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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE 92-70

WHEREAS, the Louisiana Interagency Action Council for the Homeless was created and established by Executive Order EWE 92-6; and

WHEREAS, Executive Order EWE 92-6 was amended by Executive Order EWE 92-33; and

WHEREAS, the Louisiana Interagency Action Council for the Homeless could perform its duties and functions in a more efficient and effective manner with the assistance of persons representing the Office of Adult Services in the Department of Public Safety and Corrections, the Office of Juvenile Services in the Department of Public Safety and Corrections, and the non-profit legal services of our State;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby amend and reenact Executive Orders EWE 92-6 and EWE 92-33, and do hereby order and direct as follows:

SECTION 1: The Louisiana Interagency Action Council for the Homeless shall be composed of an additional three members which shall represent the Office of Adult Services in the Department of Public Safety and Corrections, the Office of Juvenile Services in the Department of Public Safety and Corrections, and the non-profit legal services of our State.

SECTION 2: All other orders and directions of Executive Orders EWE 92-6 and EWE 92-33 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Louisiana Interagency Action Council for the Homeless in implementing the provisions of this Executive Order.

SECTION 4: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded by operation of law.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 22nd day of September, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-71

WHEREAS, the Constitution of the State of Louisiana, Article VII, Section 10 and R.S. 39:75 provide that appropriations shall not exceed the official forecast of the Revenue Estimating Conference; and

WHEREAS, to avoid incurring a state general fund deficit in accordance with these provisions, budgetary adjustments for the current fiscal year are necessary;

NOW THEREFORE, I Edwin W. Edwards, Governor of the State of Louisiana, find it necessary to order and direct the following to achieve a balanced budget.

SECTION 1: Appropriations for expenditures shall be adjusted for the following budget units in the amounts as shown below:

EXECUTIVE DEPARTMENT

Mental Health Advocacy Service
Budget Unit: 01-8103

- 1) Reduction in personal services \$ 15,000
- 2) Reduction in administrative expenses in the Monroe Office \$ 5,760

Division of Administration
Budget Unit: 01-8107

- 1) Reduction in administrative costs in the Executive Administration Program \$1,509,488
- 2) Reduction in personal services and operating expenses in the Inspector General Program \$ 95,294
- 3) Reduction in operating expenses in the Community Development Block Grant Program \$ 5,000
- 4) Elimination of funding for the Louisiana Data Base Commission \$ 217,000

Department of Military Affairs
Budget Unit: 01-8112

- 1) Reduction in operating expenses \$ 150,000

Office of Women's Services
Budget Unit: 01-8114

- 1) Reduction in personal services and operating expenses in the Administrative Program \$ 39,275
- 2) Reduction in operating expenses in the Displaced Homemaker Program \$ 15,864
- 3) Reduction in operating expenses in the Displaced Homemaker Center in Baton Rouge \$ 5,636
- 4) Reduction in funding for the Family Violence Program \$ 65,894

Board of Tax Appeals
Budget Unit: 01-8126

- 1) Reduction in operating expenses and acquisitions \$ 10,932

Office of Elderly Affairs
Budget Unit: 01-8133

- 1) Reduction in administrative costs \$ 106,018
- 2) Reduction in local programs and supplementary senior centers funding \$ 167,735

DEPARTMENT OF JUSTICE

Office of the Attorney General
Budget Unit: 04-8141

- 1) Reduction in administrative costs \$ 148,759
- 2) Elimination of state general fund in the Civil Law Program \$ 66,455

DEPARTMENT OF ELECTIONS AND REGISTRATION

Commissioner of Elections

Budget Unit: 04-8144

1) Reduction in personal services and operating expenses \$ 120,723

DEPARTMENT OF LIEUTENANT GOVERNOR

Lieutenant Governor

Budget Unit: 04-8146

Reduction in personal services and operating expenses \$ 23,270

DEPARTMENT OF TREASURY

State Treasurer

Budget Unit: 04-8147

1) Reduction in personal services and operating expenses in the Administrative Program \$ 9,500

2) Reduction in personal services and acquisitions in the Financial Accountability and Control Program \$ 8,700

3) Substitution of funding by general fund with self-generated revenues from securities lending revenues \$ 72,800

DEPARTMENT OF AGRICULTURE AND FORESTRY

Agriculture and Forestry

Budget Unit: 04-8160

1) Reduction in operational expenses in the Office of Soil and Water Conservation Program \$ 209,810

2) Reduction in personal services and operating expenses in the Marketing Program \$ 113,104

3) Reduction in personal services and operating expenses in the Agricultural and Environmental Sciences Program \$ 84,905

4) Reduction in personal services and operating expenses in the Agro-Consumer Services Program \$ 42,733

5) Reduction in personal services and operating expenses in the Forestry Program \$ 397,118

6) Reduction in personal services and operating expenses in the Management and Finance Program \$ 270,000

DEPARTMENT OF ECONOMIC DEVELOPMENT

Office of Business Development Services

Budget Unit: 05-8249

1) Reduction in Business Services Activity \$ 41,145

2) Deduction in Regional Economic Development Alliances (REDAs) - Administration \$ 2,995

3) Reduction in Regional Economic Development Alliances (REDAs) - Contract funds \$ 150,000

4) Reduction in Minority and Women Business Enterprise Division \$ 12,915

5) Reduction in Small Business Development Centers \$ 34,144

6) Reduction in Red River Development Council \$ 10,510

DEPARTMENT OF CULTURE, RECREATION AND TOURISM

Office of State Library

Budget Unit: 06-8262

1) Reduction in funding for the acquisition of books \$ 21,000

Office Of State Museum

Budget Unit: 06-8263

1) Reduction in funding for the preparation of reopening of the Cabildo \$ 89,000

Office of State Parks

Budget Unit: 06-8264

1) Reduction in funding for Kent Plantation House \$ 20,000

2) Reduction in funding for State Commemorative Areas \$ 16,000

3) Reduction in administrative costs for State Parks Administration \$ 81,000

Office of Tourism

Budget Unit: 06-8267

Reduction in funding for the National Black Legislative Conference \$ 10,000

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Office of Engineering

Budget Unit: 07-8276

1) Reduction in funding for the Highway Beautification Program \$ 26,000

2) Elimination of funding for the Wedell Williams Memorial Aviation Museum \$ 80,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

CORRECTIONS SERVICES

Corrections Administration

Budget Unit: 08-8400

1) Reduction in administrative expenses \$ 160,000

2) Substitution of general fund with self-generated revenues from inmate telephone commissions \$ 300,000

Avoyelles Correctional Center

Budget Unit: 08-8405

1) Elimination of 31 positions associated with prison expansion \$ 566,000

Allen Correctional Center

Budget Unit: 08-8408

1) Reduction in general fund due to delayed opening of Phase II expansion \$ 118,117

Adult Probation and Parole

Budget Unit: 08-8415

Reduction in salaries and support expenses for vacant positions \$ 200,000
 Office of Youth Development
 Budget Unit: 08-8403
 1) Elimination of Florida Parishes Detention Center funding \$ 400,000
 2) Reduction in Chaneyville Area Juvenile Delinquency Prevention and Tutorial Program \$ 7,500
 3) Reduction in professional services \$ 414,000
 4) Reduction in other charges for contract programs \$ 617,000
 Sheriffs' Housing of State Inmates
 Budget Unit: 08-8451
 1) Reduction in general fund due to lower than anticipated jail census \$ 711,226
PUBLIC SAFETY SERVICES
 Office of Management and Finance
 Budget Unit: 08-8418
 1) Elimination of one attorney position in the Legal Program \$ 44,000
 2) Reduction in operating expenses and acquisitions \$ 309,000
 3) Reduction in training activities for the Information Services Section \$ 45,000
 4) Reduction of acquisitions in Motor Vehicle field offices \$ 88,000
 Office of Motor Vehicles
 Budget Unit: 08-8420
 1) Substitution of funding by general fund with self-generated revenues \$ 460,000
 Highway Safety Commission
 Budget Unit: 08-8425
 Reduction in general fund for a vacant position \$ 5,000

DEPARTMENT OF HEALTH AND HOSPITALS

Office of the Secretary
 Budget Unit: 09-8305
 1) Reduction in administrative costs \$2,510,000
 2) Substitution of Interagency transfers for general fund \$6,552,000
 Office of Public Health
 Budget Unit: 09-8326
 1) Reduction in administrative costs \$1,100,000
 2) Reduction in non-emergency Handicapped Children's Services \$ 400,000
 Villa Feliciana Chronic Disease Hospital and Rehabilitation Center
 Budget Unit: 09-8319
 Reduction in administrative costs \$ 63,000
 Office of Human Services - Community Based Programs
 Budget Unit: 09-8330
 1) Reduction in administrative costs \$ 186,000
 2) Reduction in new Dual Diagnosis Mental Health and Substance Abuse Unit in New Orleans \$ 500,000
 3) Reduction in Adult Day Habilitation Services \$ 300,000
 4) Reduction in state support for the Special Olympics \$ 12,000

5) Reduction in new Subsidized Transportation Program from Bunkie and Evergreen to an Adult Day Habilitation Program in Avoyelles Parish \$ 16,000
 6) Elimination of general fund support for Preventive Dentistry Education Program \$ 57,000
 7) Reduction in general fund in the Gary "W" Program to reflect prior refinancing of services with Medicaid \$ 769,000
 8) Reduction in operating services and supplies \$ 68,000
 9) Reduction in acquisitions \$ 17,000
 Central Louisiana State Hospital
 Budget Unit: 09-8331
 Reduction in administrative costs \$ 374,000
 East Louisiana State Hospital
 Budget Unit: 09-8332
 Reduction in administrative costs \$ 537,000
 Southwest Louisiana Development Center
 Budget Unit: 09-8349
 Reduction in Adult Day Habilitation Program \$ 30,000

DEPARTMENT OF SOCIAL SERVICES

Office of Family Support
 Budget Unit: 10-8355
 1) Reduction in funding for the La. Automated Management Information (L'AMI) System to projected need \$1,337,000
 2) Reduction in operating services \$ 500,000
 3) Reduction in funding for the Employment and Training Program \$ 100,000
 Office of Community Services
 Budget Unit: 10-8370
 1) Reduction in administrative costs \$ 290,000
 2) Reduction in local programs \$ 343,000
 3) Reduction in Children's Trust Fund \$ 89,000
 Rehabilitation Services
 Budget Unit: 10-8374
 Reduction in administrative costs \$ 185,000

DEPARTMENT OF NATURAL RESOURCES

Office of Mineral Resources
 Budget Unit: 11-8434
 Reduction in administrative costs \$ 46,000

DEPT. OF REVENUE AND TAXATION

Office of Revenue
 Budget Unit: 12-8440
 Reduction in wage employees \$ 400,000

DEPT. OF CIVIL SERVICE

Ethics Administration
 Budget Unit: 17-8562
 Reduction in administrative costs \$ 31,000
 State Police Commission
 Budget Unit: 17-8563
 Reduction in administrative costs \$ 16,000

RETIREMENT SYSTEM

Louisiana State Employees' Retirement System - Contribution
Budget Unit: 18-8585
Reduction in funding to the level set by the Public Retirement Systems' Actuarial Committee \$ 772,786

Teachers' Retirement System - Contribution
Budget Unit: 18-8586
Reduction in funding to level set by the Public Retirement Systems' Actuarial Committee \$ 834,013

Louisiana State Police Retirement System - Contribution
Budget Unit: 18-8587
Reduction in funding to the level set by the Public Retirement Systems' Actuarial Committee \$ 10,000

HIGHER EDUCATION

Board of Regents for Higher Education
Budget Unit: 19-8671

1) Reduction in administrative and operational costs \$ 129,423

2) Reduction in aid to independent institutions \$ 268,879

3) Reduction in funding for formula consultant study \$ 10,000

Louisiana Universities Marine Consortium
Budget Unit: 19-8674 \$ 110,462

Louisiana State University Board of Supervisors
Budget Unit: 19-8600 \$ 104,302

Louisiana State University - Baton Rouge
Budget Unit: 19-8601 \$9,260,101

Louisiana State University - Alexandria
Budget Unit: 19-8602 \$ 359,116

University of New Orleans
Budget Unit: 19-8603 \$2,601,154

Louisiana State University Medical Center
Budget Unit: 19-8604 \$5,570,380

Louisiana State University - Eunice
Budget Unit: 19-8605 \$ 264,423

Louisiana State University - Shreveport
Budget Unit: 19-8606 \$ 673,883

Louisiana State University Agricultural Center
Budget Unit: 19-8607 \$3,996,733

Paul M. Hebert Law Center
Budget Unit: 19-8608 \$ 363,478

Pennington Biomedical Research Center
Budget Unit: 19-8609 \$ 348,932

Southern University Board of Supervisors
Budget Unit: 19-8615 \$ 55,449

Southern University - Baton Rouge
Budget Unit: 19-8616 \$2,759,798

Southern University - New Orleans
Budget Unit: 19-8617 \$ 721,201

Southern University - Shreveport
Budget Unit: 19-8618 \$ 328,018

Board of Trustees for State Colleges and Universities
Budget Unit: 19-8620 \$ 68,070

Nichols State University
Budget Unit: 19-8621 \$1,368,172

Grambling State University
Budget Unit: 19-8623 \$1,428,126

Louisiana Tech University
Budget Unit: 19-8625 \$2,339,504

McNeese State University
Budget Unit: 19-8627 \$1,433,074

Northeast Louisiana University
Budget Unit: 19-8629 \$2,270,740

Northwestern State University
Budget Unit: 19-8631 \$1,456,641

Southeastern Louisiana Univ.
Budget Unit: 19-8634 \$1,890,048

University of Southwestern LA
Budget Unit: 19-8640 \$3,292,876

Isaac Delgado Community College
Budget Unit: 19-8641 \$1,425,378

Elaine P. Nunez Community College
Budget Unit: 19-8643 \$ 210,639

SPECIAL SCHOOLS AND COMMISSIONS

Louisiana School for the Visually Impaired
Budget Unit: 19-8651
Reduction in acquisitions and major repairs \$ 156,795

