\%$  of charges (see Table III)

The following tables shall be used to determine the numerical values to be used in the formula.

**FAMILY INCOME-FORMULA NO. DETERMINATION**

TABLE 1		
FAMILY INCOME	=	FORMULA NO.
\$1,000 - 1,999	=	1
2,000 - 2,999	=	2
3,000 - 3,999	=	3
4,000 - 4,999	=	4
5,000 - 5,999	=	5
6,000 - 6,999	=	6
7,000 - 7,999	=	7
8,000 - 8,999	=	8
9,000 - 9,999	=	9
10,000 - 10,999	=	10
11,000 - 11,999	=	11
12,000 - 12,999	=	12
13,000 - 13,999	=	13
14,000 - 14,999	=	14
15,000 - 15,999	=	15
16,000 - 16,999	=	16
17,000 - 17,999	=	17
ETC.		ETC.

**TABLE II  
HCSP MEDICAL CATEGORY NUMERICAL DETERMINATION**

HCSP MEDICAL CATEGORY	PHASE OF TREATMENT	NUMBER
		1 = High cost 5 = Moderate cost 10 = Least costly
AUDIOLOGY	Diagnosis Testing	5
	Aud. Appliances and mold	5
	Follow up visits	5
AMPUTEE	New/change prosthesis	1
	Therapies only(outpatient)	5
	M.D. recheck	10
ARTHRITIS	Active treatments	1
	Inactive - Remission	10

HCSF MEDICAL CATEGORY	PHASE OF TREATMENT	NUMBER 1=High cost 5=Moderate cost 10=Least costly
CARDIOLOGY	Surgery Diagnostic tests(outpatient) Follow up visits	1 5 10
CEREBRAL PALSY	Active treatments Minor ortho devices Follow up only	1 5 10
CLEFT PALATE & LIP	Surgery Orthodontic treatment Follow-up only	1 1 10
CLEFT LIP ONLY	Surgery Recheck	1 10
CONGENITAL ANOMALIES	Surgery Diagnostic evaluations(otpt.) Follow up visits	1 5 10
CYSTIC FIBROSIS	Treatments	1
LEARNING DISABILITIES	Follow Along	10
NEUROLOGY	Hospitalizations Diagnostic or ) Drugs only) Follow-up visits	1 5 10
NEUROSURGERY	Surgery Follow-up visits	1 10
OPHTHALMOLOGY	Surgery Glasses/treatment Follow-up visits	1 5 10
ORTHOPEDIC	Hospitalization Diagnostic Evaluation Studies(otpt.) Follow-up	1 5 10
OTOLOGY	Surgery Drugs Follow-up only	1 5 10
PLASTIC SURGERY	Surgery Evaluation Studies (outpatient) Follow-up	1 5 10
SCOLIOSIS	Surgery, Bracing Diagnostic & evaluation studies (X-ray, etc.) (outpatient) Follow-up	1 5 10

HCSP MEDICAL CATEGORY	PHASE OF TREATMENT	NUMBER
		1 = High cost 5 = Moderate cost 10 = Least costly
SPINA BIFIDA	Active Treatments	1
	Follow-up	10
SPINAL CORD INJURY	Active Treatment	1
	Follow-up	10
UROLOGY, NEPHROLOGY	Hospitalization	1
	Outpatient Active Treatments	5
	Follow-up	10

If a child has multiple conditions in mixed levels of activity the lesser value shall be chosen.

If two or more handicapped children of one family have varying levels of severity the lower or lowest of those values shall be chosen.

TABLE III  
PARENT OR GUARDIAN'S  
FINANCIAL RESPONSIBILITY  
FOR COST OF SERVICES RENDERED

	DECISION NO.	% OF TOTAL CHARGES OWED
	0 - 9	free
1% increments	10	1
	11	2
	12	3
	13	4
	14	5
	15	6
	16	7
2% increments	17	9
	18	11
	19	13
	20	15
	21	17
	22	19
3% increments	23	21
	24	24
	25	27
	26	30
	27	33
	28	36
	29	39
	30	42

	DECISION NO.	% OF TOTAL CHARGES OWED
4% increments	31	46
	32	50
	33	54
	34	58
	35	62
	36	66
	37	70
5% increments	38	75
	39	80
	40	85
	41	90
	42	95
	43	100

No parent or legal guardian shall be required to pay over 20% of their annual income in any one calendar year.

For new patients this formula shall be calculated at the time of establishing eligibility for the program and annually thereafter, or whenever major changes in any portion of the formula occur, i.e. salary raises, unemployment, additions or deletions of family members from the home, or drastic changes in the diagnostic category such as unexpected hospitalization the parent or guardian shall report such major changes in family income to the HCSP staff.

To initiate this process for children already on the program, this determination will be made as they receive their first service from the HCSP following the effective date of this rule.

Families will be notified of the findings at the time of the calculations, and shall sign an agreement to pay this rate. Family or staff may appeal individual cases by documenting the extenuating circumstances such as other outstanding medical bills for other family members. This documentation shall be sent to the program administrator for final decision.

Parents or legal guardians shall pay bills by check or money order either at the time of clinic or by mail within a reasonable amount of time.

Delinquent bills with no payment made over three months period, will be sent to DHHR's collection agency in the Office of Management and Finance for collection.

Daneta Daniel Bardsley, Ed.D.  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Handicapped Children's Program**

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

We estimate the cost of the first partial year to be \$77,214 for adequate statewide staff to determine families' eligibility, do monthly billings to an estimated 7,000 families and insurance companies, and keep a reliable audit for \$225,863 for a full year.

\$68,914 Staff (three months) (16 positions)

\$5,000 one time only training

\$3,300 additional postage costs (for three months) or \$13,200 for a full year.

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

We estimate that this would self-generate \$1,100,000 additional in a full year.

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

An estimated 2,000 parents/guardians would be expected to pay a percentage of the costs of their child's medical expenses based on the sliding scale. Despite the cost no family would be expected to pay over 20% of their annual income.

The private medical insurance of an estimated 5,000 HCSP families would be billed for physician services, which was not possible before family co-pay.

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

There would be no effect on competition and employment

Daneta Daniel Bardsley, Ed.D.  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to amend Chapter XIII (Sewage and Refuse Disposal) of the Sanitary Code, state of Louisiana. This rule change will amend the language of Chapter XIII and will establish licensing requirements for sewage haulers and installers of individual sewerage systems.

Amending the language of Chapter XIII is necessary in order to clarify the terminology used and in order that alternate codal specifications be provided in consideration of prevailing public health and related current circumstances. Language in the following sections of Chapter XIII will be amended as follows:

**Part I - Sewage Disposal**

**SubPart A - Definitions**

13:001 *Individual Mechanical Plant* means an individual sewage system, providing primary and secondary treatment of sewage, which employs aerobic bacterial action which is maintained by mechanical action.

13:001 *Permit* means a written document issued by the state health officer which authorizes the installation and/or construction and/or operation of a new sewerage system, or a modification of an existing sewerage system which affects the performance of such sewerage system.

13:001 *Sewerage System* means any or all of the various components, including piping and plumbing and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sewage.

**SubPart B - General Requirements**

13:004-1 No person shall discharge, or allow to be discharged, the contents or effluent from any water closet, sink, lavatory, bath tub, shower drain, kitchen fixture, laundry fixture, vault, privy, leaching pit, portable toilet, or septic tank, directly or indirectly, into any street, gutter, ditch, water course, body of water, or onto the surface of the ground.

13:004-2 No component part of a sewerage system shall be installed where contamination of a ground water supply may occur. In no case shall component parts of a sewerage system be located within 50 feet of any potable water well, spring, or other potable water supply source. Locations of sewerage facilities shall also conform with the requirements in Sections 12:008-3, 12:008-4 and 12:008-5 of Chapter XII of this Code.

**SubPart C - Community Type Sewerage Systems**

13:011-1 *Connections To Community-Type Sewerage Systems*: Where an established community-type sewerage system (either public or private) is available, and there is ample water supply, all toilet, bath, laundry, kitchen and other plumbing fixtures within and which functionally serve any structure shall be connected to such community-type sewerage system. Determination by the state health officer of the availability of a community-type system shall take into consideration, among other aspects, the separation (both horizontal and vertical) of the structure in question with respect to the sewer main or lateral, political or geographic or legally-created boundaries, and the available capacity of the sewerage system.