Louisiana School for the Deaf
Budget Unit: 19-8653
Reduction in administrative and operational expenses \$ 792,000

Louisiana Special Education Center
Budget Unit: 19-8655

1) Reduction in major repairs \$ 19,877

2) Reduction in administrative Costs \$ 10,000

Louisiana School for Math, Science and the Arts
Budget Unit: 19-8657
Reduction in administrative and operational expenses \$ 158,069

Louisiana Educational Television Authority
Budget Unit: 19-8662

1) Reduction in administrative costs \$ 34,000

2) Reduction in broadcast funding \$ 16,000

3) Elimination of enhancement to non-licensees \$ 150,000

**VOCATIONAL-TECHNICAL
EDUCATION**

Regional Management Center 1, New Orleans	
Budget Unit: 19-9700	
Reduction in administrative and operational expenses	\$ 128,232
Regional Management Center 2, Baton Rouge	
Budget Unit: 19-9710	
Reduction in administrative and operational expenses	\$ 237,832
Regional Management Center 3, Houma	
Budget Unit: 19-9730	
Reduction in administrative and operational expenses	\$ 85,488
Regional Management Center 4, Lafayette	
Budget Unit: 19-9740	
Reduction in administrative and operational expenses	\$ 165,496
Regional Management Center 5, Lake Charles	
Budget Unit: 19-9750	
Reduction in administrative and operational expenses	\$ 124,944
Regional Management Center 6, Alexandria	
Budget Unit: 19-9760	
Reduction in administrative and operational expenses	\$ 103,024
Regional Management Center 7, Shreveport	
Budget Unit: 19-9770	
Reduction in administrative and operational expenses	\$ 147,960
Regional Management Center 8, Monroe	
Budget Unit: 19-9780	
Reduction in administrative and operational expenses	\$ 117,024

DEPARTMENT OF EDUCATION

Office of Management and Finance	
Budget Unit: 19-8678	
1) Reduction in Superintendent's administrative costs	\$ 45,000
2) Reduction in operating expenses	\$ 52,000
3) Reduction in MFP Accountability administrative and operating expenses	\$ 110,000
Office of Academic Programs	
Budget Unit: 19-8681	
1) Reduction in administrative costs of Assistant Superintendent	\$ 1,000
2) Reduction in administrative and operating expenses for Bureaus of Elementary and Secondary Education	\$ 48,000
3) Reduction in operating expenses of Bureau of Teacher Certification	\$ 35,000
4) Elimination of administrative expenses of Attention Deficit Disorder Program	\$ 346,000

5) Reduction in administrative costs of Bureau of Student Services	\$ 19,000
6) Reduction in administrative costs of Bureau of Continuing Education	\$ 17,000
7) Reduction in local programs	\$ 55,000
8) Reduction in administrative costs of Church-Based Tutorial Program Adult Education	\$ 11,000
Budget Unit: 19-8683	
1) Reduction in administrative costs	\$ 44,000
2) Reduction in flow-through to local education agencies	\$ 124,000
3) Reduction in local program Office of Research and Development	\$ 15,000
Budget Unit: 19-8691	
Reduction in administrative costs of	
1) Assistant Superintendent and Regional Service Centers	\$ 27,500
2) Reduction in Professional Accountability administrative and operating costs	\$ 63,000
3) Reduction in Teacher Evaluation administrative costs	\$ 87,000
4) Reduction in Educational Accountability administrative and operating costs	\$ 135,451
5) Reduction in data processing operating expenses	\$ 51,500
6) Reduction in Model Career Options to reflect actual number of participants	\$ 29,286
7) Reduction in LEAP - Statewide Testing administrative costs	\$ 7,000
8) Reduction in MFP Accountability operating expenses	\$ 114,000
Office of Special Education Services	
Budget Unit: 19-8692	
1) Reduction in administrative and operating costs	\$ 75,000
2) Reduction in contractual services	\$ 81,253
3) Reduction in ChildNet Supplemental Education Assistance	\$ 26,000
Budget Unit: 19-8697	
Reduction in the administrative expense reimbursement for non-public schools	\$ 591,911
Special School District No. 1	
Budget Unit: 19-8699	
Reduction in administrative costs and substitution of funding by general fund with interagency transfers from the Department of Health and Hospitals	\$ 196,160

OTHER REQUIREMENTS

Corrections Debt Service	
Budget Unit: 20-8923	
Reduction in debt service payments due to credit for interest on reserves	\$ 412,157

SECTION 1: TOTAL \$77,836,083

SECTION 2: In addition to the above detailed reductions and in accordance with R.S. 39:75C(2), expenditures for the following budget units are frozen in

the amounts shown below. Because these reduction exceed the 10 percent limitation on my unilateral authority, approval of the Joint Legislative Committee on the Budget shall be sought prior to implementation of the actual budget reductions.

EXECUTIVE DEPARTMENT

Executive Office

Budget Unit: 01-8100

1) Reduction in operating expenses in the Office of Rural Development \$ 39,741

2) Reduction in grant funding to rural communities within the Office of Rural Development \$ 700,000

3) Reduction in personal services and operating expenses \$ 267,448

Governor's Commission on Indian Affairs

Budget Unit: 01-8101

Reduction in operating expenses \$ 9,178

Office of Lifelong Learning

Budget Unit: 01-8113

Reduction in operating expenses \$ 20,468

DEPARTMENT OF ECONOMIC DEVELOPMENT

Office of the Secretary

Budget Unit: 05-8251

1) Reduction in Economic Freedom Association \$ 10,000

2) Reduction in England Authority \$ 42,576

3) Reduction in Apparel Study and Marketing Strategy \$ 42,576

4) Elimination of loan guarantee for Trane Company \$2,000,000

5) Reduction in Small Business Bonding Assistance Program \$ 34,500

6) Reduction in Office of Management and Finance \$ 134,091

7) Reduction in Policy and Research \$ 27,700

Office of Commerce and Industry

Budget Unit: 05-8252

1) Reduction in Executive Administration \$ 26,598

2) Reduction in National Marketing Activity \$ 26,453

3) Reduction in International Marketing/Trade Activities \$ 121,638

4) Reduction in Music Commission Activity \$ 7,159

DEPARTMENT OF CULTURE, RECREATION AND TOURISM

Office of the Secretary

Budget Unit: 06-8261

1) Reduction in administrative costs for the Administration Program \$ 1,000

2) Reduction in administrative costs for the Management and Finance Program \$ 52,000

Office of Cultural Development

Budget Unit: 06-8265

1) Reduction in funding for Administration Activity \$ 9,000

2) Reduction in funding for the Regional Archaeology Activity \$ 35,000

3) Reduction in funding for storage and curation of artifacts in the Division of Archaeology \$ 65,000

4) Reduction in additional funds for funding Arts Grants applications \$ 50,000

5) Reduction in funding for Arts Grants which is not used to match federal funds \$ 77,000

Office of Film and Video

Budget Unit: 06-8266

Reduction in administrative costs \$ 20,000

Office of Litter Control and Recycling

Budget Unit: 06-8269

Reduction in administrative costs \$ 21,000

DEPARTMENT OF HEALTH AND HOSPITALS

Southeast Louisiana State Hospital

Budget Unit: 09-8333

Reduction in administrative costs \$ 505,000

Greenwell Springs Hospital

Budget Unit: 09-8335

Reduction in administrative costs \$ 49,000

DEPARTMENT OF NATURAL RESOURCES

Office of Management and Finance

Budget Unit: 11-8430

1) Reduction in administrative costs in the Support Services Program \$ 75,000

2) Elimination of funding for commercial office rental space \$ 482,000

Office of the Secretary

Budget Unit: 11-8431

1) Reduction in administrative costs in the Administrative Program \$ 10,000

2) Reduction in administrative costs in the Louisiana Geological Survey Program \$ 91,000

Office of Conservation

Budget Unit: 11-8432

1) Reduction in administrative costs in the Oil and Gas Regulatory Program \$ 96,000

2) Reduction in administrative costs in the Public Safety Program \$ 34,000

DEPARTMENT OF REVENUE AND TAXATION

Louisiana Tax Commission

Budget Unit: 12-8441

Reduction in administration costs \$ 181,000

DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of the Secretary

Budget Unit: 13-8850

Reduction in administrative costs \$ 132,655

Office of Air Quality and Radiation Protection

Budget Unit: 13-8851

1) Reduction in administrative costs in the Air Quality Program \$ 119,758

2) Reduction in the Radiation Protection Program \$ 131,000
Office of Water Resources
Budget Unit: 13-8852
Reduction in administrative costs \$ 205,834
Office of Solid and Hazardous Waste
Budget Unit: 13-8853
1) Reduction in administrative costs in the Solid Waste Program \$ 74,848
2) Reduction in administrative costs in the Hazardous Waste Program \$ 119,758
3) Reduction in administrative costs in the Underground Storage Tanks Program \$ 48,652
Office of Legal Affairs and Enforcement
Budget Unit: 13-8854
1) Reduction in administrative costs in the Legal and Enforcement Program \$ 12,591
2) Reduction in administrative costs in the Inactive and Abandoned Sites Program \$ 95,346
Office of Management and Finance
Budget Unit: 13-8855
Reduction in administrative costs \$ 458,558

DEPARTMENT OF WILDLIFE AND FISHERIES
Office of the Secretary
Budget Unit: 16-8512
1) Substitution of Conservation Fund revenue for general fund - Administration Program \$ 5,176
2) Substitution of Conservation Fund revenue for general fund - Support Services Program \$ 59,652
3) Substitution of Conservation Fund revenue for general fund - Enforcement Program \$ 814,042
4) Substitution of Conservation Fund revenue for general fund - Education Program \$ 30,492
Office of Wildlife
Budget Unit: 16-8513
1) Substitution of Conservation Fund revenue for general fund - Wildlife Program \$ 340,480
2) Substitution of Conservation Fund revenue for general fund - Habitat Conservation Program \$ 61,679
Office of Fisheries
Budget Unit: 16-8514
1) Substitution of Conservation Fund revenue for general fund - Fisheries Program \$1,070,747

SPECIAL SCHOOLS AND COMMISSIONS
Office of Student Financial Assistance
Budget Unit: 19-8661
Reduction in enhanced funding for the Louisiana Opportunity Loan Program \$1,000,000

Council for the Development of French in Louisiana
Budget Unit: 19-8663
1) Reduction in administrative costs \$ 19,202
2) Reduction in scholarships and TV production \$ 5,031
Board of Elementary and Secondary Education
Budget Unit: 19-8666
1) Reduction in administrative costs \$ 19,843
2) Elimination of funding for Math and Science Instructional Equipment fund \$3,000,000

DEPARTMENT OF EDUCATION
Office of Vocational Education
Budget Unit: 19-8693
1) Reduction in administrative costs of Assistant Superintendent \$ 69,513
2) Reduction in administrative costs of Pell Grant Program \$ 10,447
Office of Educational Support Services
Budget Unit: 19-8698
1) Reduction in administrative costs of Assistant Superintendent \$ 1,000
2) Substitution of federal funds for general grant fund in administrative expenses \$ 42,000
3) Reduction in local programs \$ 61,000

OTHER REQUIREMENTS
Madison Parish Port
Budget Unit: 20-8944
Reduction in state aid to this port \$ 15,000
St. Bernard Parish Port, Harbor and Terminal Intermodal Development
Budget Unit: 20-8908
Reduction in state aid to this port \$ 75,000

SECTION 2: TOTAL \$13,462,430

SECTION 3: The above actions, together with a voluntary reduction of \$2,266,257 in administrative costs of the state Legislature, will result in a level of expenditure which does not exceed the official forecast of the Revenue Estimating Conference.

GRAND TOTAL \$93,564,770

SECTION 4: Budget cuts pursuant to this order shall become effective October 1, 1992, at 12:01 o'clock a.m.

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 29th day of September 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-72

WHEREAS, Hurricane Andrew caused extensive damage in Terrebonne Parish; and

WHEREAS, the residents of Terrebonne Parish need all available assistance to clean up the debris left by Hurricane Andrew; and

WHEREAS, the parish governing authority of these particular affected areas may have regular employees who may be available to assist in the cleanup of the debris left by Hurricane Andrew;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me through the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Regular employees of Terrebonne Parish who may be available to assist in removing debris left by Hurricane Andrew shall have the authority to perform work on private property in order to expedite the cleanup efforts.

SECTION 2: On all work performed on private property, the Terrebonne Parish officials in charge of the supervision of the cleanup crew shall execute and maintain with the private landowner all necessary waivers of liability which shall ensure that the State of Louisiana will be held harmless for any and all damages.

SECTION 3: On all work performed on abandoned property, the Terrebonne Parish officials in charge of the supervision of the cleanup crew shall make a special effort to identify and document any and all damages to the abandoned property prior to the cleanup or removal of debris.

SECTION 4: On any and all work performed by parish employees on private property, the parish officials in charge of said cleanup work shall limit said employees' time on said private property to normal working hours.

SECTION 5: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 30th day of September, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-73

WHEREAS, the disabled people of Louisiana have special concerns and needs relative to the protection of their health, safety, and welfare; and

WHEREAS, in order to further serve the needs of and assist the disabled people of Louisiana, the Governor's Advisory Council on Disability Affairs was created and established by Executive Order EWE 92-37; and

WHEREAS, the Governor's Advisory Council on Disability Affairs could perform its duties and functions in a more efficient and effective manner with the assistance of a representative of the Developmental Disabilities Council;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby amend and reenact Executive Order EWE 92-37, and do hereby order and direct as follows:

SECTION 1: The Governor's Advisory Council on Disability Affairs shall be composed of an additional member who shall be the Chair of the Developmental Disabilities Council.

SECTION 2: All other orders and directions of Executive Order EWE 92-37 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Governor's Advisory Council on Disability Affairs in implementing the provisions of this Executive Order.

SECTION 4: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 1st day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-74

WHEREAS, pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1992 (the "1992 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1992 Ceiling and (iii) a system of central record keeping for such allocations, and

WHEREAS, the Louisiana Public Facilities Authority has requested an allocation from the 1992 Ceiling to be used in connection with the financing of improvements, rehabilitation and expansion of the waterworks system (the "Project") of The Baton Rouge Water Works Company located in East Baton Rouge Parish, Louisiana; and

WHEREAS, the governor has determined that the project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of East Baton Rouge; and

WHEREAS, it is the intent of the Governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supersedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1992 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$20,000,000	Louisiana Public Facilities Authority	The Baton Rouge Water Works Company

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

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 20, 1992, provided that such bonds are delivered to the initial purchasers thereof on or before December 20, 1992.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this Executive Order, to the extent conflicting with the provisions of Executive Order EWE 92-47, supersedes and prevails over the provisions of such Executive Order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This Executive Order shall be effective upon signature of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 7th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-75

WHEREAS, pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1992 (the "1992 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1992 Ceiling and (iii) a system of central record keeping for such allocations, and

WHEREAS, the Parish of St. Charles has requested an allocation from the 1992 Ceiling to be used in connection with the financing of the acquisition or purchase of certain solid waste disposal facilities (the "Project") at Unit 3 (nuclear) of the Waterford Steam Electric Station of Louisiana Power & Light Company located in St. Charles Parish, Louisiana; and

WHEREAS, the governor has determined that the Project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of St. Charles; and

WHEREAS, it is the intent of the Governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE

92-47, supersedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1992 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$24,000,000	Parish of St. Charles	Louisiana Power & Light Co.

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section I and for the general purpose set in the "Application for Allocation of a Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 20, 1992, provided that such bonds are delivered to the initial purchasers thereof on or before December 20, 1992.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order EWE 92-47, supersedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 7th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-76

WHEREAS, pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1992 (the "1992 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1992 Ceiling and (iii) a system of central record keeping for such allocations; and

WHEREAS, the Parish of St. Charles has requested an allocation from the 1992 Ceiling to be used in connection with the financing of water pollution abatement and control facilities (the "Project") at the chemicals and plastics plant of Union Carbide Chemicals and Plastics Company Inc. located in St. Charles Parish, Louisiana; and

WHEREAS, the governor has determined that the Project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of St. Charles; and

WHEREAS, it is the intent of the governor of the State of Louisiana that this Executive Order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supersedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1992 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$24,000,000	Parish of St. Charles	Union Carbide Chemicals and Plastics Company Inc.

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

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 20, 1992, provided that such bonds are delivered to the initial purchasers thereof on or before December 20, 1992.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order EWE 92-47, supersedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 7th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-77

WHEREAS, pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1992 (the "1992 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1992 Ceiling and (iii) a system of central record keeping for such allocations; and

WHEREAS, the Parish of St. James has requested an allocation from the 1992 Ceiling to be used in connection with the financing of certain solid waste disposal facilities (the "Project") at the existing alumina refinery of Kaiser Aluminum & Chemical Corporation located in and adjoining St. James Parish, Louisiana; and

WHEREAS, the governor has determined that the Project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of St. James; and

WHEREAS, it is the intent of the governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supersedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1992 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$20,000,000	Parish of St. James	Kaiser Aluminum & Chemical Corporation

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

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 20, 1992, provided that such bonds are delivered to the initial purchasers thereof on or before December 20, 1992.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order EWE 92-47, supersedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 7th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-78

WHEREAS, pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond

EXECUTIVE ORDER EWE 92-79

volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1992 (the "1992 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1992 Ceiling and (iii) a system of central record keeping for such allocations; and

WHEREAS, the Parish of St. Charles has requested an allocation from the 1992 Ceiling to be used in connection with the financing of water pollution abatement and control facilities (the "Project") at the oil refinery of Shell Oil Company located in St. Charles Parish, Louisiana; and

WHEREAS, the governor has determined that the Project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of St. Charles; and

WHEREAS, it is the intent of the governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supersedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1992 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$28,000,000	Parish of St. Charles	Shell Oil Company

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

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 20, 1992, provided that such bonds are delivered to the initial purchasers thereof on or before December 20, 1992.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order EWE 92-47, supersedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 7th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

WHEREAS, Hurricane Andrew caused extensive damage in St. John the Baptist Parish; and

WHEREAS, the residents of St. John the Baptist Parish need all available assistance to clean up the debris left by Hurricane Andrew; and

WHEREAS, the parish governing authority of these particular affected areas may have regular employees who may be available to assist in the cleanup of the debris left by Hurricane Andrew;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me through the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Regular employees of St. John the Baptist Parish who may be available to assist in removing debris left by Hurricane Andrew shall have the authority to perform work on private property in order to expedite the cleanup efforts.

SECTION 2: On all work performed on private property, the St. John the Baptist Parish officials in charge of the supervision of the cleanup crew shall execute and maintain with the private landowner all necessary waivers of liability which shall ensure that the State of Louisiana will be held harmless for any and all damages.

SECTION 3: On all work performed on abandoned property, the St. John the Baptist Parish officials in charge of the supervision of the cleanup crew shall make a special effort to identify and document any and all damages to the abandoned property prior to the cleanup or removal of debris.

SECTION 4: On any and all work performed by parish employees on private property, the parish officials in charge of said cleanup work shall limit said employees' time on said private property to normal working hours.

SECTION 5: The provisions of this executive order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 7th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-80

WHEREAS, the Job Training Partnership Act of 1982 (JTPA), (Public Law 97-300), as amended, establishes a partnership between the private and public sectors in aspects of local policy making, planning, administration, and program operations to help prepare persons with serious employment barriers to be productive members of the labor force; and

WHEREAS, the JTPA requires the Governor to coordinate and approve job training policy, plans, and services of each substate and service delivery area and state agency throughout the State of Louisiana; and

WHEREAS, "job training" in the JTPA includes training, educational programs, and supportive services aimed at increasing the skills and employment opportunities for persons who are economically disadvantaged, and other individuals who are in special need of such training to obtain productive employment; and

WHEREAS, the JTPA mandates that state and local agencies closely coordinate their efforts in developing plans which meet the locally determined need for programs to alleviate employment problems; in reducing duplication and gaps in program plans and services, and in effectively and economically utilizing state and federal funds; and

WHEREAS, employment and training programs must be coordinated with human services to better serve those in need of training in our society; and

WHEREAS, a state job training coordinating council must be established in accordance with the guidelines set forth in the JTPA, and in the Secretary of Labor's rules and regulations as published in the U.S. Federal Register;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby create and establish the Governor's Employment and Training Coordinating Council within the Executive Department, Office of the Secretary in the Department of Labor, and do hereby order and direct as follows:

SECTION 1: The Governor's Employment and Training Coordinating Council is created and established within the Executive Department, Office of the Secretary in the Department of Labor.

SECTION 2: The administrative entity for all JTPA operations in Louisiana is the Louisiana Department of Labor.

SECTION 3: The Governor's Employment and Training Coordinating Council shall be composed of the following members who shall be appointed by and serve at the pleasure of the governor:

A. Thirty percent of the membership shall be representatives of business and industry (including agriculture, where appropriate), including individuals who are representatives of business and industry on private industry councils within the state.

B. Thirty percent of the membership shall be representatives of the state legislature, and state agencies and organizations, such as the state educational agency, the state vocational education board, the state advisory council on vocational education, the state board of education (when not otherwise represented), state public assistance agencies, the state employment security agency, the state rehabilitation agency, the state occupational information coordinating committee, state postsecondary institutions, the state economic development agency, state veterans' affairs agencies or equivalent, and such other agencies as the governor determines to have a direct interest in employment and training and human resource utilization within the state, the representatives of the units or consortia of general local government in the state who shall be nominated by the chief elected officials of the units or consortia of units of general local government, and the representatives of local educational agencies who shall be nominated by local educational agencies.

C. Thirty percent of the membership shall be representatives of organized labor and representatives of community-based organizations in the state.

D. Ten percent of the membership shall be appointed

from the general public by the governor.

E. Alternate members may be appointed to the Governor's Employment and Training Coordinating Council. Alternate members may perform all duties and functions of regular members except for voting. Alternate members may vote in the absence of a regular member, if the alternate member qualifies as a representative of the absent member's position, as described in Section 3:(A)-(D) of this executive order.

SECTION 4: The chair and vice chair of the Governor's Employment and Training Coordinating Council shall be selected by the governor. A majority of the appointed membership present shall constitute a quorum. The Governor's Employment and Training Coordinating Council shall conduct regularly scheduled meetings.

SECTION 5: No member of the Governor's Employment and Training Coordinating Council, other than a legislator serving thereon, shall receive per diem or other compensation for their services, but shall be reimbursed for actual expenses incurred in the performance of their duties as approved by the commissioner of the Division of Administration. A legislator serving as a member of the Governor's Employment and Training Coordinating Council shall receive per diem in accordance with law.

SECTION 6: The duties and functions of the Governor's Employment and Training Coordinating Council include, but are not limited to, ensuring state compliance with the JTPA, identifying problem issues relative to the JTPA, recommending solutions to such problem issues, and other duties and functions as directed by the governor.

SECTION 7: The Governor's Employment and Training Coordinating Council shall be provided professional, technical, and clerical staff of the Department of Labor. The Governor's Employment and Training Coordinating Council may appoint one employee holding an unclassified confidential position as executive director and one principal assistant in accordance with Article X, Section 2 of the Constitution of Louisiana. The Governor's Employment and Training Coordinating Council shall report to the governor through the secretary of the Department of Labor, or her designee.

SECTION 8: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Governor's Employment and Training Coordinating Council in implementing the provisions of this executive order.

SECTION 9: The provisions of this executive order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 7th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

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 the 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 agency is authorized to adopt and amend rules and regulations regarding the administration and allocation of low-income housing tax credits under Section 42 of the Federal Internal Revenue Code of 1986, 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 W. EDWARDS, Governor of the State of Louisiana, by virtue of the Constitution and laws 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 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 Capitol, in the City of Baton Rouge, on this 8th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

WHEREAS, the Congress of the United States affirmed the national goal that every American family be able to afford a decent home in a suitable environment pursuant to the Cranston-Gonzales National Housing Act of 1990 (the "Housing Act"); and

WHEREAS, the Housing Act provides that the objective of national housing policy shall be to affirm the long-established commitment of decent, safe and sanitary housing for every American by strengthening a nationwide partnership of public and private institutions able:

1. to ensure that every resident of the United States has access to decent shelter or assistance in avoiding homelessness;

2. to increase the nation's supply of decent housing that is affordable to low-income and moderate-income families and accessible to job opportunities;

3. to improve housing opportunities for all residents of the United States, particularly members of disadvantaged minorities, on a nondiscriminatory basis;

4. to help make neighborhoods safe and livable;

5. to expand opportunities for home ownership;

6. to provide every American community with a reliable, readily available supply of mortgage finance at the lowest possible interest rates; and

7. to encourage tenant empowerment and reduce generational poverty in federally assisted and public housing by improving the means of which self-sufficiency may be achieved; and

WHEREAS, the purposes of the Housing Act are:

1. to help families not owning a home to save for a down payment for the purchase of a home;

2. to retain wherever feasible as housing affordable to low-income families those dwelling units produced for such purpose with federal assistance;

3. to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of housing affordable to low-income and moderate-income families; and

4. to expand and improve federal rental assistance for very low-income families; and

5. to increase the supply of supportive housing, which combines structural features and services needed to enable persons with special needs to live with dignity and independence; and

WHEREAS, the Louisiana Housing Finance Act contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended, created the Louisiana Housing Finance Agency (the "Agency") and further provided that the Louisiana Legislature found and declared that the limited resources available directly to the State of Louisiana (the "State") or its agencies may be more effectively and efficiently utilized if a single agency such as the agency is authorized and directed to coordinate housing programs administered by the State or its agencies and instrumentalities; and

WHEREAS, the agency is authorized to promulgate rules, regulations or such other procedures for the coordination of all State administered housing programs; and

WHEREAS, the agency is further authorized to accept federal, state or private financial or technical assistance and comply with any conditions for such assistance;

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

SECTION 1: The agency is hereby ordered and directed to act on behalf of the State in applying for, implementing, allocating or administering programs, grants and/or resources made available pursuant to the Housing Act.

SECTION 2: The agency is hereby directed to promulgate such rules and regulations as may be necessary or convenient to allocate resources to improve housing conditions in the State on a basis consistent with the State's Comprehensive Housing Affordability Strategy (the CHAS).

SECTION 3: The agency is hereby ordered and directed to update, amend and/or supplement the CHAS as required or allowed by the Housing Act.