**SubPart D - Individual Sewerage Systems**

13:012-1 *Permits*: No person shall install, cause to be installed, materially alter subsequent to installation, or operate an individual sewerage system of any kind without first having obtained the necessary permits and/or licenses, as appropriate, from the state health officer. No person shall install, cause to be installed, or materially alter subsequent to installation an individual sewerage system of any kind except in accordance with the plans and specifications for the installation which have been approved as part of a permit for such specific activity (or purpose) issued by the state health officer. Such permits shall be issued in

a "two-stage" process in accordance with Sections 13:012-2 and 13:012-3. Procurement of such license(s) shall be required, as appropriate, for each detailed activity as may be proposed.

13:012-2 Upon receipt of a request for such permit, and upon approval of plans and specifications for the proposed individual sewerage system (which shall accompany any such request for permit), a "temporary" permit, authorizing the installation of said individual sewerage system, may be issued. Any such "temporary" permit shall be in writing and shall not be issued until, with respect to the property and its surroundings, the state health officer has determined that connection to community-type sewerage systems is not feasible, and that the condition of the soil, the natural drainage, the lot size/dimensions, and other related factors are such that the construction and use of properly designed individual sewerage facilities are not likely to create a nuisance or public health hazard.

13:012-3 A "final" permit, which shall also be in writing may be issued only upon written assurance by the installer of an individual sewerage system that such system has been properly installed and that such system is exactly as was delineated in the plans and specifications which were approved in conjunction with the "temporary" permit issuance for the individual sewerage system, as may apply. In the case of individual mechanical plants, such assurance of proper installation shall be in the form of a completed "Certificate of Installation" form submitted to the state health officer by the licensed installer who performed or supervised the actual installation. In the case of all other types of individual sewerage systems, the assurance of proper installation shall be determined by means of on-site inspection conducted by a representative of the state health officer. In any case, a final permit shall be issued only to the owner of the premises to be served by the individual sewerage system.

Current 13:012-2 will be renumbered to 13:012-4

13:013 Plans: The review and approval of plans and specifications for the proposed individual sewerage system shall be made in accordance with the "Regulations Controlling the Design and Construction of Individual Sewerage Systems" (See Appendix A).

13:014-1 Any person who wishes to engage in the business of installing individual sewerage systems shall obtain, in accordance with procedures set forth in Section 13:023 of this Chapter, a license for such activity prior to making any such installations. Such a license shall not be required, however, for an individual wishing to install an individual sewerage system, other than an individual mechanical plant, for his own private, personal use. Individual mechanical plants shall be installed by licensed individual sewerage systems installers only.

Current 13:014 will be renumbered to 13:014-2

13:016 Septic Tank Systems: Where a community-type sewerage system is not available, a septic tank system may be used provided that the requirements of Sections 13:012, 13:013, 13:014 and 13:019 are met (complied with).

13:017-1 Individual Mechanical Plants: An individual mechanical plant may be used where a community-type system is not available, and where the state health officer determines that a conventional septic tank system (septic tank-absorption field) would not be expected to function properly, and where the requirements of Sections 13:012, 13:013, 13:014 and 13:019 are met (complied with).

13:017-2 Permits, per the requirements of Section

13:012, for the installation of individual mechanical plants, shall not be issued except and unless a "general" permit, issued in accordance with the requirements of Appendix A, Section VI, has been granted and is in force (in effect) for the individual mechanical plant as may be selected at the time of proposed installation of said individual mechanical plant.

Regulation of sewage haulers is necessary in order to insure that haulers dispose of sewage in accordance with the requirements of the State Sanitary Code. In order to protect the public from disposal of sewage in a manner that adversely affects the health and/or environmental quality of life of Louisiana's citizenry, the state health officer will require the licensing of sewage haulers. Sections of Chapter XIII pertaining to sewage hauling (13:020-1, 13:020-2, 13:020-3, 13:020-4, 13:020-5, 13:020-6) will be amended to reflect licensing requirements and procedures. The sections of Chapter XIII previously cited with respect to sewage hauling shall be amended as follows:

#### Sewage Hauling

13:020-1 No person shall engage in the business or practice of hauling the contents of septic tanks, cesspools, vaults, or similar facilities without first obtaining a license from the state health officer. Applications for a license to haul sewage may be obtained from the nearest parish health unit. Properly completed applications must be sent to the office of the Chief Sanitarian, Sanitarian Services Section, Box 60630, New Orleans, LA 70160. All licenses shall be issued by this office and shall be valid throughout the entire state.

13:020-2 All licenses expire on June 30 of each new year. Applications for renewal must be received at the office of the chief sanitarian no later than May 1 of each year in order to insure timely renewal. Initial applications received between July 1 and March 30 will receive a license for that fiscal year (July 1 through June 30); those initial applications received after March 30 will receive a license for the remainder of that fiscal year in addition to next fiscal year.

13:020-3 Upon determination by the state health officer of substantial non-compliance with the requirements of this Code with respect to hauling and/or disposing of the contents of septic tanks, cesspools, vaults, or similar facilities, written notice, in compliance with R.S. 49:961, shall be given to the licensee having made said violations that he shall, within 15 working days, present to the notifying office any and all evidence to show compliance with the requirements for retention of the license. In the absence of such evidence, the licensee shall be further notified that his license has been temporarily "suspended" pending a hearing in the matter to consider whether sufficient grounds for revocation of the license exist. The licensee shall be notified, in writing, of the date of the hearing within seven working days from the date of the "Notice of Suspension." The date for such hearing shall be set within 45 working days of the date of the "Notice of Suspension."

13:020-4 Upon revocation of a license, a hauler shall not be eligible to reapply for the same license for a period of two years from the date of revocation.

13:020-5 Disposal of contents of septic tanks, cesspools, vaults, or similar facilities shall be made in accordance with the arrangements, approved in the license, for disposal at an approved sewage treatment facility. As a prerequisite to obtaining a license, evidence of such arrangements, including copies of any agreements with cooperating sewage treatment facilities, shall be submitted.

The disposal of the contents of septic tanks, cesspools, vaults, or similar facilities into ditches, canals, rivers, lakes, pits, or other surface water courses is prohibited.

13:020-6 No person shall convey or cause to be conveyed through the streets, roads, or public waterways any contents from a septic tank, vault, cesspool, or privy, except in tight enclosed containers, so as not to be offensive to smell nor injurious to health.

In accordance with Chapter XIII of the Sanitary Code of Louisiana, installation or operation of an individual sewerage system has been prohibited without first obtaining a permit and/or license, as appropriate from the state health officer (see 13:012-1). The plans for proposed individual sewerage system must be made in accordance with "Regulations Controlling the Design and Construction of Individual Sewerage Systems" (see Chapter XIII, Appendix A).

In order to protect the public from installations by installers who fail to abide by the specifications cited in Chapter XIII, Appendix A, the state health officer will require that installers of individual sewerage systems be licensed.

Determinations by the state health officer of substantial non-compliance with the requirements of the Sanitary Code with respect to installation of individual sewerage systems may result in the suspension or revocation of the license.

The following sections captioned "Licensing Procedures for Installers of Individual Sewerage Systems" will be added to Chapter XIII of the Sanitary Code:

#### 13:023 Licensing Procedures For Installers Of Individual Sewerage Systems

13:023-1 License Types: Two "types" of licenses are offered: 1) a "basic" license only for installation of individual sewerage systems other than individual mechanical plants, and 2) a mechanical "endorsement" to the basic license to allow installation of individual mechanical plants as well as other individual sewerage systems. A mechanical plant "endorsement" may be obtained only in conjunction with a basic license, and is considered to be a separate license.

13:023-2 Application: Applications (including all required certifications and request for examination) for an "Individual Sewerage System Installer" license may be obtained from the nearest parish health unit. Properly completed applications must be submitted to the Office of the Chief Sanitarian, Sanitarian Services Section, Box 60630, New Orleans, LA 70160. All licenses shall be issued by this office, subject to approval of an appropriate application and upon successful completion of the required examination(s), and shall be valid throughout the entire state.