SECTION 4: The president of the agency, to the extent permitted by the Housing Act, is authorized to execute the CHAS and any amendments or supplements thereto on behalf of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 8th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-83

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act (the "Affordable Housing Act") which was signed into law on November 28, 1990 by President George Bush affirms the national goal that every American family be able to afford a decent home in a suitable environment; and

WHEREAS, the purposes of the Affordable Housing Act are:

1. to help families not owning a home to save for a down payment for the purchase of a home;
2. to retain, wherever feasible, as housing affordable to low-income families, those dwelling units produced for such purpose with federal assistance;
3. to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of housing affordable to low-income and moderate-income families;
4. to expand and improve federal rental assistance for every low-income families; and
5. to increase the supply of supportive housing which combines structural features and services needed to enable persons with special needs to live with dignity and independence; and

WHEREAS, among the new housing programs created by the Affordable Housing Act to assist state and local governments to achieve the national goal are the Home Investment Partnerships (created by Title II of the Affordable Housing Act) and the HOPE Programs (created by Titles IV, V, and VIII of said Affordable Housing Act); and

WHEREAS, the centerpiece of these new programs, as well as the management of existing programs, is the Affordable Housing Act's requirement that state and local governments must have Comprehensive Housing Affordability Strategies ("CHAS"); and

WHEREAS, Section 105 of the Affordable Housing Act provides that the CHAS shall be in a form that the Secretary of Housing and Urban Development ("HUD") determines to be appropriate; and

WHEREAS, the secretary of HUD promulgated on February 4, 1991 an interim rule (the "CHAS Rule") implementing Section 105 of the Affordable Housing Act which prescribes the development of the CHAS, as well as Section 107 and 108, which prescribes the citizen participation procedure for development of the CHAS and the compliance procedures to be followed by state; and

WHEREAS, Section 91.20 of the CHAS Rule requires that, in formulating its housing strategy for the state, the state government must include data covering all areas within the state, both metropolitan and non-metropolitan areas, containing the following elements:

- a. Needs data
- b. Homeless assistance needs and strategy
- c. Market characteristics
- d. Relevant public policies
- e. Institutional structure
- f. Resources
- g. Plan
- h. Intergovernmental cooperation
- i. Tax Credits
- j. Public Housing Ownership
- k. Monitoring procedures
- l. Fair Housing
- m. Replacement of low-income housing and relocation assistance
- n. Goals

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

WHEREAS, the Board of Commissioners of the Agency is authorized and directed by the Louisiana Housing Finance Act (the "Act") contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950 to establish policy for housing finance for all units, divisions, agencies, public corporations and instrumentalities of the state directly or indirectly involved in financing single family or multifamily housing; and

WHEREAS, the agency is authorized to undertake and carry out or authorize the completion of studies and analyses of housing conditions and needs within the state and ways of meeting such needs; and

WHEREAS, the Act further authorizes the Agency to promulgate rules, regulations, or such other procedures for the coordination of all state administered housing programs; and

WHEREAS, the Governor of the State of Louisiana hereby deems it necessary and desirable to further authorize and direct the Agency to coordinate the preparation of the CHAS on behalf of the state; and

WHEREAS, the Governor of the State of Louisiana further deems it necessary and desirable to direct every department, agency or instrumentality of the state to cooperate with the Agency in the preparation of the CHAS; and any amendments or supplements thereto;

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

SECTION 1: The Louisiana Housing Finance Agency (the "Agency") is hereby authorized and directed to coordinate the research, analysis and activities necessary to prepare the Comprehensive Housing Affordability Strategy ("CHAS") and any amendments or supplements thereto for the State of Louisiana (the "State").

The agency is further authorized and directed to coordinate the research, analysis and activities necessary to prepare the CHAS and any amendments or supplements thereto.

SECTION 2: Each department, agency, division, and instrumentality of State government (individually, a "State Entity") is hereby authorized and directed to cooperate with the agency in carrying out the provisions of this executive order. Each state entity shall provide the agency such information as the agency may request.

SECTION 3: The provisions of this executive order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 8th day of October, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EMERGENCY RULES

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Crop Pests and Diseases

Supplement to the 1992 Quarantine Listing
Pine Shoot Beetle

In accordance with the emergency provisions of the

Administrative Procedure Act, R.S. 49:953(B), and the authority of the state entomologist under the provisions of R.S. 3:1652, notice is hereby given that the state entomologist for the Department of Agriculture and Forestry has established an emergency quarantine for the pine shoot beetle, as follows:

Whereas, it has been determined that the pine shoot beetle, *Tomicus piniperda* (L.), a serious insect pest of pines, has been introduced and is established in certain states, and is not known to occur in Louisiana; and

Whereas, Louisiana supports an extensive commercial forest products industry in which pines are a major component;

Therefore, I, Matthew J. Keppinger III, State Entomologist of the state of Louisiana, by virtue of R.S. 3:1652 and LAC 7:9509, hereby establish a quarantine to prevent the introduction and spread of the pine shoot beetle and set forth: prohibition, definitions, regulated materials, quarantined area, conditions for movement, and penalties.

1. Prohibition. No person or common carrier shall move any regulated materials from the quarantined areas into or within the state of Louisiana except in accordance with conditions of the quarantine.

2. Definitions. For the purposes of this quarantine and regulations, the definitions set forth in LAC 7:9503 shall prevail. The following shall be construed to mean:

Certificate Permit—a permit which authorizes the movement, sale, offer for sale or storage of regulated materials.

Limited Permit—a permit which authorizes the movement of regulated articles to a restricted area for limited handling, utilization, processing or for treatment.

Person—any individual, firm, company, corporation, partnership, society or association engaged in growing, harvesting, storing, shipping or processing regulated materials.

Pine shoot beetle—any and all life stages of *Tomicus piniperda* (L.), Order Coleoptera, Family Scolytidae, commonly known as the pine shoot beetle.

Quarantined area—any property officially designated as a quarantined area because such area is suspected of being or is found to be infested with the pine shoot beetle.

Regulated materials—any plants, plant products or parts thereof subject to regulation under this quarantine, or any host material for the pine shoot beetle.

3. Regulated Materials

a. Any and all life stages of the pine shoot beetle, *Tomicus piniperda* (L.).

b. Plants, plant products and parts thereof of the genus *Pinus*, including nursery stock, cut trees for use as Christmas trees, ornamental foliage and timber with bark intact.

c. Any other product, materials, or means of conveyance not covered above, including other plant species determined to be hosts of the pine shoot beetle, when an inspector determines that said material presents a risk of introduction or spread of the pine shoot beetle and the person in possession thereof has actual notice that the material is subject to this quarantine.

4. Quarantined Area. The following areas are considered quarantined areas due to the establishment of pine shoot beetle:

a. the states of Illinois, Indiana, Michigan, New York, Ohio and Pennsylvania;

b. any other state, territory or country where the

presence of the pine shoot beetle is confirmed.

5. Conditions for Movement

a. Regulated materials from quarantined areas are prohibited movement into or within Louisiana unless accompanied by a certificate permit or limited permit issued at the point of origin. The certificate permit or limited permit shall be attached to each container in a load or shipment of regulated materials, or shall be attached to the shipping document or bill of lading accompanying the shipment.

b. A certificate permit or limited permit shall be issued by an authorized inspector in the state of origin only after the regulated materials have been inspected and found free of any and all life stages of the pine shoot beetle; or, a certificate permit shall be issued indicating that the materials originated in an area of a regulated state not known to be infested with pine shoot beetle.

c. The Louisiana Department of Agriculture and Forestry shall be notified in writing prior to shipment of regulated materials into the state. Notification shall include the final destination of the regulated materials.

d. Any regulated materials from a quarantined area moved into or found in Louisiana in violation of this quarantine may, at the discretion of the state entomologist, be quarantined, confiscated and/or destroyed, or returned to the person shipping the materials at the expense of the shipper. Additional shipments of regulated materials from the person in violation shall be suspended until all quarantine requirements are met to the satisfaction of the state entomologist.

6. Penalties. Any person violating this quarantine shall be subject to the penalties specified in R.S. 3:1653.

7. Effective date of quarantine. This quarantine shall become effective on October 22, 1992.

Matthew J. Keppinger, III
Assistant Commissioner and
State Entomologist

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Interim Changes to Bulletin 1508,
Pupil Appraisal Handbook

The Board of Elementary and Secondary Education exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved re-advertising as an emergency rule, the interim changes to Bulletin 1508, Pupil Appraisal Handbook.

This rule was adopted in accordance with the requirements of the Corrective Action Plan relative to the federal compliance monitoring of the state of Louisiana's special education programs and was printed in full as an emergency rule in the August, 1992 issue of the *Louisiana Register*. The changes to Bulletin 1508 are being re-advertised as an emergency rule in order to continue the

policy changes until they are finalized as a rule. Effective date of this emergency rule is November 24, 1992.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Bulletin 1868,
BESE Personnel Manual

The Board of Elementary and Secondary Education exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and adopted an amendment to Bulletin 1868, BESE Personnel Manual as stated below. This revision was adopted as an emergency rule in order that the implementation can begin immediately in accordance with the Board of Elementary and Secondary Education directive to the State Department of Education in September, 1992 and is effective October 22, 1992.

Bulletin 1868, BESE Personnel Manual

* * *

Chapter G: Employee Grievances

181: Grievance Procedure

* * *

E. Processing the Grievance

* * *

3. Second Step

In the event the decision in the first step does not satisfy the grievant or if a decision is not rendered within the prescribed time limit for the First Step, he/she may present to the superintendent of the board Special School or Special School District One or the regional director in the vocational-technical system his/her grievance in writing within seven calendar days of the written decision or expiration of the time limit for a response dictated by the "First Step" procedures. If the immediate supervisor is the superintendent/regional director, the grievant would initiate the formal grievance at the Second Step. The superintendent/regional director shall arrange to meet with the grievant within 14 calendar days from receipt of the grievance. The grievant shall be afforded an opportunity to present his/her viewpoints and there shall be an effort to resolve the grievance by both parties. In the attempt to resolve the grievance the superintendent/regional director may require involved parties to participate in the proceedings. A written report containing any decision reached shall be rendered by the superintendent/regional director within seven calendar days of the meeting. The grievant shall be entitled to submit a written statement to supplement the report. The report, grievance and any supplement thereto shall be maintained on file by said supervisory official.

4. Third Step

a. In the event that the decision of the superintendent/regional director does not satisfy the grievant, he/she may present his/her grievance by certified mail to the state superintendent of education. Such statement shall include any written response to the superintendent/regional director's decision concerning the grievance. The letter shall be mailed within seven calendar days after the report of the

superintendent/regional director was given to the grievant. The state superintendent or his designee shall direct the superintendent/regional director involved to submit a copy of the report and any supplemental written statement about the grievance.

b. Upon receipt of the superintendent/regional director's report, the state superintendent or his designee shall conduct a hearing within 30 calendar days of the receipt of an appeal of the Step Two decisions. Any additional documents to be considered in the hearing must be presented to the state superintendent by the parties at least five calendar days prior to the hearing. Anytime further information is sought or obtained regarding the grievance, the parties involved shall be given an opportunity to respond to any information received before any decision is reached. Parties to the hearing shall be afforded the opportunity to be present and respond to testimony.

c. Within 15 working days after the conclusion of the hearing, a decision will be mailed by certified mail to the appellant and the opposing party(s).

5. Fourth Step

a. In the event that the decision of the state superintendent does not satisfy the grievant, he/she may present an appeal to the decision by sending the appeal by certified mail to the executive director of the State Board of Elementary and Secondary Education, such appeal must be made within seven calendar days after receipt of the state superintendent's decision.

b. The board in its discretion may:

(1) affirm, reverse or modify the superintendent's decision; or
(2) grant a limited hearing with argument of the issues by written brief.

c. All parties to the grievance shall be notified of the board's decision.

6. Miscellaneous

a. It is understood that a grievance will be kept confidential except to the extent necessary to investigate and resolve the grievance unless the confidentiality is waived by the grievant.

b. A grievance may be withdrawn at any level without prejudice or record.

c. The employee must indicate with his filing at each level beyond the informal step as to who will accompany or represent him/her in any meetings or hearings that might be conducted.

d. No reprisals of any kind shall be taken by either party as a result of the use of this procedure, by the board or by any member of the administrative staff against any grievant by reason of such participation.

e. All decisions rendered at all levels beyond the Informal Step of the grievance procedure shall be in writing setting forth the decision and the reasons therefore and shall be transmitted to appropriate parties. Decisions rendered at any administrative level shall be binding until and unless an appeal is made and the decision is reversed at an appeal level.

f. For good cause shown, extensions of time shall be granted to either party for the hearing and decisions.

g. The date on a certified mail return receipt shall be sufficient evidence that a decision or communication was mailed or received by the parties.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Parish Superintendents' Advisory Council

The Board of Elementary and Secondary Education exercised those powers conferred by the Administrative Procedure Act R.S. 49:953(B) and approved the composition of the Parish Superintendents' Advisory Council as stated below:

1. The Parish Superintendents' Advisory Council shall be made up of 23 superintendents.

A. Each board member shall make two appointments from his district, with at least one member coming from a rural system.

B. The president of the Louisiana Association of School Superintendents shall serve as chairman of the Council.

2. Eight superintendent members in attendance shall constitute a quorum.

3. If a council member cannot be present for a meeting, he can appoint another superintendent from his district to represent him. The representative will have voting privileges.

Emergency adoption is necessary in order that council appointments can be made and representatives serving as a proxy may have voting privileges. Effective date of emergency rule is November 20, 1992.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Louisiana Employment Opportunity (LEO) Loan Program Lender Selection

The Student Financial Assistance Commission, Office of Student Financial Assistance, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to adopt a rule to amend the Louisiana Employment Opportunity Loan Program Policy and Procedure Manual by adding the following to Subsection 2.5:

* * *

K. The commission shall select the lending institutions to participate in the Louisiana Employment Opportunity (LEO) Loan Program. In the selection of a financial institution to perform the duties of a program lender, the following criteria shall apply:

1. The financial institution must be a state or federally chartered bank, savings and loan or credit union that concentrates its business activity and is headquartered in the state of Louisiana.

2. Unless the loan volume projected for an employer's program exceeds the capital investment a single bank is willing to make, only one financial institution shall be selected for each approved employer's program.

3. To be selected:

a. The lender shall submit a financial report from

federal, state or third party examiners or a certificate of good standing from an oversight authority which evidences the financial stability of the institution.

b. Priority will be given to a lender whose main or branch office is located in proximity to the training site operated by the employer whose program it will support as the program lender. (Proximity is defined as within a 30 mile radius of the employer's training site.)

c. Priority will be given to a lender that participates as an eligible lender in the Federal Family Education Loan Program (FFELP) administered by the state of Louisiana.

d. The lender shall agree to perform to the program standards defined in the statute and regulations governing the LEO Loan Program.

e. The lender shall be acceptable to the employer whose program it will support as the program lender.

f. The lender shall, by letter of application, apply to the commission for appointment as the program lender for a specific employer's program and include therein:

i. the name of the employer;

ii. the maximum acceptable fixed, simple interest rate that the institution would charge a program borrower based on the loan amount and repayment period defined in the employer's agreement with the Department of Economic Development. (Assuming that all other selection criteria are met, the commission shall give selection preference to the lender submitting the lowest simple interest rate bid);

iii. a statement that indicates the distance from the training site to the institution's closest main or branch office;

iv. a statement that the institution will agree to perform to program standards;

v. a statement that the institution does or does not participate in the Federal Family Education Loan Program (FFELP) administered by the state of Louisiana; and

vi. a financial report or certificate of good standing attesting to the financial stability of the institution.

4. The commission shall notify the financial institution by letter of its selection to participate as a program lender and forward the required participation agreement for execution and return by the lender.

* * *

Jack L. Guinn
Executive Director

DECLARATION OF EMERGENCY

Office of the Governor
Division of Administration
Office of State Uniform Payroll

Payroll Deductions (LAC 4:III.Chapter 1)

In accordance with R.S. 49:953(B), the Office of the Governor, Division of Administration, Office of State Uniform Payroll, is exercising the emergency provision of the Administrative Procedure Act, to adopt the following rule amending the regulations governing payroll deductions. The purpose of the amendment is to establish requirements which will provide information necessary for the administration of the Section 125 (Cafeteria) Plan. This information is

necessary for accurate calculation and timely reporting of employee wages and tax information.

The office requests that the proposed emergency rules take effect November 20, 1992 and that they remain in effect for 120 days.

The notice of intent to adopt the following rule under the Administrative Procedure Act will be published in the December 20, 1992 edition of the *Louisiana Register*.

Title 4 ADMINISTRATION Part III. Payroll

Chapter 1. Payroll Deductions

§101. Definitions

Administrative Contract—a contractual agreement entered into by the state with a company or corporation which meets or exceeds the requirements to manage a cafeteria plan.

Annual Listing—list maintained by the Office of State Uniform Payroll of Letters of Interest from which payroll deduction applicants may be selected.

Applicant—any company, corporation, or organization selected from the Annual Listing to make application to be approved as a vendor for state payroll deduction.

Authorized Cafeteria Plan—one which has been entered into by the state with companies and/or corporations that meet or exceed the requirements of R.S. 42:455.

Authorized Code—a unique four letter identification assigned to each vendor product which has been approved in the application process.

Control Number—the three digit identifier in UPS which serves as a key for processing and reporting. It may represent a single agency or a group of agencies.

Coordinator—a vendor representative who provides a single contact for communication between the vendor and the Office of State Uniform Payroll, payroll systems independent of UPS and any Administrative Contract(or).

Deduction—any voluntary reduction of net pay under written authority of an employee, which is not required by federal or state statute.

Department/Agency—one of the 20 major departments of state government or any subdivision thereof or any state university.

General Insurance Vendors—insurance companies which market, through payroll deduction, non-tax qualified life and health insurance or annuity products.

Governing Board—any one or all of: Board of Regents; Board of Supervisors of Louisiana State University Agricultural and Mechanical College; Board of Supervisors of Southern University; and the Board of Trustees for State Colleges and Universities.

Letter of Interest—written notification (Form SED-1 9/92) from a company, corporation, or organization requesting an opportunity to become an applicant for payroll deduction authorization.

Menu Item Provider—any vendor that provides a product or service which is included in the current plan year cafeteria plan menu.

Non-Insurance Vendor—any vendor that offers a product or service that is not provided under definition of a general insurance vendor.

Office of State Uniform Payroll—the section within the Division of Administration primarily responsible for the

Uniform Payroll System and administration of the rules governing state employee payroll deductions.

Organization—any charitable group qualified under Federal Code 501 (c) (3), state agency credit unions, labor union councils, or other deduction "permitted" by state statute.

Participation Code—a single character (a-l or m-z) designation shown as the last fourth character of the vendor deduction code. It is used to identify the employee election/selection (or the ineligibility of non menu items) for the product or service.

Payroll Reporting Number (PRN)—the eight digit number currently used in UPS to identify a payroll group, usually an agency; PRN replaced the six digit budget unit number. Permitted deductions are allowed by state statute rather than mandated.

Provider—the individual or organization which renders service, provides goods, or guarantees delivery.

Reconciliation—the resolution of differences resulting from a monthly match or comparison of vendor accounts receivable/invoice records to the state deduction/remittance records.

Section 125 Status—the eligibility, under Section 125 of the IRS Code, of the product to be included in a Cafeteria Plan menu.

Third Party—defined as any agent for or representative of a provider.

University—any one of the state higher education facilities which falls under the jurisdiction of appropriate "governing board".

UPS—the state Uniform Payroll System.

Vendor—any company, corporation, or organization having met the requirements of this rule and participating in payroll deduction.

Voluntary Deduction—any deduction which the employee is free to accept or decline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§103. Application Process

A. Application shall be made by the company, corporation, or organization which is the provider of coverage, product, service, or recipient of monies and shall be signed by two officers of the applicant company, corporation or organization.

B. Applications for the purpose of providing deductions for IRA'S are not permitted.

C. Any applicant requesting authority to implement a payroll deduction shall submit a completed application form to the Office of State Uniform Payroll. Companies requesting application for any state university shall submit the application to the governing board for that university. The application shall:

1. be submitted on a currently approved application (Form SED-2);

2. include certification (Form SED-3) from the secretary or undersecretary of the requesting department or university chancellor that said applicant has provided evidence that the vendor does meet the requirement of R.S. 42:455 that said deduction will not represent a duplication of product or service of comparable value already provided by payroll

deduction; that there is a recognized need for same; and that a reasonable evaluation of the product/service was made by the department which substantiates the request; and that the applicant has been advised of the statute and the rule governing payroll deductions;

3. indicate whether the request is for participation within a specific agency, or campus by choice (ability to service or applicability), or for statewide authority limited to certain payroll system(s);

4. include Letter of Interest (Form SED-1, 9/92) requesting to be placed on the Annual Listing for consideration for statewide authority (if current authority is limited) for next available deduction authorization;

5. designate a "coordinator" to represent the vendor as primary contact for: obtaining solicitation authorization for the vendor; dissemination of information and requirements among representatives presenting the product or service(s) to state employees; resolution of invoicing, refund, and reconciliation problems; and resolving claims problems for employees;

6. respond to all applicable items (designated in instructions) on the form (SED-2) for new and annual renewal applications.

D. IntraAgency deductions for meals, housing, etc., will be permitted, provided the respective department head(s) certify that collection of funds from employees is required by and is a benefit to the agency/department.

E. All vendors shall file annual renewal applications with the Office of State Uniform Payroll or governing board as scheduled by that office.

F. Annual Listing shall be maintained by the Office of State Uniform Payroll as follows:

1. Each year, as of July, all entries to the Annual Listing resulting from Letters of Interest dated prior to April of the current year shall be stricken from the list.

2. A new list for the ensuing year shall be compiled from any Letters of Interest (Form SED-1 9/92) dated and received after April.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§105. Applicant and Vendor Requirements

A. Any applicant for payroll deduction which is not regulated by the Department of Insurance or federal or state Office of Financial Institutions and not permitted by state statute, except charitable organizations, shall:

1. possess appropriate license or other required certification for providing the particular product or service for a fee;

2. have been doing business in this state for not less than five years providing the product and/or services anticipated to be offered state employees;

3. be in compliance with all requirements of any regulatory and/or supervisory office or board charged with such responsibility by state statute or federal regulations;

4. provide a fidelity bond of \$100,000, an irrevocable pledge of a Letter of Credit in the amount of \$100,000, or an irrevocable pledge of a Certificate of Deposit in the amount of \$100,000 to protect the state and any officer or employee from loss arising out of participation in the program or plan offered by the vendor. The company providing the bond shall

be rated "A" or above by A. M. Best.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§107. Notification, Implementation, and Transition

A.1. The Office of State Uniform Payroll or governing board shall notify applicants whether application, initial or renewal, has been approved.

2. The Office of State Uniform Payroll shall notify all UPS agencies and other departments and university governing boards that the application for specific products has been approved; governing boards shall notify universities.

3. Payroll systems independent of UPS will advise vendors whether the deduction will be established.

B. The vendor shall enroll employees for semi-monthly deduction amounts only. Optional modes may be authorized by the Office of State Uniform Payroll or governing board prior to implementation of the deduction. Vendors granted deduction authority on UPS after September 1, 1986, will be permitted to use only semi-monthly deduction amounts. Payroll systems independent of UPS which permit monthly deductions may continue same.

C. Any vendor receiving payment through voluntary state employee payroll deductions on the effective date of this rule shall continue to be approved as a vendor under the following conditions:

1. has a currently approved application on file, provided:

a. general insurance vendors have met the rating requirements set forth in R.S. 42:455(B);

b. non-insurance vendors shall have met the requirements set forth in this rule as required in R.S. 42:455 (B);

c. participation shall exceed 250;

d. proper monthly reconciliation is being accomplished;

e. policy information and detail employee/client participation has been provided in response to requests for same from OSUP.

2. All other permitted deduction vendors have filed application for informational purposes.

D. Vendors currently participating in payroll deduction which do not meet the minimum requirements set forth in R.S. 42:455(A) or are not in compliance with the requirements of this rule within six months of the effective date of this rule will be denied deduction privileges.

E. Vendors will be allowed 18 months after initial approval to meet the minimum participation requirements. Vendors currently participating in payroll with less than 250 participants must meet this requirement within six months or deduction authority will be revoked.

F. Companies, corporations, or organizations which have been placed on the Annual Listing or any waiting list for consideration of payroll deduction participation shall not be exempted from compliance with any part of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§109. Deduction Authorization

A. Vendors not exempted in §109.F of this rule shall provide and use the standard deduction authorization format (Form SED-4, 9/92) authorized by the Division of Administration.

1. The form provided by the vendor shall be no less than eight and one half inches in width nor 11 inches in length with a top margin (top of page to top of blocked area) of 1 and 1/8 inches.

2. Within a blocked area as illustrated herein the form shall include:

a. the employee name and social security number;

b. the employer (agency) name and PRN or other appropriate I.D. (identification);

c. vendor name and authorized payroll deduction codes;

d. product or service name, Section 125 eligibility, monthly premium amount, and semi-monthly premium amounts;

e. amount of deduction, frequency, and beginning date;

f. employee signature and date of signature.

3. The form may include additional information provided that such information shall not represent a disclaimer or escape clause(s) in favor of the vendor. The authorization shall not stipulate any "contract" or "term of participation" requirements. However, employees may designate a "cap" or annual maximum for a charitable organization deduction.

4. Vendors that are currently using the form as published in the May 20, 1990, *Louisiana Register* may continue using that form until February 28, 1993. As of March 1, 1993, these forms must be replaced with the currently authorized (Form SED-4 9/92).

5. Vendors that are not currently participating as Menu Item providers may continue using the form (SED-4 02/90) as published in the May 20, 1990, *Louisiana Register* until December 31, 1992.

B. The authorization must specify product or service name, Section 125 status, monthly premium or fee, the amount of deduction to be taken and the frequency of deduction as semi-monthly (24 annually). All "MS ___" deductions in UPS must be semi-monthly only. Payroll systems independent of UPS which currently provide a monthly deduction cycle may continue same.

C. An employee shall have only one deduction (which may cover more than one benefit) authorization for a single vendor effective at any one time. Total current deduction amount and each component amount that make up that total must be reflected on any successive form(s). The form shall indicate:

1. a total monthly premium or fee amount and the appropriate semi-monthly amount;

2. the pay period in which the deduction was calculated to begin.

D. Vendor shall be responsible for completing authorization forms prior to obtaining employee signature and for submitting forms to the appropriate payroll office designated by each employing department/agency.

E. Deduction forms must contain appropriate employer identification (PRN or other code/number for non UPS payrolls) to support monthly reconciliation process.

F. State Employee Group Benefits, Louisiana Deferred Compensation, United Way, U.S."EE" Savings Bond, and

Cafeteria Plan deduction authorization forms may be used in lieu of standard deduction (Form SED-4 9/92).

G. An employee may discontinue any voluntary payroll deduction amount that is not committed for participation in a current Cafeteria Plan Year by providing written notification of that intent to his or her payroll office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§111. Solicitation of State Employees

A. Employees may be solicited for payroll deduction only:

1. after notification to the vendor and state department/agencies from the Office of State Uniform Payroll, or notification from the governing board for universities, that the application has been approved; and

2. upon written authorization from employer department head and agency administrator.

B. Solicitation of employees shall be conducted within the guidelines established by the employer/department.

C. The coordinator shall be responsible for obtaining solicitation authorization department policy from the department secretary or his designee.

D. Vendors may be barred by a department/agency from solicitation within that department/agency. Vendors may be barred from solicitation statewide by the Office of State Uniform Payroll.

E. Any vendor representative who has been barred from state participation by a vendor shall not be allowed to represent any vendor for payroll deduction for two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§113. Vendor Responsibility

A. Vendor coordinator shall be responsible for dissemination of information such as the requirements of this rule and department/agency policy and procedures to vendor representatives.

B. Vendor coordinator shall act as liaison for the vendor with any Administrative Contract(or) and the state relative to Cafeteria Plan participation. The coordinator shall also be responsible for dissemination of information to vendor representatives.

C. Vendor shall use invoice/billing identification structure that is compatible with payroll agency control groups to facilitate the monthly reconciliation.

D. Vendors shall be responsible for preparing a reconciliation of monthly payroll deduction/remittances to vendor invoices.

E. Monthly reconciliation shall include total monthly invoice amount, total remittance amount, and a listing of all exceptions between the invoice and deduction/remittance by employee within billing/payroll reporting groups.

F. Monthly reconciliation exception listing shall identify the employee by social security number and payroll reporting number (PRN) and shall be grouped within payroll control numbers for UPS agencies and similarly for payroll systems independent of UPS as designated by that system.

G. Vendors shall furnish evidence of reconciliation to the Office of State Uniform Payroll as requested by that office. Like verification may be required by other payroll systems independent of UPS.