13:023-3 Qualifications: For a "basic" license, the applicant shall submit, along with a properly completed license application and request for examination, an affidavit certifying that he has obtained, read, and understands the provisions of Chapter XIII of the Sanitary Code, including Appendix A thereto, and will make installations in compliance therewith. Copies of a standard affidavit form and a request for examination form may be obtained from any parish health unit. For an individual mechanical plant "endorsement" the applicant shall submit, along with the properly completed license application and request for examination, a written, verifiable certification from the manufacturer of the brand of plant he wishes to install--such certification

specifying that this specifically named installer (person) is certified by said manufacturer as being competent and capable of installing said plants properly, and in compliance with the requirements of the manufacturer and this Code. New applications will not be processed unless accompanied by the required certification information and request for examination.

13:023-4 Examination: Upon compliance with all qualification requirements, the applicant will be scheduled for the appropriate examination(s). Examinations will be administered, as necessary, by the regional sanitarian in each of the OPPHS Regional Offices. Upon the satisfactory completion of the examination (with a passing grade of 70 percent or greater), the regional sanitarian will notify the office of the chief sanitarian of the results.

13:023-5 Renewal: All licenses expire on January 31 of each new year. Applications for renewal should be received at the office of the chief sanitarian no later than December 1 of each preceding year in order to insure timely renewal.

13:023-6 Suspension Or Revocation Of License: Upon determination by the state health officer of substantial non-compliance with the requirements of this Code with respect to any installation made subsequent to the effective date of these regulations, written notice, in compliance with R.S. 49:961, shall be given to the licensee having made said non-compliant installation that he shall, within 15 working days, present to the notifying office any and all evidence to show compliance with the requirements for retention of the license. In the absence of such evidence, the licensee shall be further notified that his license has been temporarily "suspended" pending a hearing in the matter to consider whether sufficient grounds for revocation of the license exist. The licensee shall be notified in writing of the date of the hearing within seven working days from the date of the "Notice of Suspension." The date for such hearing shall be set within 45 working days of the date of the "Notice of Suspension."

13:023-7 Reinstatement Of License: Upon revocation of a license, an installer shall not be eligible to reapply for the same type of license for a period of two years from the date of revocation.

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160. A public review hearing will be held on March 31, 1987 at 1 p.m. at 325 Loyola Avenue, Room 409, New Orleans, to hear comments on the rule.

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

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Licensing of Sewage Haulers and STP Installers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of this rule can be accomplished with present staff. There are no implementation costs.



- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Licensing of sewage haulers and installers of individual sewerage systems protects the consumer from violations of the Sanitary Code of Louisiana.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment.

Daneta Daniel Bardsley  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Secretary**

The Department of Health and Human Resources, Office of the Secretary, Gary W. Project Office, proposes to amend the policy for reporting alleged abuse, neglect, mistreatment and/or deaths of Gary W. Classmembers.

In accordance with *Gary W. et al vs. State of Louisiana et al*, Civ. A. No. 74-2412, the department will implement policy and procedures for assuring a uniform system of data collection and reporting specifically for Gary W. Classmembers.

Interested persons may submit written comments on the proposed rule and may obtain copies of the proposed rule from the following address: Rose V. Forrest, Executive Management Consultant, Office of the Secretary, Gary W. Project Office, Box 3776, 755 Riverside, Room 243, Baton Rouge, LA 70821.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Reporting Incidents on  
Gary W. Classmembers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule utilizes existing resources and re-organizes an existing procedure for data collection and reporting for Gary W. Classmembers. There are no implementation costs (savings) as we will utilize existing resources.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule utilizes existing resources and there is no effect on revenue collections of state or local governmental units anticipated.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There should be no cost and/or economic benefit to directly affect persons or non-government groups as the proposed rule clarifies and re-organizes an existing procedure.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule should not reflect competition and employment.

Sandra L. Robinson, M.D., M.P.H.     Mark C. Drennen  
Secretary and State Health Officer     Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, proposes to change the wording of the rules on rate setting for residential care providers other than nursing homes and hospitals, to redefine the limits on the revaluation of assets when a facility is sold to the acquisition costs of the previous owner increased by 50 percent of the Consumer Price Index.

This change is necessary because of changes in federal regulations brought about by the Consolidated Omnibus Budget Reconciliation Act, Section 9509 (Public Law 99-272).

Interested persons may submit comments at the following address: Maxine M. Hanks, Rate Administrator, Division of Rate Setting, Box 3776, Baton Rouge, LA 70821.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Revaluation of Assets**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No cost is anticipated
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effect on revenue collection is anticipated
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Change will allow purchasers of existing ICR/MR facilities to correctly record purchase price of assets on their books for tax purposes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition and employment is anticipated

Sandra L. Robinson, M.D., M.P.H.     Mark C. Drennen  
Secretary and State Health Officer     Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Office of the Secretary

Effective September 1, 1987, the Department of Health and Human Resources proposes to protect its workers, clients and patients from the health hazards of passively inhaled tobacco smoke. Any area without a "Smoking Permitted" sign is to be considered a non-smoking area.

It shall be the policy of DHHR to allow tobacco smoking only in well-ventilated rooms which do not connect to a central air-conditioning system within a building, unless contra-indicated by State Fire Marshal requirements or other safety precautions. These areas are to be designated by a "Smoking Permitted" sign.

Smoking is permitted only if such a sign is present.

Since infractions by DHHR employees to this rule can potentially harm fellow workers, such an infraction is to be considered a safety violation.

DHHR vehicles are considered non-smoking areas unless all passengers are smokers.

It is the intent of DHHR as a responsible employer, to provide a workplace free of noxious or harmful substances.

For the information of DHHR clients, "No Smoking" signs are to be posted in all waiting rooms.

#### Comment

Recent pronouncements by U.S. Surgeon General Koop have emphasized the adverse health effects of "passive smoking" upon smokers and non-smokers alike. Because the outcome of passive smoking could be extremely serious, including lung cancer and debilitating respiratory illness, prudence requires the protection of DHHR employees from exposure while at work, and the protection of DHHR clients and patients from such exposure while in DHHR facilities.

Much consideration has gone into the formulation of this rule. Significant factors studied included the effect of central air-conditioning systems in dispersing tobacco smoke throughout a building even when tobacco smoking is limited to one room in the system. It has also been considered that while most people do not smoke, even current smokers are potentially harmed by the additional burden of passive smoking.

This rule is to be strictly interpreted and enforced. Unfortunately, while protecting all workers, it will regrettably cause some discomfort to nicotine-dependent workers. Mutual consideration and support is expected from all parties.

The implementation date for the rule is deliberately delayed so that nicotine-dependent staff will have sufficient time, should they so desire, to attempt cessation. Assistant secretaries are requested to facilitate personnel scheduling so that employees can attend cessation programs.

#### Rule

Effective September 1, 1987, there shall be no over-the-counter tobacco sales in any DHHR facility.

Effective September 1, 1987, there shall be no tobacco vending machines in any DHHR facility.

#### Comment

Louisiana is first in the nation in lung cancer death rates

among white males, and in some areas in Louisiana the incidence of lung cancer in black males is the highest in the world. Deaths from lung cancer in Louisiana women surpassed breast cancer deaths in the late 1970's, making Louisiana among the first states in which this occurred.

Nicotine addiction is six times more powerful than alcohol addiction, and kills approximately 1,000 people each day in the United States. Cigarette smoking is the single largest preventable cause of death and disease in the country. Therefore it is clearly counter to the purpose of DHHR to make available for sale such a dangerous drug in any DHHR facility.

Interested parties may submit written comments on the proposed rule within 15 days of the date of publication. Comments should be addressed to: Sandra L. Robinson, M.D., M.P.H., Secretary and State Health Officer, Louisiana Department of Health and Human Resources, Box 3776, Baton Rouge, LA 70821.

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

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: **Worksite Smoking Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no impact on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Benefits - Reduced exposure to passive smoking while on the job will, in the short-term, lessen the seriousness and frequency of respiratory illness and associated sick leave and insurance costs, and in the long-term will reduce the risk of lung cancer for DHHR employees.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Since 70 percent of people do not smoke, the guarantee of a smoke-free workplace will enhance the attractiveness of DHHR as an employer.

Daneta Daniel Bardsley  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

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

In accordance with R.S. 49:950, et seq., notice is hereby given that the Louisiana State Board of Registration for Profes-

sional Engineers and Land Surveyors intends to revise the Louisiana Administrative Code 46:LXI (formerly 19-3) as follows:

## **Title 46**

### **Professional and Occupational Standards**

#### **Part LXI: Professional Engineers and Land Surveyors**

##### **Subpart 1. Rules**

##### **Chapter 1. General Provisions (Amend)**

§105.B. changes to §105.B.1 (formerly 19-3:2.2) and the last paragraph is deleted.

##### **§105.B.2 (Adopt)**

*Teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of professional engineering. Associate professors and those of higher rank teaching engineering design courses who become employed by a college or university in the state of Louisiana on January 1, 1990, and thereafter, shall be registered professional engineers of the Louisiana Board. Such professors who become employed on or after January 1, 1990, shall have a period of two years in which to become registered. The associate professors and those of higher rank teaching engineering design courses in the employ of a college or university in the state of Louisiana prior to January 1, 1990, are exempt from professional engineering registration as long as they remain in continuous employment by a college or university in the state of Louisiana. Those persons who are exempt from professional engineering registration are exempt only for the purpose of the teaching of engineering design and they may not present themselves to the public as engineers or professional engineers or provide or offer to provide engineering services as defined by R.S. 37:682 (8).*

##### **§105.G. Professional Identifications. (Adopt)**

1. Professional Engineers and Professional Land Surveyors shall identify themselves as such on all of their business communications, business cards, advertisements, or signs by placing the letters PE and/or PLS following their name.

2. Engineers-In-Training and Land Surveyors-In-Training shall identify themselves as such on all of their business communication, business cards, advertisements, or signs by placing the letters EIT and/or LSIT following their name. Engineers-in-training and land surveyors-in-training are not authorized to use seals or stamps (See LAC Chapter 17, formerly 19-3:10).

Interested persons may submit written comments or offer amendments to the proposed rules to the board office at 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130, at any time prior to May 15, 1987. The board proposes to consider and take action on the adoption of these rules at a meeting in its office at 11 a.m. on June 2, 1987.

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

Paul L. Landry, P.E.  
Executive Secretary

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

**Rule Title: LAC 46:LXI Chapter 1, Sec 105 B, B1, B2,  
and G1, G2.**

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

There are no estimated implementation costs or savings to the board.

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)

The applicable rule change does not affect anyone until 1/1/90. The board feels that ample time has been given for compliance.

Paul L. Landry  
Executive Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Transportation and Development Office of Highways**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the standards prescribed by American Association of State Highways and Transportation officials, (AASHTO), a copy of which is following, to be used by governing bodies of other than state-maintained roads, streets and highways with the proviso that said governing bodies shall be authorized to make design exceptions with proper engineering justification. Consultation with departmental officials may be requested concerning said exceptions. Copies of revisions of the AASHTO Standards shall be forwarded to the local governing bodies upon receipt by the department. This action is taken pursuant to Act 119 of 1986.

**LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DESIGN STANDARDS FOR LOCAL ROADS AND STREETS**

ITEM No.	ITEM	RURAL			URBAN	
		RL-1	RL-2	RL-3	UL-1	UL-2
1	Current Average Daily Traffic	0-250	250-400	Over 400	N/A	N/A
2	Design Hourly Volume	N/A	N/A	Over 100	N/A	N/A
3	Design Speed (M.P.H.) ①	30	40	50	20	30
4	Level of Service	D	D	D	D	D
5	Number of Travel Lanes	2	2	2	2	2
6	Width of Travel Lanes (Ft.)	9	10	11 ①	9 to 12	9 to 12
7	Width of Parking Lanes (Where Used) (Ft.)	N/A	N/A	N/A	7 to 9	7 to 9
8	Width of Shoulders (Where Used) (Ft.)	2	2	4 to 8	N/A	N/A
9	Type of Shoulders	Aggregate	Aggregate	Aggregate ②	N/A	N/A
10	Width of Sidewalk (Where Used)(Offset From Curb)(Ft.)	N/A	N/A	N/A	4	4
	Width of Sidewalk (Where Used)(Adjacent To Curb)(Ft.)	N/A	N/A	N/A	6	6
11	Fore Slope - Ratio ③					
	(A) Cut	2:1	3:1	3:1	3:1	3:1
	(B) Fill	2:1	3:1	3:1	3:1	3:1
12	Back Slope - Ratio ③	2:1	2:1	3:1	2:1	2:1
13	Pavement Cross Slope (ft. per ft.) ③	0.025	0.025	0.025	0.025	0.025
14	Stopping Sight Distance (Ft.)	200	275-325 ④	400-475 ④	125	200
15	Maximum Superelevation (ft. per ft.)	0.10	0.10	0.10	0.04	0.04
16	Maximum Horiz. Curvature(W/out Superelevation(+.025)	N/A	N/A	N/A	69'00'	23'00'
	Maximum Horiz. Curvature(W/out Superelevation(-.025)	N/A	N/A	N/A	59'00'	18'00'
17	Maximum Horizontal Curvature (With Superelevation)	24'00'	13'00'	8'00'	73'00'	24'00'
18	Maximum Grade (%)	9	9	8	10	9
19	Minimum Vertical Clearance (Ft.)	15	15	15	15	15
20	Minimum Horizontal Clearance (From Back of Curb)	N/A	N/A	N/A	1'(Min.)-6'(Typ.)	1'(Min.)-6'(Typ.)
21	Bridge Design Load	HS-20	HS-20	HS-20	HS-20	HS-20
22	Width of Bridges (Minimum) (Face to Face Bridge Rail)	22'	24'	Roadway Width ⑥ Plus 6'	Roadway Width ⑥ Plus 8'	Roadway Width ⑥ Plus 8'
23	Bridge End Treatment Required at Bridges	Yes	Yes	Yes	Yes	Yes

- ① 12' Lanes Required For DHV Over 200.
- ② Paved Shoulders Required For DHV Over 200.
- ③ 2% Permissible On Rehabilitation Projects.
- ④ Minimum Values Shown Permissible For Rehabilitation Projects.  
Maximum Values Shown To Be Used Where Conditions Permit.
- ⑤ For Approach Roadways Without Curb or Sidewalk, Use Rural Standards.
- ⑥ Use Shoulder Width For DHV of 400 or More.
- ⑦ Shall Not Be Less Than The Speed For Which The Road Or Street Is To Be Posted, Upon Completion Of The Project.
- ⑧ Side Slopes As Steep As 1:1 May Be Used If Necessary, To Stay In Existing R/W.

**GENERAL NOTES :**

These Standards Shall Not Apply To:

- (a) Dead - End Roads (Open At One End Only)
- (b) Roads Which Are Dependent On Dead - End Roads For Access.

Urban Standards May Be Applied To Any Street For Which Curb Is To Be Used, Or Any Street For Which A Posted Speed Of 30 M.P.H. Or Less Would Be Appropriate.

Overlay Design Standards (Separate Sheet) Shall Be Applicable To Those Projects For Which The Primary Purpose Is To Improve The Riding Surface.

The Appropriate Local Governing Body Is Authorized To Make Design Exceptions For Specific Items Listed In These Standards, With Proper Engineering Justification.

			<b>DESIGN STANDARDS</b>		
10 - 86	Items No. 22 & 23, Notes No. 5-8, & General Notes				
Date	Description	By	Approved	Chief Engineer	Date
	Revisions				

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Eugene P. Waguespack, Chief Maintenance & Operations Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Requirements of Act 119 of 1986**

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

Additional costs to the state are those associated with the distribution of AASHTO Standards revisions to local governments at the time the revisions are received from AASHTO, estimated at \$100 per mailing (200 parcels x \$.50 per parcel). DOTD has received an average of 1 AASHTO Standards revision per year over the past three years. This additional cost can be absorbed within the current DOTD Operations Division budget. The implementation cost to local government units will vary depending on the extent that their current standards comply with AASHTO standards, and the extent that local government units elect to make design exceptions. This rule change could result in a substantial increase in the cost of off-system highway and bridge construction and maintenance.

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

No effect on revenue collections is involved in the proposed action.

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

None. The rule will apply to local governmental units only.

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

No impact on competition and employment in the public and private sectors is anticipated as a result of this rule.

Robert G. Graves  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the July 1, 1985 Plan Document as follows:

Add the following paragraph to Article 4, Section II, Deadline for Filing Claims:

“Failure to furnish notice of proof of loss within the time period provided shall not invalidate nor reduce any claim if it

shall be shown to the satisfaction of the Claims Review Committee that it was not reasonably possible to furnish such notice, and that such notice of proof was furnished as soon as was reasonably possible.”