H. Monthly certification of reconciliation will not be required of vendors that provide participants/members with monthly or quarterly statements of activity and/or balances.

I. Vendors failing to provide accurate and timely reconciliation verification will be barred from active solicitation until satisfactory certification is submitted to the Office of State Uniform Payroll.

J. Vendors shall not be authorized to submit any deduction form which was obtained from an employee for the purpose of transmitting any part of that deduction to a third party.

K. Vendors must designate/identify specific products or basic services provided on the application form. Vendors must indicate whether the request (for each product or service) is for continuation/renewal or new/not previously approved for payroll deduction. Vendors shall not submit deduction forms for products or services which have not been assigned an authorized code through the application/renewal process.

L. Vendors shall follow procedures established by the Office of State Uniform Payroll or Governing Board when refunding payroll deducted and remitted premiums to employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§115. Department/Agency Responsibility

A. Department secretary/undersecretary or his designee shall:

1. approve or reject requests for solicitation authorization presented only by designated coordinators of approved vendors;

2. provide vendor coordinators a copy of department policy relative to receipt, processing, and cancellation of payroll deduction forms, as well as guidelines prior to permitting access to employees;

3. certify the use of any IntraAgency deduction to collect funds from employees for meals, housing, etc., is required by and is a benefit to the agency/department;

4. insure that IntraOffice deductions such as flower, gift, and coffee funds will not be authorized.

B. Departments/agencies shall provide the Office of State Uniform Payroll a written report of acts of noncompliance by any vendor to this rule or to the published guidelines of that department/agency.

C. Payroll personnel of UPS agencies may process refunds for amounts previously deducted from any vendors which receive consolidated remittance ONLY as directed in the Office of State Uniform Payroll Standard Accounting Procedures Manual. Payroll systems independent of UPS shall establish written policy for remittance and refund of deductions taken.

D. Agency payroll/personnel shall:

1. accept only authorization forms which conform to the standard deduction format (Form SED-4 9/92) from vendor representatives;

2. verify that the vendor name and the payroll code on

any deduction form submitted are in agreement with the current approved list;

3. accept forms for employee deductions which contain no obvious alterations without employee's written acknowledgment of such change;

4. be responsible for verifying that the deduction amount is in agreement with the monthly amount shown on the authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§117. Reporting

A. Vendors shall promptly report within 10 days of final approval any change in the name, address, company status, principal officers, and designated coordinator to the Office of State Uniform Payroll.

B. Vendors shall provide as required by OSUP data disks, mailers, labels, postage, or other supplies necessary to avoid cost to the state in providing deduction information. Like assistance shall be provided to other payroll systems as determined appropriate to control state cost of providing payroll deduction.

C. Annual renewal applications shall list specific products/service provided. No new products or services shall be added without prior approval through the annual renewal process.

D. Departments/agencies shall be responsible for reporting any infractions of this rule and/or department policy committed by any vendor or vendor representative to the Office of State Uniform Payroll and/or appropriate governing board or boards.

E. Vendors shall be required to report the dismissal of any representative participating in state payroll deduction to the Office of State Uniform Payroll and/or appropriate governing board or boards.

F. Vendors with deductions "permitted" by statute shall provide annual renewal applications (Form SED-2).

G. Each governing board shall provide the Office of State Uniform Payroll an annual report relative to vendors currently approved for deductions within each system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§119. Fees

A. Data, information, reports, or any other services provided to any vendor or any other party by the Uniform Payroll System or other state payroll system shall be subject to payment of a fee for the cost of providing said data, information, reports, and/or services in accordance with the Uniform Fee Schedule.

B. Fees assessed shall be satisfied in advance of receipt of the requested data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§121. Termination of Payroll Deduction

A. Unethical conduct or practices of the vendor will result in the termination of payroll deduction authority for that vendor.

B. Unethical or unprofessional conduct of any vendor representative shall result in that individual being barred from participation in state payroll deduction for any vendor.

C. Payroll deduction authority shall be revoked for any vendor that fails to maintain compliance with provisions of R.S. 42:455.

D. Payroll deduction authority may be revoked for any vendor that fails to comply with requirements of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§123. General

A. Payroll deduction authorization shall not be transferred.

B. Approval of an applicant in no way constitutes endorsement or certification of the applicant/vendor.

C. Group Benefits HMO pass-through deductions and credit union reciprocal agreement payments to other state agency credit unions for transferred employees shall be the only exception to §113.E.

D. Administrative responsibilities of this rule shall preclude the Division of Administration from sponsoring applicants for vendor deduction authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990).

§125. Appeal Process

A. Any vendor participating in payroll deduction debarred from participating for any reason by a department/agency or university shall have the right to have that action reviewed by filing a written request for review with the secretary of the department/agency, or the chairman of the respective governing board. This request for review shall be filed within 10 days from the notice of debarment.

B. A written decision shall be rendered on any request for review within 14 days of receipt.

C. Any vendor who is not satisfied with this decision has the right to appeal to the commissioner of Administration. Any such appeal must be in writing and received by the commissioner within 10 days of receipt by the vendor. The commissioner shall issue a written decision on the matter within 14 days of receipt of the written appeal.

D. The decision of the commissioner shall be the final administrative review.

Title 4
ADMINISTRATION
Part VII. Governor's Office

Chapter 11. Elderly Affairs

§1239. Adult Protective Services

A. Overview of Adult Protective Services

1. Purpose. The purpose of Adult Protective Services (APS) is to protect adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm through action or inaction by themselves or by the individuals responsible for their care or by other persons.

2. Goal and Objectives

a. The goal of Adult Protective Services is to assure that adults in need of protection are able to maintain the highest quality of life in the least restrictive environment appropriate to their individual capabilities and life style.

b. The objectives of Adult Protective Services are:

i. to prevent, remedy, halt or hinder abuse and neglect;
ii. to maintain a careful balance between protecting the adult from abuse and/or neglect and preserving the adult's personal freedom and dignity;

iii. to assure the maximum possible degree of self-determination for the adult;

iv. to maintain the adult in the least restrictive living environment appropriate for his needs;

v. to secure referral or admission to appropriate alternative living arrangements if all efforts to maintain the adult in his own home fail.

3. Philosophy

a. The following principles are basic to the delivery of Adult Protective Services:

i. adult abuse, neglect and exploitation are primarily social problems and their resolution should be sought initially through the provision of social services.

ii. services which support and strengthen the informal support system (family and caretakers) are vital to the protection of adults who are at risk of abuse, neglect and exploitation;

iii. the adult has the right to make decisions on his own behalf unless it is clearly evident that he is unable to do so, or; until the court grants that responsibility to another individual;

iv. proper protection of adults may require a worker to advocate for the right of the adult to make his own choice even where there is community or family request for the agency to intervene.

4. Client Rights

a. An adult protective services client, if mentally able, has the right to:

i. receive voluntary protective services if he requests or consents to these services;

ii. participate in all decisions regarding his welfare;

iii. choose the least restrictive alternative that meets his needs;

iv. refuse medical treatment if it conflicts with his ethical values, and/or religious beliefs and practices;

v. withdraw from or refuse consent for protective services.

b. It is the intent of R.S. 14:403.2 to authorize the least possible restriction on the exercise of personal and civil rights consistent with the adult's need for services and to require that due process be followed in imposing such restrictions.

5. Family Based Services Framework

a. The principles of family based services provide a foundation for adult protective services. Family based services are designed to provide the maximum services to a family at the time of crisis to prevent the breakup of the family unit. This approach to the delivery of social services focuses on families rather than individuals and services in this context are intended to strengthen and maintain families and prevent family dissolution and out of home placement of the adult.

b. Adult protective services assist families in regaining or maintaining family autonomy while at the same time assuring protection of individuals.

c. It is recognized that while adults who live alone may not have families, significant others may, when appropriate, be considered as part of the family unit within the context of family based services.

6. Definitions

Adult—Any individual 18 years of age or older or an emancipated minor who, because of mental or physical dysfunction, is unable to manage his own resources, carry out the activities of daily living, or protect himself from neglect, hazardous or abusive situations without assistance from others, and who has no available, willing and responsibly able person to assist him.

Adult Protection Agency—The Office of Elderly Affairs in the Office of the Governor for any individual 60 years of age or older in need of adult protective services as provided in this section. Adult Protection Agency is the Department of Health and Hospitals for any individual between the ages of 18 and 59 years of age in need of adult protective services as provided in this Section. The secretary of the Department of Health and Hospitals may assign the duties and powers in this Section to any office of the department for provision of adult protective services.

Caregiver—Any person or persons, either temporarily or permanently, responsible for the care of an aged person or a physically or mentally disabled adult.

Caregiver Neglect—The inability or unwillingness of the caregiver to provide for basic needs (food, clothing, medicine, etc.) of a mentally and/or physically disabled adult.

Collateral—An individual other than a family member, caretaker or subject of the investigation who may have information about the case.

Curator (Guardian)—An individual appointed by the court to manage the affairs and/or person of the interdict.

Elderly—A term used to refer to an individual 60 years of age or older.

Exploitation—The illegal or improper use or management of an aged person's or disabled adult's funds, assets, or property, or the use of an aged person's or disabled adult's power of attorney or guardianship for one's own profit or advantage.

Extortion—The acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority.

Incompetency—A judicial finding, based on satisfactory evidence, of a person's inability to manage his affairs and/or person.

Interdict (Ward)—An individual for whom a curator has been appointed.

Interdiction (Guardianship)—A judicial proceeding which authorizes a court, upon petition, to appoint a curator (guardian) for a person found to be incapable of managing his

person or property because of mental deficiency, deviation or physical infirmity.

Neglect—The failure, by a caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being.

Physical Abuse—The injury, unreasonable confinement, intimidation or cruel punishment of an adult with resulting physical harm or pain.

Self-Neglect—The failure, either by the adult's action or inaction, to provide the proper or necessary support or medical, surgical or any other care necessary for his own well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be self-neglected.

Sexual Abuse—The involvement of an adult in any sexual act or situation who is determined to be an unwilling participant or is in a state of diminished physical and/or mental capacity.

7. Legal Base

a. R.S. 14:403.2 provides the statutory authority for adult protective services. The major areas covered by the law include:

i. Responsibilities of the Department. The Governor's Office of Elderly Affairs is responsible for the provision of adult protective services to persons age 60 or older. These services shall include a prompt investigation and assessment.

ii. Reporting. Any person having cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect or exploitation shall report to any adult protection agency or to any local or state law enforcement agency.

iii. Immunity. No cause of action shall exist against any person who in good faith makes a report, cooperates in an investigation by an agency, or participates in judicial proceedings authorized under the provisions of the law, or any caseworker who in good faith conducts an investigation or makes an investigative judgment or disposition.

iv. Consent to Service. Protective services may not be provided in cases of self neglect to any adult who does not consent to such service or who, having consented, withdraws such consent.

B. Confidentiality

1. For purposes of adult protective services, *confidentiality* may be defined as the concealment of social information concerning an adult, his family and his situation which is disclosed in a professional relationship. The intent of confidentiality legislation (R.S. 46:56) is to prevent information about an adult from being shared with persons who have no legitimate need for that information or persons who might misuse that information. The purpose of the law is not to impede communication about an adult's case among persons/agencies responsible for service provision.

2. The criterion to be utilized when making a determination regarding release of adult case information is: Will the release of the information directly benefit the adult, facilitate treatment, or prevent or ameliorate the abuse/neglect/exploitation problem? If the answer is yes, the information may be released. If there are any questions at all regarding benefit to the adult, information shall not be released without supervisory and/or legal consultation.

3. To obtain confidential information (written medical or psychiatric reports, etc.), from sources outside Governor's

Office of Elderly Affairs, a release form signed by the adult or his representative is necessary. The signed release form is also necessary before any written case information may be sent to any agency/organization outside the Department of Social Services (DSS) and the Department of Health and Hospitals (DHH).

C. Intake

1. Introduction. The intake process includes those activities whereby reports concerning the abuse, neglect and/or exploitation of adults are received, evaluated for appropriateness, and either accepted or not accepted for investigation. All intake information shall be documented on Form APS-1.

2. Eligibility for Elderly Protective Services. An adult must meet all of the following criteria in order to be eligible for protective services:

- a. age 60 or older;
- b. alleged to be abused/neglected financially exploited by caregiver or others who have assumed this responsibility, or, unable to provide for his own well being which results in danger to health and safety (self-neglect);
- c. unable to protect himself from abuse/neglect/financial exploitation;
- d. unable to carry out activities of daily living because of age, physical and/or mental disability.

3. Types of Abuse/Neglect Accepted for Investigation:

- a. physical or mental abuse;
- b. caregiver neglect;
- c. exploitation;
- d. extortion;
- e. self neglect;
- f. sexual abuse.

4. Determining Whether a Report is Accepted for Investigation. In order for a report to be accepted for investigation, the adult must meet eligibility criteria described in Subparagraph B of this Paragraph, and must be an alleged victim of the types of abuse/neglect/exploitation described in Paragraph 3 of this Subsection.

5. Priorities for Acceptance of Cases. Cases accepted for investigation which meet eligibility criteria and have an allegation of abuse/neglect/exploitation shall be prioritized as high, medium and low according to severity of factors of abuse/neglect based on information provided by the reporter and other sources. The priority level of the case determines the time frame and agency commitment of staff and resources for the investigation. Investigation of low and medium priority cases may be limited if all workers in a regional office have 35 active cases in any one month period.