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 May 8, 1987, 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: Deadline for Filing Claims**

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

State or Local Government Units will not be directly affected by this proposed rule change.

The estimated annual cost to this agency will be in the form of additional benefit payments.

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

This rule change will not affect the revenue collections of state or local governmental units. This rule will have no effect on the revenue collections of this agency.

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

The directly affected persons, the plan members of this program will receive an economic benefit in the form of increased benefit payments.

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

This proposed rule change will not affect competition or employment.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the July 1, 1985 Plan Document as follows:

Amend Article 1, Section I, second sentence, item Z, page 15 of the Plan Document as follows:

“Durable Medical Equipment shall include, but not be limited to, such items as standard models of wheelchairs (manual), hospital beds, respirators, braces and other items that the Program may determine to be Durable Medical Equipment, excluding transportation devices such as automobiles or vans.”

Add the following additional paragraph:

"In the event a plan member incurs expenses for an item such as a motorized wheelchair or similar transportation device and it is shown to the satisfaction of the Program that such item is Medically Necessary, the Program will consider as an eligible expense the prorated cost of one standard model (manual) wheelchair."

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 May 8, 1987, 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: Durable Medical Equip.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The implementation costs associated with this rule change should be negligible and easily absorbed in the operating budget of this agency. There will be no implementation costs or savings to other state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Revenue collections of state or local governmental units will not be impacted.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This rule change will not impact the costs or benefits of those directly affected persons, the plan members of this program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This rule change will not affect competition or employment.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the July 1, 1985 Plan Document:

Amend Article 1, Section III (A) of the Plan Document as follows:

"A. Leave of Absence

If an Employee is allowed an approved leave of absence (full or part-time) by his employer, he may retain his coverage for a period up to but not to exceed one year, provided the full

premium is paid. Failure to do so shall result in cancellation of coverage."

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 May 8, 1987, 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: Leave of Absence**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
State or Local Governmental Units will not be affected by this rule change.
- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The directly affected persons, those plan members allowed an approved leave of absence by his employer, and who elect to continue insurance coverage for up to but not to exceed one year, will be benefited by having insurance coverage continued up to one year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition and employment will not be affected.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to implement the following rate increase and benefit modification effective July 1, 1987:

	Current Rate	Eff. 7/1/87 Proposed Rate	Total Increase
Employee Only	\$ 79.04	\$ 96.40	\$ 17.36
Emp. w/Medicare	41.24	50.28	9.04
COBRA Participant	80.62	98.32	17.70
Emp. & 1 Dep.	\$137.12	\$167.28	\$ 30.16
One w/Medicare	97.92	119.44	21.52
Two w/Medicare	90.40	110.28	19.88
COBRA Participant & One Dependent	139.86	170.60	30.74
COBRA Participant. One w/Medicare	99.86	121.80	21.94
Employee & Family	\$181.92	\$221.92	\$ 40.00
One w/Medicare	136.96	167.08	30.12
Two w/Medicare	126.76	154.64	27.88

# Committee Reports

	Current Rate	Eff. 7/1/87 Proposed Rate	Total Increase
COBRA Participant & Family	185.54	226.32	40.78
COBRA Participant. One w/Medicare	139.68	170.40	30.72

## Benefit Modifications

1. Reduce co-payment level from 80% to 70%.
2. Limit benefits for mental and nervous disorders and alcohol and substance abuse to a maximum of \$10,000 per year per covered person with a lifetime maximum of \$25,000 per covered person.
3. Eliminate the comprehensive deductible carry-over provision.
4. Eliminate benefits for organ transplants, except for kidney and cornea.

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 May 8, 1987, 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: Rate Increase & Benefit Modifications

- ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
The implementation costs associated with the new rate structure should be negligible and easily absorbed in the respective operating budgets; this is exclusive of the additional premiums required.
- ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
The annual revenue collections of the State Employees Group Benefits Program will increase approximately \$28,285,000 upon implementation of the 22% premium rate increase. Revenue collections of other state and local governmental units will not be affected by the rate increase.
- ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**  
Plan members of this program will be affected by the premium rate increase in the form of increased group accident and health insurance premiums and by the benefit modifications in the form of reduced benefit coverage.
- ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**  
The proposed rate increase and the benefit modifications will not impact competition and/or employment.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

## COMMITTEE REPORT

### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 26, 1987 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the January 20, 1987 *Louisiana Register* with the following results:

1) Proposal to amend the Rules of Procedure of the Secretary of the Louisiana Department of Environmental Quality to require applicants for hazardous waste facilities to place funds in an escrow account to pay for the cost of the facility's adjudicatory hearing. Approved by a vote of 5-0.

Clyde W. Kimball  
Chairman

## COMMITTEE REPORT

### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 26, 1987 and reviewed certain changes in state regulations proposed by the Louisiana Department of Public Safety and Corrections for which notice of intent was published in the January 20, 1987 *Louisiana Register* with the following results:

1) Proposed to adopt rules and regulations pursuant to the authority granted by Act 435 of the 1985 Regular Session. These rules and regulations establish the format and procedure mandated by Act 435 for the "Hazardous Materials Survey Form." These rules will further provide for emergency notification procedures and a list of hazardous materials to be regulated by Act 435.

Approved by a vote of 5-0.

Clyde W. Kimball  
Chairman

## COMMITTEE REPORT

### House of Representatives Committee on Appropriations

Dear Governor Edwards:

This letter is to inform you that on February 24, 1987, the Subcommittee on Oversight of the House Committee on Appro-

priations voted to disapprove three rules promulgated by the Board of Trustees of the State Employees Group Benefits Program purporting to amend its rules as follows:

1) To reduce benefits to members of the plan by increasing the deductible from \$200 to \$300, by increasing the stop-loss from \$1,000 to \$2,000, and by limiting in-patient confinement for alcoholism and/or drug abuse treatment to once in a lifetime.

2) To implement a rate increase of 31 percent.

3) To change the rule governing vacancies on the Board of Directors of the State Employees Group Benefits Program.

The intended effect of disapproving the rule reducing the benefits is to give the board and the legislature more time to review the problem and offer possible alternatives.

The intended effect of disapproving the rule requiring the 31 percent increase in rates is to eliminate the negative impact on the State General Fund. If the rate increase is approved it will negatively impact the State General Fund to the tune of \$27 million. In addition, Act 11 of the First Extraordinary Session of 1986 provides that no agency shall adopt, amend, or repeal any rule if the accompanying fiscal impact statement indicates that said rule change would result in any increase in the expenditure of state funds.

The intent of rejecting the rule governing vacancies on the board of trustees is that under the proposed rule a person who no longer meets the qualifications that were required for his initial election would be allowed to continue to serve on the board until the expiration of his term.

The committee intends to schedule further meetings with the board and the staff of the group benefits program to explore ways to ameliorate the situation with the least impact possible on the State General Fund and on state employees.

Thank you for your attention in this matter. If you desire any further information on the subcommittee's action, please contact Noel Hunt, House Committee on Appropriations (342-6292).

Elias Ackal, Jr.  
Chairman

# Potpourri

## 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 39 claims amounting to \$67,950.99 were received during the month of February, 1987. During the same month 32 claims, amounting to \$42,971.19 were paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

CLAIM NO. 86-3866

Eugene Morales, Sr., of Route 1, Box 853-C, St. Bernard, LA, 70085, while trawling on the vessel, "MARK GENIE," in Santa Lana Pass, St. Bernard Parish, encountered an uniden-

tified submerged obstruction on October 21, 1986, causing damage and/or loss. Amount of Claim: \$1,729.56

CLAIM NO. 86-3878

Ernest J. Alphonso, Sr., of Route 1, Box 894, St. Bernard, LA 70085, while trawling on the vessel, "HANKY PANKY," in Lake Fortuna, St. Bernard Parish, encountered an unidentified submerged obstruction on October 26, 1986, causing damage and/or loss. Amount of Claim: \$3,100.

CLAIM NO. 86-3883

Adam Nunez, of Route 1, Box 709, Reggio, LA 70085, while trawling on the vessel, "POP POP," in Lake Callabasse, St. Bernard Parish, encountered an unidentified submerged obstruction on October 6, 1986, causing damage and/or loss. Amount of Claim: \$485.

CLAIM NO. 86-3889

Joey G. Latapie, of Route 1 Box 284-V, St. Bernard, LA 70085, while trawling on the vessel, "CAPT. TRAVIS," in Black Bay, 1/2 mile west of Snake Island, Plaquemines Parish, encountered an unidentified submerged obstruction on October 28, 1986, causing damage and/or loss. Amount of Claim: \$1,719.88

CLAIM NO. 86-3892

James E. Daspit, of Route 5, Box 531, Pearl River, LA 70452, while trawling on the vessel, "COUNTRY GIRL," in the Rigolets Pass, St. Tammany Parish, encountered an unidentified submerged obstruction on November 7, 1986, causing damage and/or loss. Amount of Claim: \$1,188.41

CLAIM NO. 86-3902

Ernest E. Geraci, Sr., of Route 2, Box 657, Ysloskey, LA 70085, while trawling on the vessel, "CAPT. ERNIE," in Drum Bay outside of Dead Man Bayou, St. Bernard Parish, encountered an unidentified submerged obstruction on October 20, 1986, causing damage and/or loss. Amount of Claim: \$739.97

CLAIM NO. 86-3895

Louis Molero, Jr., of Route 2, Box 633, St. Bernard, LA 70085, while trawling on the vessel, "CAPT. JIM," in Lake Eloi, St. Bernard Parish, encountered an unidentified submerged obstruction on October 2, 1986, causing damage and/or loss. Amount of Claim: \$860.41

CLAIM NO. 86-3901

Dennis Menesses, of Route 1, Box 841-D St. Bernard, LA 70085, while trawling on the vessel, "CAPT. DENNY," in Black Bay, one mile west of Black Bay Beacon, Plaquemines Parish, encountered an unidentified submerged obstruction on November 16, 1986, causing damage and/or loss. Amount of Claim: \$897.16

CLAIM NO. 86-3907

Terry P. Ryan, of 4705 Park Drive South, Metairie, LA 70001, while trawling on the vessel, "CAPTAIN RYAN," in Lake Pontchartrain, in front of the Rigolets Pass, Orleans Parish, encountered an unidentified submerged obstruction on November 11, 1986, causing damage and/or loss. Amount of Claim: \$1,040.

CLAIM NO. 86-3906

Bret M. Ainsworth, of Route 2, Box 190AA, Tickfaw, LA 70466, while trawling on the vessel, "MICHELLE RENEE," in Lake Pontchartrain, Tangipahoa/St. John Parish, encountered an unidentified submerged obstruction on October 16, 1986, causing damage and/or loss. Amount of Claim: \$591.44

CLAIM NO. 86-3916

Vernon Alfonso, Jr., of Route 1, Box 776-A, St. Bernard, LA 70085, while trawling on the vessel, "UNCLE VERNON," in Breton Sound, 1/2 mile off Racoon Point,



Plaquemines Parish, encountered an unidentified submerged obstruction on November 1, 1986, causing damage and/or loss. Amount of Claim: \$2,340.68  
CLAIM NO. 86-3929

Clarence R. Lovell, of 2508 Bartolo Drive, Meraux, LA 70075, while trawling on the vessel, "LITTLE DARLING," in Oak River, St. Bernard Parish, encountered an unidentified submerged obstruction on November 3, 1986, causing damage and/or loss. Amount of Claim: \$415.  
CLAIM NO. 86-3930

Gary Duncan, of P. O. Box 169, Venice, LA 70091, while trawling on the vessel, "GEORGE ANTHONY M," in Four Bayou outside of Shell Canal, encountered an unidentified submerged obstruction on November 12, 1986, causing damage and/or loss. Amount of Claim: \$1,306.50  
CLAIM NO. 86-3938

Roy Robino, of Route 1, Box 61A, Violet, LA 70092, while trawling on the vessel, "BARBARA ROY," in between Morgan Harbor and Pointe Chico, St. Bernard Parish, encountered an unidentified submerged obstruction on October 18, 1986, causing damage and/or loss. Amount of Claim: \$850.  
CLAIM NO. 86-3948

William Soulant, 111, of 213 Jacqueline Drive, Slidell, LA 70460, while trawling on the vessel, "WITH-LUV-SON-IN-LAW," in Lake Pontchartrain, 4-1/2 miles off North Shore, St. Tammany Parish, encountered an unidentified submerged obstruction on November 7, 1986, causing damage and/or loss. Amount of Claim: \$672.66  
CLAIM NO. 86-3955

Eddie Goutierrez, of Route 1, Box 253, Braithwaite, LA 70040, while trawling on the vessel, "MISS TIFFANY," in the Mississippi River Gulf Outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on November 5, 1986, causing damage and/or loss. Amount of Claim: \$2026.  
CLAIM NO. 86-3962

Stacy J. Geraci, of Route 2, Box 552, St. Bernard, LA, 70085, while trawling on the vessel, "JIL KACY," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on November 21, 1986, causing damage and/or loss. Amount of Claim: \$1,853.45  
CLAIM NO. 86-3791

Anthony Alfonso, of P. O. Box 274, St. Bernard, LA 70085, while trawling on the vessel, "SPANISH ANGEL," in Bayou Frenepiquant, St. Bernard Parish, encountered an unidentified submerged obstruction on September 25, 1986, causing damage and/or loss. Amount of Claim: \$1,495.69  
CLAIM NO. 86-3792

Anthony Alfonso, of P. O. Box 274, St. Bernard, LA 70085, while trawling on the vessel, "SPANISH ANGEL," in Fiddler's Point, St. Bernard Parish, encountered an unidentified submerged obstruction on August 29, 1986, causing damage and/or loss. Amount of Claim: \$549.95  
CLAIM NO. 86-3607

Wayne Abreu, of Route 2, Box 617A, Yscloskey, LA 70085, while trawling on the vessel, "PIRATE LADY," in the Ship Channel at Blind Lake, St. Bernard Parish, encountered an unidentified submerged obstruction on June 10, 1986, causing damage and/or loss. Amount of Claim: \$1,494.85  
CLAIM NO. 86-3869

Wayne Abreu, of Route 2 Box 617A, Yscloskey, LA 70085, while trawling on the vessel, "PIRATE LADY," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on October 20, 1986, causing damage and/or loss. Amount of Claim: \$977.74

CLAIM NO. 86-3804

William F. Vila, of 5237 E. Lemans, New Orleans, LA 70129, while trawling on the vessel, "PRETZEL LOGIC," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on July 17, 1986, causing damage and/or loss. Amount of Claim: \$220.

CLAIM NO. 86-3805

William F. Vila, of 5237 E. Lemans, New Orleans, LA 70129, while trawling on the vessel, "PRETZEL LOGIC," in the Gulf Outlet Channel, St. Bernard Parish, encountered an unidentified submerged obstruction on August 21, 1986, causing damage and/or loss. Amount of Claim: \$615.

CLAIM NO. 86-3813

Michael J. Russell, of Route 6, Box 233DE, New Orleans, LA 70129, while trawling on the vessel, "MASTER NICHOLAS," in Lake Pontchartrain, approximately two miles NE of Airport, Orleans Parish, encountered an unidentified submerged obstruction on August 20, 1986, causing damage and/or loss. Amount of Claim: \$909.