6. Definitions of Priority Levels

a. High Priority. Allegations of abuse/neglect/exploitation which include any one or more of the following examples of conditions will construe a high priority case. The examples are not all inclusive. These cases will be served first:

- i. age 60 and over;
- ii. has severe and functionally limiting physical disability;
- iii. has severe and functionally limiting mental illness or mental confusion;
- iv. totally dependent on others for income/financial resources which are being misused;
- v. lives in a structurally unsound home with severe health violations;

vi. requires immediate medical attention for abuse/neglect;

vii. is the victim of sexual abuse (oral sex, sexual intercourse, sexual exploitation, or sexually transmitted disease);

viii. alleged perpetrator of serious harm has unrestricted access to helpless victim.

b. Medium Priority. Any one or more of the following factors will constitute a medium priority case. These cases will be served if staff and resources are available:

i. has moderate physical disability/requires prosthesis or hands-on assistance to be ambulatory;

ii. periodic confusion and impaired reasoning abilities;

iii. partially dependent on others financially;

iv. home has some structure or safety problems which pose risk;

v. lacks adequate supervision of basic needs, which, if left unchecked, will endanger health and well being;

vi. has minor injury or injuries;

vii. has psychological symptoms due to neglect and/or abuse;

viii. current situation, while not critical, is very likely to get worse without intervention.

c. Low Priority. Any one or more of the following factors will constitute a low priority case. These cases will be served if all higher priority cases have been investigated and if staff and resources are available:

i. is ambulatory, has minimal physical disability;

ii. minimal mental disability/mild retardation - occasional mild confusion;

iii. financially independent;

iv. home meets minimal standards;

v. is able to care for basic needs;

vi. minor injury or injuries, minor signs of neglect.

7. Time Frames for Investigation

a. High Priority Cases. Cases which meet criteria for high priority shall be investigated immediately (within 24 hours of receipt of the report).

b. Medium Priority Cases. Cases which meet criteria for medium priority shall be investigated as soon as possible after receipt of the report but within three working days.

c. Low Priority. Cases which are considered low priority shall be investigated after investigations for all high and medium priority reports have been initiated.

8. Determination of Appropriate APS Unit to Investigate the Report. The APS Unit responsible for the investigation shall be located in the regional area which includes the parish in which the adult normally resides. If the adult's residence changes to another regional area before completion of the investigation, the original worker will be responsible for the case unless it is determined that distances between offices are too great.

9. Case Name. The case name shall be the name of the adult who is the subject of the report. If more than one adult in the same family are subjects, the case name shall be the name of the older adult.

10. Categories of Protective Services Reports

a. Initial. The first report which initiates the investigation.

b. Subsequent. Another reported incident of abuse/neglect involving the same adult while the case is open but alleges a type of abuse/neglect different from the initial report. The worker responsible for the case shall investigate all subsequent reports as if they were initial reports.

c. Additional Information. Information on initial or

subsequent allegations which do not involve a different type of abuse/neglect.

d. Nonaccepted Report. A report which does not meet criteria for acceptance of a case.

11. Nonacceptance of a Report

a. When the report is not accepted for investigation, the worker shall advise the reporter of the reason for nonacceptance and will provide the following, as appropriate:

i. consultation and direct referrals for other services;

ii. referral to law enforcement or to the district attorney;

iii. referral to the appropriate agency for investigation if the client is a resident of a nursing home, or other facility not within the jurisdiction of the APS program.

b. If a report is not accepted for investigation, the action taken on the report must be documented on Form APS-1.

D. Investigation Procedures

1. Purpose of the Investigation. The purpose of the investigation is to determine whether the adult alleged to be abused, neglected, exploited or unable to care for himself is in need of protective services, and if so, to identify what services are needed to provide the protection. The need for protective services may be based on problems identified in the report, or it may be based on problems the worker identifies during the investigation, or both.

2. Preparing for the Investigation

a. Prior to the initial contact with the adult the worker should:

i. conduct a computer or manual search and review any existing agency records;

ii. if the report was made by a professional reporter, review the need to request access to any records, reports, or other information; and

iii. consider whether cooperation of law enforcement and other state/local officials will be needed;

iv. determine the need to include other persons as participants in the investigation.

3. The Initial Contact with the Adult. After the case is accepted for investigation and a priority for investigation is determined, the worker shall contact the adult by telephone in advance and arrange for a home visit. If the adult is unable to make decisions for himself, the person responsible for the adult's care shall be contacted, if possible.

4. Visit to the Home

a. The worker shall make every effort to ascertain in advance from the reporter or others whether the visit to the home will create a problem for the adult and whether the reception will be positive or negative for the worker. Any questions regarding the impact of the home visit shall be discussed with the supervisor in advance of the visit.

b. If the worker is denied access to the home by a responsible person, or if the subject(s) of the report is alone and clearly mentally incapacitated, the worker may request assistance from local law enforcement.

c. If the adult and/or caregiver reside in the home but are not at the premises at the time of the visit, the worker shall contact neighbors and others in an effort to locate them prior to leaving the premises.

5. Conducting the Interview

a. The adult should be interviewed in person and alone. In no circumstance should the caregiver(s) participate in the interview with the adult unless it is assured that they are not also the perpetrators of the abuse/neglect.

b. In certain cases an interview with the alleged perpetrator may not be in the best interest of the adult. If there is any doubt as to whether information shared with the perpetrator would place the adult in danger, the worker shall discuss the situation with the supervisor prior to initiation of contact. The adult should be made aware if the alleged perpetrator is to be interviewed.

c. Interviews with the adult, the caregiver(s), if any, the alleged perpetrator(s), if any, and collaterals should be conducted by the worker as appropriate according to the guidelines in Subparagraphs d through f of this Paragraph.

d. The Adult:

- i. interview in private, if at all possible;
- ii. state purpose of interview;
- iii. share contents of report and explain responsibility to investigate;
- iv. allow the adult to respond to allegations;
- v. encourage the adult to give a complete account of the situation;
- vi. determine if the adult is able to make decisions affecting his situation;
- vii. determine relationship to and attitude toward the alleged perpetrator, if any;
- viii. determine if this is a one time incident or part of a pattern of abuse, neglect and/or exploitation;
- ix. observe non-verbal communication;
- x. note physical indicators of abuse or neglect;
- xi. if the situation is a crisis, initiate appropriate intervention immediately;
- xii. determine what the adult wishes to do about the situation and offer alternatives as appropriate;
- xiii. ascertain if there are other service needs not stated in the report;
- xiv. when appropriate, share findings and observations with the adult and state intentions or recommendations.

e. The Alleged Perpetrator:

- i. interview in private, if possible;
- ii. state purpose of interview;
- iii. share nature of allegation and explain responsibility to investigate;
- iv. allow the alleged perpetrator to respond to the allegations;
- v. note non-verbal communication;
- vi. determine relationship to and attitude toward the adult;
- vii. when appropriate, share findings and observations with the alleged perpetrator and state intentions/recommendations. Names of reporters are not to be shared with the alleged perpetrator;
- viii. if appropriate, the interview with the alleged perpetrator should be centered around what can be done to remedy the abuse, neglect or exploitation.

f. The Caregiver and/or Collateral Contact(s):

- i. state the purpose of the interview in accordance with confidentiality guidelines;
- ii. obtain relevant information;
- iii. determine relationship to and attitude toward the adult and the alleged perpetrator;
- iv. collateral contacts may include family members, neighbors, witnesses, physicians and medical personnel, law enforcement officials, and others.

6. Risk Assessment

a. The investigation of abuse, neglect and/or exploitation of the adult includes a risk assessment. Accurate

assessment of risk of harm to the adult is necessary so that appropriate decisions to protect the adult can be made. Some of the questions to be answered during the assessment include: What is the adult's chance of injury, damage or loss in the absence of protective services? What does the adult want? Does the adult have the capacity to make responsible decisions?

b. The risk assessment should involve an examination of all available information in the following areas: physical health, mental health, including capacity for decision making, the environmental situation, including self-endangering behavior and familial and community support.

7. Determining the Validity of the Allegation(s)

a. When making a determination regarding the validity of an allegation of abuse/neglect/exploitation, the following decision standard shall be used: the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a physical or mental injury to an adult has endangered his health or emotional well being.

b. As appropriate, the worker should address the following when determining the validity of the allegation(s):

- i. review the adult's account of the situation;
- ii. review the alleged perpetrator's account (if any);
- iii. review the information supplied by collateral contacts;
- iv. review records and documents;
- v. review the assessment information;
- vi. evaluate the consistency of all accounts and documents;
- vii. consider the mental status of all persons interviewed;
- viii. consider credibility of persons interviewed and documents examined;
- ix. consider possible motives for fabrication;
- x. review previous reports involving the adult and/or alleged perpetrator.

8. Case Reviews/Staffings. Case reviews/staffings may be held with other professionals such as medical personnel, law enforcement, psychologists, attorneys, etc., in order to assist in identifying the problem and formulating an appropriate course of action. These reviews shall be documented on Form APS-6.

9. Law Enforcement. Some allegations of abuse/neglect/exploitation of an adult are also criminal offenses. In these cases, it will be necessary to closely coordinate investigations with local law enforcement so that evidence necessary for prosecution will be obtained.

10. The Investigation Decision

a. Time Frame. The investigation shall be completed and a decision made regarding disposition of the case within 45 calendar days of the date the report was received. If this time frame cannot be met, the reasons must be documented in the record.

b. The Investigation Decision. Based on the investigative findings and assessment, a decision shall be made as follows:

i. Valid/Needs Protective Services. A review of the facts shows that adult abuse, neglect and/or exploitation has occurred or is occurring and/or there is reason to suspect that the adult is at risk and needs protective services to reduce or eliminate that risk. If the decision is made that the adult needs protective services, one of three courses of action shall be followed:

- (a). if the adult needs protective services, has the

capacity to make an informed decision and agrees to accept services, a service plan will be developed, and service delivery initiated;

(b). if the adult needs protective services and lacks the capacity to consent to receive these services, and there is no caregiver available to assume responsibility for the adult, services may be ordered by a court on an involuntary basis through an emergency order or a conservator may be appointed;

(c). if the adult needs protective services, refuses to accept the services and is mentally competent, the case will be reviewed to carefully see what alternatives exist, if any, which could be utilized by the adult and what alternatives would be acceptable. If there are no alternatives acceptable to the adult, the case will be closed.

ii. Valid/Need for Protective Services No Longer Exists:

(a). the adult does not need protective services because the risk of abuse, neglect and/or exploitation which existed at the time of the report no longer exists;

(b). if the disposition is that the adult's need for protective services no longer exists, the person who made the report should be notified that the report has been investigated and protective services are not needed at this time.

iii. Invalid:

(a). a review of the fact shows no reason to suspect that any abuse, neglect and/or exploitation occurred or that the adult is at risk;

(b). if the disposition is invalid, services are not offered. The case will be closed. However, if the case is not accepted for protective services, the person who made the report shall be contacted and given an explanation regarding the reason for the agency's decision.

iv. Unable to Locate:

(a). the adult could not be located at the address or location provided by the reporter, or the actual resident at the reported address had no resemblance to the subject of the report and the reporter could not be contacted or could not provide an adequate address; or

(b). the GOEA data file and the local office master file data checks failed to provide an adequate address; and

(c). one neighbor, if any, and/or one relative, if any, and directory assistance were unable to provide information about the subject's whereabouts; and

(d). supervisory approval to discontinue efforts to locate have been secured.

v. Deceased. Client died prior to completion of the investigation.

11. Initial Investigation Report. An initial investigation report (Form APS-2) shall be completed on all cases accepted for investigation. This information provides documentation for case disposition.

12. Report to the District Attorney. A report shall be sent to the district attorney on all valid cases of abuse/neglect which involve a known perpetrator and which cannot be remedied by APS due to refusal of the client or his caretaker to accept services. A list of services which are available to ameliorate the abuse/neglect situation shall be provided in the report. The recommendation shall be for either criminal prosecution and/or interdiction of the client.

13. Case Disposition

a. The case shall be continued for services for the following reasons:

i. valid, consent to services;

ii. valid, lacks decision making ability.

b. The case shall be closed at the completion of the investigation for the following reasons:

i. valid, need no longer exists;

ii. valid, refused services;

iii. invalid;

iv. unable to locate (document efforts to locate);

v. deceased.

14. The APS Investigation Case Record

a. A case record shall be set up for all APS case investigations and shall contain the following documents:

i. Form APS-1 Intake;

ii. Form APS-2 Investigation Report;

iii. CR-8 Form.

b. The following document, depending on circumstances of the case, may also be placed in the record:

i. Form APS-6 Case Review Form.

15. Supervisory Review. The Investigation: the supervisor is responsible for reviewing the investigation case decision within two weeks of the date of completion of the investigation and assuring that all policies have been followed and all relevant forms have been completed.

16. Exceptions to APS Investigation Procedures

a. Spouse Abuse. Allegations of spouse abuse will not be accepted for investigation unless the adult meets the criteria for eligibility as described in Paragraph 2 of Subsection C of this Section. Reporters who allege spouse abuse for adults not eligible for adult protective services should be referred to local law enforcement or to battered women's shelters, if appropriate.

b. Licensed and certified nursing facilities (includes all Title XIX Facilities).

i. Allegations of abuse/neglect of an adult who resides in a nursing home, institution, or licensed residence which serves two or more persons not related by blood or marriage are not accepted for investigation.

ii. Reporters who allege abuse/neglect of an individual in a licensed and certified nursing facility should be referred to Department of Health and Hospitals, Bureau of Health Standards, Baton Rouge, LA.

c. Mental Health and Mental Retardation Facilities. Reporters who allege abuse/neglect of an individual who resides in a facility, group home or hospital operated by the Division of Mental Health or Mental Retardation/Developmental Disabilities should be referred to the appropriate regional level offices.

d. Licensed Board and Care Homes. A board and care home provides 24 hour-a-day (meals, lodging, personal assistance) to five or more adults who are unrelated to the home operator or administrator. Allegations of licensing regulation violations should be referred to Division of Licensing and Certification.

E. Services

1. When a decision has been made that a case is valid and the adult consents to services or lacks the ability to make a competent decision, a service assessment shall be conducted and a plan developed.

2. Service Assessment. Specific service needs are identified by use of Form APS-3, Adult Services Assessment. The assessment is a systematic review of the adult's current living situation, physical and mental abilities and resources. Information from the assessment and the investigative findings are used to develop a service plan.