CLAIM NO. 86-3814

Michael J. Russell, of Route 6, Box 233DE, New Orleans, LA 70129, while trawling on the vessel, "MASTER NICHOLAS," in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on September 25, 1986, causing damage and/or loss. Amount of Claim: \$833.25  
CLAIM NO. 86-3890

Wilfred Nunez, of 2801 Bloomquist Drive, Meraux, LA 70075, while trawling on the vessel, "APRIL MARIE," in Bayou Mulatto, St. Bernard Parish, encountered a submerged pipe on October 18, 1986, causing damage and/or loss. Amount of Claim: \$2,533.67

CLAIM NO. 86-3891

Wilfred Nunez, of 2801 Bloomquist Drive, Meraux, LA 70075, while trawling on the vessel, "APRIL MARIE," in St. Helena Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on October 15, 1986, causing damage and/or loss. Amount of Claim: \$1,370.88

CLAIM NO. 86-3912

Robert Oakman, of 431 Helois, Metairie, LA 70005, while trawling on the vessel, "LA 2618 BR," in Lake Pontchartrain, at approximate LORAN-C readings of 28,560.0 and 47,034.0, Jefferson Parish, encountered an unidentified submerged obstruction on November 3, 1986, causing damage and/or loss. Amount of Claim: \$1,954.98

CLAIM NO. 86-3969

Robert J. Oakman, of 431 Helois, Metairie, LA 70005, while trawling on the vessel, "LA 2618 BR," in Lake Borgne, at approximate LORAN-C readings of 28,959.9 and 47,018.6, Orleans Parish, encountered an unidentified submerged obstruction on December 5, 1986, causing damage and/or loss. Amount of Claim: \$1,928.62

CLAIM NO. 86-3914

Alfred Martin, of 2013 Perez Drive, Braithwaite, LA 70040, while trawling on the vessel, "DADDYS GIRLS," in the Gulf of Mexico, at approximate LORAN-C readings of 28,612.1 and 46,865.8, Jefferson Parish, encountered an unidentified submerged obstruction on November 10, 1986, causing damage and/or loss. Amount of Claim: \$3,376.00

Wednesday, April 15, 1987, at 3 p.m., in the Lafitte Town Hall, Lafitte, LA.

CLAIM NO. 86-3827

Jimmy Frickey, of 110- llth St., Westwego, LA 70094, while trawling on the vessel, "BUCCANEER," in the Gulf of Mexico, three miles east of Four Bayous, at approximate

LORAN-C readings of 28,651.6 and 46,859.8, Plaquemines Parish, encountered an unidentified submerged obstruction on September 28, 1986, causing damage and/or loss. Amount of Claim: \$752.90

CLAIM NO. 86-3831

Alexie A. Hebert, of 105 Farman St., Westwego, LA 70094, while trawling on the vessel, "LA 5015 BM," in the Getty Oil Company Canal, approximate a quarter of a mile from Shell Island, Plaquemines Parish, encountered an unidentified submerged obstruction on October 14, 1986, causing damage and/or loss. Amount of Claim: \$450.

CLAIM NO. 86-3845

Gary A. Perrin, of P. O. Box 307, Lafitte, LA 70067, while trawling on the vessel, "MR. BREEZE," in Little Lake, Jefferson Parish, encountered an unidentified submerged obstruction on October 18, 1986, causing damage and/or loss. Amount of Claim: \$471.10

CLAIM NO. 86-3881

Joseph Rogers, Jr., of Box 531, Lafitte, LA 70067, while trawling on the vessel, "L&A," by the Shinier Bridge, west of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on October 17, 1986, causing damage and/or loss. Amount of Claim: \$1,200.

CLAIM NO. 86-3886

Gary R. Erlinger, of P. O. Box 62, Lafitte, LA 70067, while trawling on the vessel, "LA 1515 BD," in Bayou St. Denis, Jefferson Parish, encountered an unidentified submerged obstruction on October 27, 1986, causing damage and/or loss. Amount of Claim: \$208.68

CLAIM NO. 86-3904

Harold J. Becnel, Sr., of Route 1, Box 588AA, Belle Chasse, LA 70037, while trawling on the vessel, "CAPTAIN BEC," in the Gulf of Mexico, at approximate LORAN-C readings of 28,375.3 and 46,831.6, Jefferson Parish, encountered an unidentified submerged obstruction on October 9, 1986, causing damage and/or loss. Amount of Claim: \$1,736.60

CLAIM NO. 86-3923

Fredy P. Belsom, Jr., of 1028 Derbigny St., Gretna, LA 70053, while trawling on the vessel, "LA 8296 AG," in Bayou St. Denis, encountered an unidentified submerged obstruction on September 15, 1987, causing damage and/or loss. Amount of Claim: \$716.31

CLAIM NO. 86-3927

Lloyd G. Rivere, of 964 Beachgrove, Apt. A, Westwego, LA 70094, while trawling on the vessel, "LA 7728 BE," in Lake Cataquatche, Jefferson Parish, encountered a submerged 18" drill pipe casting on November 18, 1986, causing damage and/or loss. Amount of Claim: \$1,298.31

CLAIM NO. 86-3932

Joseph A. Rivere, of 760 Avenue H, Westwego, LA 70094, while trawling on the vessel, "MASTER TODD," in Lake Cataquatche, Jefferson Parish, encountered an unidentified submerged obstruction on November 10, 1986, causing damage and/or loss. Amount of Claim: \$715.25

CLAIM NO. 86-3933

Brian K. Plaisance, of 1055 Ory St., Westwego, LA 70094, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, 1-3/4 miles off beach at Four Bayou, Jefferson Parish, encountered an unidentified submerged obstruction on November 6, 1986, causing damage and/or loss. Amount of Claim: \$393.54

CLAIM NO. 86-3939

Michael J. Ward, of 1906 Cooper Road, Gretna, LA 70056 while trawling on the vessel, "DOUBLE TROUBLE,"

Southend of Bayou St. Denis, at junction to Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on November 20, 1986, causing damage and/or loss. Amount of Claim: \$550.

CLAIM NO. 86-3942

Larry L. Mooty, of Box 522E Hwy. 45, Lafitte, LA 70067 while trawling on the vessel, "WES & CHAD," in Bayou St. Denis, Jefferson Parish, encountered an unidentified submerged obstruction on November 19, 1986, causing damage and/or loss. Amount of Claim: \$1,589.26

CLAIM NO. 86-3944

Steven A. Adams, of P. O. Box 226 Barataria, LA 70036, while trawling on the vessel, "LA 8530 BM," in the Gulf of Mexico, west of Freshwater Bayou, Vermilion Parish, encountered an unidentified submerged obstruction on November 21, 1986, causing damage and/or loss. Amount of Claim: \$499.95

CLAIM NO. 86-3956

Ernest Wiseman, of P. O. Box 306, Lafitte, LA 70067, while trawling on the vessel, "HAL," in the Ship Channel, Jefferson Parish, encountered a submerged log on November 12, 1986, causing damage and/or loss. Amount of Claim: \$337.47

CLAIM NO. 86-3960

Irvin T. Helmer, Jr., of 355 Columbus St., Westwego, LA 70094 while trawling on the vessel, "LA 6547 BM," in Lake Cataquatche, Jefferson Parish, encountered an unidentified submerged obstruction on November 20, 1986, causing damage and/or loss. Amount of Claim: \$695.75

CLAIM NO. 86-3978

George Butler, Jr., of 524 Terry Parkway, Gretna, LA 70053, while trawling on the vessel, "BUCCANEER," Shell Canal between Four Bayou and Grand Bayou in the Gulf, Plaquemines Parish, encountered an unidentified submerged obstruction on December 3, 1986, causing damage and/or loss. Amount of Claim: \$1,761.69

CLAIM NO. 86-3981

Minh Van Tran, of 5987 Tullis Drive, New Orleans, LA 70114, while trawling on the vessel, "871CM," in Terrebonne Lake, Terrebonne Parish, encountered an unidentified submerged obstruction on August 26, 1986, causing damage and/or loss. Amount of Claim: \$3,000.

CLAIM NO. 86-3724

Ray Comardelle, of 135 Farman St., Westwego, LA 70094, while fishing for Alligators on the vessel, "LA 7762 AY," in Marcellos Canal, Jefferson Parish, encountered an unidentified submerged obstruction on September 8, 1986, causing damage and/or loss. Amount of Claim: \$823.16

CLAIM NO. 86-4014

Ray Comardelle, of 135 Farman St., Westwego, LA 70094, while running crab traps on the vessel, "LA 7762 AY," in Bastian Bay, Plaquemines Parish, encountered a submerged abandoned pipeline on December 17, 1986, causing damage and/or loss. Amount of Claim: \$1,052.46

CLAIM NO. 86-3770

Julius Moll, of Box 573, Lafitte, LA 70067, while trawling on the vessel, "LADY DANIELLE" between South Pass and Redfish Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on September 25, 1986, causing damage and/or loss. Amount of Claim: \$500.

CLAIM NO. 86-3771

Julius Moll, of Box 573, Lafitte, LA 70067, while trawling on the vessel, "LADY DANIELLE," in Uratich Ben, Plaquemines Parish, encountered an unidentified submerged obstruction on September 23, 1986, causing damage and/or loss. Amount of Claim: \$989.56

CLAIM NO. 86-3908

Peter P. Ronquille, of P. O. Box 232, Lafitte, LA 70067, while trawling on the vessel, "LA 3012 BE," in the Gulf of Mexico, between Grand Bayou and Bay Ronquille, Plaquemines Parish, encountered an unidentified submerged obstruction on October 15, 1986, causing damage and/or loss. Amount of Claim: \$480.

CLAIM NO. 87-4049

Peter P. Ronquille, of P. O. Box 232, Lafitte, LA 70067, while trawling on the vessel, "LA 3012 BE," in Four Bayous, Plaquemines Parish, encountered an unidentified submerged obstruction on January 14, 1987, causing damage and/or loss. Amount of Claim: \$400.

Thursday, April 16, 1987, at 10 a.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA.:

CLAIM NO. 86-3714

Andrew Bennett, of P. O. Box 68, Venice, LA 70091, while trawling on the vessel, "WILD GOOSE," in Bay Jack, Plaquemines Parish, encountered an unidentified submerged obstruction on August 31, 1986, causing damage and/or loss. Amount of Claim: \$534.95

CLAIM NO. 86-3800

Kenneth J. Robin, of Route 2, Box 584, St. Bernard, LA, 70085, while trawling on the vessel, "CAPT. CHANITO," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on October 3, 1986, causing damage and/or loss. Amount of Claim: \$2,600.

CLAIM NO. 86-3832

Kenneth R. Marrero, of P. O. Box 1006, St. Bernard, LA 70085, while trawling on the vessel, "TIFFANY-MIKE," in Breton Sound, between Rattlesnake Bayou and Taylors Point, Plaquemines Parish, encountered an unidentified submerged obstruction on October 7, 1986, causing damage and/or loss. Amount of Claim: \$549.64

CLAIM NO. 86-3847

Roy Campo, of 2021 Deogracias St., Braithwaite, LA 70040, while trawling on the vessel, "RAME C," West of Comfort Island, St. Bernard Parish, encountered an unidentified submerged obstruction on September 22, 1986, causing damage and/or loss. Amount of Claim: \$2,406.94

CLAIM NO. 86-3852

Rodney Weiskopf, Jr., of 2041 Deogracias, Braithwaite, LA 70040, while trawling on the vessel, "CAPT. RODNEY," in Lake Raccourci, Terrebonne Parish, encountered an unidentified submerged obstruction on September 22, 1986, causing damage and/or loss. Amount of Claim: \$1,112.58

CLAIM NO. 86-3853

Errol D. Lovell, of 2817 Debouchel, Meraux, LA 70075, while trawling on the vessel, "HOPES DIAMOND," in the Ship Channel, St. Bernard Parish, encountered an unidentified submerged obstruction on October 13, 1986, causing damage and/or loss. Amount of Claim: \$398.

CLAIM NO. 86-3854

James Menner, of 3014 South Palm Drive, Slidell, LA 70458, while trawling on the vessel, "LA 8537 AX," in Lake Pontchartrain, about 1-1/3 mile from Lincoln Beach, Orleans Parish, encountered an unidentified submerged obstruction on October 17, 1986, causing damage and/or loss. Amount of Claim: \$1,745.

CLAIM NO. 86-3855

Harold Dick, Jr., of 2404 Pasadena Avenue, Apartment C, Metairie, LA 70001, while trawling on the vessel, "SPEG'S SPECIAL," in Bay Adams, encountered an unidentified submerged obstruction on October 9, 1986, causing damage and/or

or loss. Amount of Claim: \$628.93

CLAIM NO. 86-3861

Bruce Guerra, Sr., of Route 2, Box 493, St. Bernard, LA 70085, while trawling on the vessel, "MR. FABRICIANO," in Leeville Canal, Terrebonne Parish, encountered a submerged sunken boat on September 30, 1986, causing damage and/or loss. Amount of Claim: \$1,912.88

CLAIM NO. 86-3859

Maro Hihar, of 2715 Ridgefield Rd., Gretna, LA 70056, while dredging for oysters on the vessel, "CAPT BALDO," in Quarantine Bay, Plaquemines Parish, encountered a submerged pipe on September 26, 1986, causing damage and/or loss. Amount of Claim: 5,000.

Friday, April 24, 1987, at 10:30 a.m., in the Vermilion Parish Extension Office, 1105 West Port Street, Abbeville, Louisiana.

CLAIM NO. 86-3841

Jim Richard, Sr., of 306 East Church St., Delcambre, LA 70528, while trawling on the vessel, "JIM BO," in Vermilion Bay, Iberia Parish, encountered an unidentified submerged obstruction on September 24, 1986. The next day boat sank at dock due to burnt fuse on water pump, causing damage and/or loss. Amount of Claim: \$2,361.81

CLAIM NO. 86-3850

Arthur Lee DeBarge, of 606 Benton, Lake Charles, LA 70601, while trawling on the vessel, "MARIA," in the Calcasieu Ship Channel, Calcasieu Parish, encountered an unidentified submerged obstruction on October 20, 1986, causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3857

Calvin Laviolette, of Route 2, Box 2322, Abbeville, LA 70510, while trawling on the vessel, "GEORGE RYDER," in the Gulf of Mexico, at approximate LORAN-C readings of 27,019.5 and 46,949.8 first net and second net 26,515.0 and 46,958.8, Cameron Parish, encountered an unidentified submerged obstruction on October 14, 1986, causing damage and/or loss. Amount of Claim: \$1,465.28

CLAIM NO. 86-3911

Eric Dinger, of P. O. Box 192, Cameron, LA 70631, while trawling on the vessel, "KING OF KINGS," in the Calcasieu Ship Channel, Cameron Parish, encountered an unidentified submerged obstruction on October 3, 1986, causing damage and/or loss. Amount of Claim: \$1,440.76

CLAIM NO. 86-3921

Joe Gaspard, of Route 1, Box 87, Cameron, LA 70631, while trawling on the vessel, "CAPT. BLACKIE," in the Gulf of Mexico, 1/2 mile East of the Jetties, Cameron Parish, encountered an unidentified submerged obstruction on November 13, 1986, causing damage and/or loss. Amount of Claim: \$1,174.94

CLAIM NO. 86-3989

Jimmie and Carl Leger, of Voyager Marine, Inc., 710 W. Pine, Erath, LA 70533, while trawling on the vessel, "BROTHERS PRIDE," in the Gulf of Mexico, off Joseph Harbor, at approximate LORAN-C readings of 26,833.4 and 46,945.4, Cameron Parish, encountered an unidentified submerged obstruction on December 9, 1986, causing damage and/or loss. Amount of Claim: \$1,558.72

CLAIM NO. 86-3860

Patrick Comeaux, of D & C Trawlers, Inc., P. O. Box 480, Delcambre, LA 70528, while trawling on the vessel, "THREE SISTERS," in the Gulf of Mexico, around Joseph Harbor, at approximate LORAN-C readings of 26,989.5 and 46,951.5, Vermilion Parish, encountered an unidentified sub-

merged obstruction on October 20, 1986, causing damage and/or loss. Amount of Claim: \$1,121.63

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, and must be postmarked no later than seven days after the hearing(s).

B. Jim Porter  
Secretary

## POTPOURRI

### **Department of Natural Resources Office of Conservation Injection and Mining Division**

Docket Number UIC 87-9

In accordance with the laws of the state of Louisiana, and with particular reference to the provisions of R.S. 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 6 p.m., Monday, April 27, 1987, in the Buras Auditorium located on Highway 23, Buras, LA.

At such hearing the commissioner of conservation or his designated representative will hear testimony relative to the application of Delta Environmental Services, Inc., Box 621, Belle Chasse, LA 70037. The applicant intends to operate a commercial nonhazardous oilfield waste facility in Section 5 and 6, Township 17 South, Range 25 East, Plaquemines Parish, LA.

Prior to authorizing the use of this facility for disposal of non-hazardous oilfield waste, the commissioner of conservation must find that the applicant has met all the requirements of Statewide Order Number 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Verbal information may be received by calling Mr. Wascom at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., May 4, 1987, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, RE: Docket No. UIC 87-9, Commercial Disposal Facility, Plaquemines Parish.

Herbert W. Thompson  
Commissioner

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