3. Service Plan

a. **Development.** The service plan is the basis for the activities that the worker and service providers will undertake. The focus of the service plan is time limited and it is expected that involvement of the worker in the case will not exceed three months. Therefore, time frames for service delivery which require APS worker participation should take this limitation into consideration. The service plan is documented on Form APS-4 and shall be completed within two weeks of the date of the investigation decision that the client needs and accepts ongoing services; or that the client is unable to make an informed decision.

b. **Participation of the Adult.** All aspects of the service plan shall be developed with the ongoing participation and involvement of the mentally competent adult. For other adults, the following situations may apply:

i. when the adult has a legally appointed curator (guardian), that person is the spokesperson for the adult;

ii. when the adult has an informal (non-legal) representative, usually a family member (not an alleged perpetrator), this person should participate in the development of the service plan;

iii. when the adult appears to be mentally incapacitated but does not have either a legal or non legal representative, the worker should obtain as much participation as is feasible and practical, dependent upon the adult's current situation.

c. **Worker Role in Development of the Plan.** The primary role of the worker in development of the service plan is to identify services which will ameliorate or eliminate the problem(s) of abuse/neglect and/or financial exploitation or other problems which may have been found during the investigation. The service plan is documented on Form APS-4.

d. **Worker Responsibilities in Implementation of the Plan.** The primary responsibility of the worker in implementation of the service plan is to act as a case manager, i.e., a facilitator who communicates and coordinates delivery of services by other agencies/providers. As a case manager, the worker will perform the following duties:

i. continue regular contact with the adult to clarify any issues involving service delivery, such as effectiveness, need, etc.;

ii. monitor the progress made toward meeting the objectives and time frames set forth in the service plan;

iii. reassess and revising the service plan as appropriate.

e. **Service Case Progress.** The worker is responsible for documenting the progress of the service case on Form APS-7, Monthly Progress Summary Form, as appropriate.

4. Supervisory Review

a. The purposes of supervisory reviews are to assure that an appropriate service plan is developed, that progress is being made toward resolution of the adult's problem in a systematic way; and that the case is closed within the appropriate time frame.

b. Supervisory reviews of services shall be done as follows:

PURPOSE	TIME FRAME
Initial review of completed plan	Within two weeks of date of completion of investigation
Progress review	Every 30 days after date of service plan

Closure review Three months after date of service plan

5. **Service Case Record.** The service case record shall contain the following:

a. all documentation required for the investigation case plus:

b. Form APS-3 Service Assessment;

c. Form APS-4 Service Plan;

d. Form APS-5 Client Risk Assessment;

e. Form APS-7 Monthly Progress Summary Form;

f. Form APS-8 Service Summary Form.

6. **Service Case Closure**

a. **Reasons for Closure:**

i. the goals and objectives in the service plan have been reached;

ii. the adult is no longer at risk;

iii. the adult's service needs can be best met by other agencies/programs and APS involvement is no longer necessary;

iv. the adult makes the decision to terminate services and it is determined that the adult is mentally competent and court action is not warranted;

v. the adult moves out of the service area and cannot be located;

vi. the goals and objectives in the service plan have not been reached; however, the three months' time limit for service provision has been met. Exceptions shall be granted by state office program manager.

b. **Procedures for Closure.** When the decision to close the case has been made, the worker shall:

i. review the progress made with the adult and/or caregiver/legal representative and ensure that reoccurrence of abuse/neglect exploitation is minimal or nonexistent and that the adult will be able to maintain his current level of functioning without agency assistance, if at all possible.

ii. inform other agencies and individuals who are or have been involved in the provision of services or support to the adult;

iii. complete all necessary case documentation and forms.

James R. Fontenot
Director

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of Management and Finance**

Fees for Nursing Facility Beds

The Department of Health and Hospitals, Office of Management and Finance, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following emergency rule.

Public Law 102-234, enacted on December 12, 1991, authorized states to adopt provider specific fees for medical services which include: nursing facility services; intermediate care facility services for the mentally retarded and developmentally disabled; and pharmacy services. This emergency rule is being adopted to enact state legislation authorizing the department to establish provider specific fees

for the above listed services. Under this rule, the following fees are being adopted effective for services provided on or after July 1, 1992.

Nursing Facility Bed Fee: \$10 per day, per bed in use.

ICF-MR Facility Bed Fee: \$30 per day, per bed in use.

Pharmacy Services Prescription Fee: \$.10 per prescription or refill.

This emergency rule is being adopted to enhance federal funding and provide for financing of Medicaid health care services. This rule is effective October 29, 1992 and will remain in effect for the maximum period allowed under R.S. 49:954(B) et seq.

This rule was previously adopted under emergency rulemaking provisions of R.S. 49:953(B) effective July 1, 1992 and published in the *Louisiana Register* Vol. 18, No. 7, pages 673-674 (July 20, 1992).

EMERGENCY RULE

The provisions of R.S. 46:2601 through 2605 are hereby adopted and the following regulatory requirements for payment of fees are being promulgated as required under R.S. 46:2605(B)(1).

Nursing Facility Services. A bed fee shall be paid by each facility, licensed as a nursing home in accordance with R.S. 40:2009.3 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be \$10 per day, per bed utilized for provision of care. A bed shall be considered in use, regardless of physical occupancy, based on payment for nursing services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a nursing facility shall be subject to the \$10 per day fee. Likewise, any bed or beds under contract to a hospice shall be subject to the fee for each day payment is made by the hospice. Contracts, agreements, or reservations whether formal or informal shall be subject to the \$10 per bed, per day fee only where payment is made for nursing services available or provided. Nursing homes subject to bed fees shall be required to provide documentation of utilization for all licensed beds in conjunction with payment of fees on a monthly basis in the form of a utilization report provided by the department.

Intermediate Care Facility for the Mentally Retarded (ICF-MR) Facility Services. A bed fee shall be paid by each facility, licensed as an intermediate care facility for the mentally retarded in accordance with R.S. 28:421 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be \$30 per day, per bed utilized for provision of care. A bed shall be considered in use, regardless of physical occupancy, based on payment for ICF-MR services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a facility shall be subject to the \$30 per day fee. Likewise, any bed or beds under contract to a hospice shall be subject to the fee for each day payment is made by the hospice. Contracts, agreements, or reservations whether formal or informal shall be subject to the \$30 per bed, per day fee only where payment is made for nursing services available or provided. ICF-MR facilities subject to bed fees shall be required to provide documentation of utilization for all licensed beds in conjunction with payment of fees on a monthly basis in the form of a utilization report provided by the department.

Pharmacy Services. A prescription fee shall be paid by each pharmacy and dispensing physician for each out-patient

prescription dispensed. The fee shall be \$.10 per prescription dispensed by a pharmacist or dispensing physician. Where a prescription is filled outside of Louisiana and not shipped or delivered in any form or manner to a patient in the state, no fee shall be imposed. However, out-of-state pharmacies or dispensing physicians dispense prescriptions which are shipped, mailed or delivered in any manner inside the state of Louisiana shall be subject to the \$.10 fee per prescription. Pharmacies and dispensing physicians subject to prescription fees shall be required to provide documentation of utilization for all medications dispensed on a monthly basis in the form of a utilization report provided by the department.

Transportation Services. The fee for transportation services authorized under R.S. 46:2605(A)(1)(f) shall be set at zero pending federal designation of transportation services as a medical provider grouping under P.L. 102-234. Medical transportation providers shall not be required to provide utilization data under this rule.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of Management and Finance
HIV Program Office

Home Based Care Program

The Department of Health and Hospitals, Office of Management and Finance, HIV Program Office has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Home Based Care Program. This emergency rule is necessary in order to control the costs of the program and insure continued skilled nursing care for eligible clients for the duration of the contract year.

EMERGENCY RULE

Effective November 8, 1992 personal care attendant services will be covered at a maximum of 160 hours per client in a 12-month period. Clients must be homebound to be eligible for these services. Skilled nursing and physical therapy visits will be limited to a maximum of once per day with the exception as covered under Section E of the regulations.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

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

Medicaid-Personal Care Attendant Waiver Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised

the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medical Assistance Program. The rule was previously adopted by emergency rulemaking and published in the *Louisiana Register* dated July 20, 1992, Vol. 18, No. 7. This rule is effective October 28, 1992 and will remain in effect for the maximum period allowed under R.S. 49:954(B) et seq.

Under the provisions of Section 1915(c) of the Social Security Act, states may provide services not generally reimbursable by Medicaid to groups of individuals in the community who meet the qualifications for institutional care. Such programs are known as Home and Community Based Services (HCBS) waivers. Waivers are submitted to the Health Care Financing Administration (HCFA) of the Department of Health and Human Services (DHHS) for approval. Services under an approved waiver are reimbursed with a combination of state and federal funds at the current service match rate. Waiver recipients are also eligible for all services available under the state plan.

Louisiana currently has two approved and operating Home and Community Based Services waivers. The Adult Day Health Care waiver serves a maximum of 300 elderly and adult disabled individuals who are eligible for nursing facility care, but who choose instead to receive day health services and live in their own homes. The Mental Retardation/Developmental Disabilities (MR/DD) waiver serves a maximum of 1,596 mentally retarded and developmentally disabled individuals who receive any or all of an array of 10 possible services in the community rather than institutional services in an Intermediate Care Facility for the Mentally Retarded (ICFMR).

The rule establishes a Home and Community Based Services waiver known as the Personal Care Attendant waiver. The waiver application has been approved by HCFA for services beginning July 1, 1992. Under this waiver, personal care attendant services are available to a maximum of 20 individuals who meet certain medical and financial criteria during the first waiver year, 22 the second waiver year, and 24 the third waiver year. Financial eligibility is established according to existing long term care criteria, including deeming of income, spousal impoverishment, and resource limits. The maximum income available to the individual is three times the Supplemental Security Income (SSI) amount. Personal needs allowance for waiver applicants is also three times the SSI amount.

Services under the waiver are restricted to individuals who:

1. are disabled according to Medicaid criteria. If the client is SSI-eligible, he/she is deemed to have met this requirement. If not SSI-eligible, a disability determination must be made as part of the financial eligibility process;
2. meet level of care criteria for nursing facility level of institutional care;
3. are between 18 and 55 years of age when admitted to the waiver. Those attaining higher ages will be permitted to continue in the waiver as long as continuous certification is maintained;
4. have lost sensory or motor functions to such an extent that they require assistance with personal care needs, domestic or cleaning needs, dressing and undressing, moving into and out of bed, ambulation, and related services;
5. require at least 14 hours a week of personal assistance, which services are necessary and sufficient to prevent or remove the client from placement in an

institutional setting;

6. are capable of directing the activities of the person providing the services;

7. have gross income less than 300 percent of the SSI amount;

8. meet other income and resource limitations applicable to individuals institutionalized in a nursing facility.

Only individuals meeting these criteria will be considered for Personal Care Attendant Waiver services. Applicants in each service area who meet all the criteria above shall be ranked by degree of need using the Degree of Need formula. Those with the highest scores fill the slots allocated to the provider in their area in that order. Subsequent new or vacated slots will be filled by applicants having the highest scores in that service area at the time the unoccupied slot becomes available.

Special benefits available to waiver recipients which are not available to other Medicaid recipients are limited to personal care attendant services. Services are provided by licensed Personal Care Attendant (PCA) agencies who choose to enroll specifically to be providers for this waiver. In addition to licensing requirements for PCA services, providers of waiver services are required to conform to regulations contained in the Personal Care Attendant Waiver Provider manual. Those provisions expressly provide for a strong case management component comprised of formulation of a comprehensive plan of care, and continuing case management responsibilities on the part of the agency.

Adoption of this emergency rule is necessary to implement services in keeping with the terms of the waiver approval.

EMERGENCY RULE

Personal care attendant waiver services are provided under the provisions of the approved waiver document, and requirements and guidelines contained in the Personal Care Attendant Waiver Provider manual.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

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

Neurological Rehabilitation Treatment Program

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

Currently in the Medicaid Program, nursing facility services for persons in need of a neurological rehabilitation treatment program are being provided out of state due to the lack of an established reimbursement mechanism for these patients. Under the current nursing facility reimbursement methodologies, there is no provision for the intensive services, specialized equipment and program of rehabilitative care required for these patients. In-state nursing facilities capable of providing such services to these patients are

reluctant to accept them due to the adverse effect on their overall reimbursement. Therefore, in order to meet the needs of this patient group, Medicaid of Louisiana is implementing a new reimbursement methodology to be identified as NF-Neurological Rehabilitation Treatment Program. This specialized reimbursement will address the need to provide treatment and care to this patient population in Louisiana. Medicaid of Louisiana has developed the medical criteria for the classification and reimbursement of this patient group needing a program of neurological rehabilitation. Thus the imminent peril to the health and welfare of these individuals due to non-availability of these services will be avoided.

This emergency rule is effective for the maximum period allowed under R.S. 49:954(B) et seq. It is estimated that due to this reimbursement change there will be no increased costs for these services and that there will be a decreased cost of approximately \$166,000 for the first year of implementation.

EMERGENCY RULE

Effective November 2, 1992, the Bureau of Health Services Financing shall implement a reimbursement methodology for a Nursing Facility-Neurological Rehabilitation Treatment Program. This program is developed to meet the needs of Louisiana citizens who are Medicaid eligible patients and require acute rehabilitation services for neurological injuries and/or conditions of recent onset. Rehabilitation services should be initiated within the acute care setting and should extend throughout the recovery process. For some persons with neurological insult the need for care, supervision and supportive services may be long term. The patients in this classification have a neurological condition while the NF-TDC patients have a respiratory condition which is life threatening.

The NF-Neurological Rehabilitation Treatment Program reimbursement shall be a prospective interim rate based on budgeted cost data without cost settlement. Subsequent rate adjustments may be made as warranted by on-site financial audits of the facility costs to establish future rates in accordance audit findings and the accuracy of the rate components utilized. The current components for nursing facility services will be utilized in this rate determination process. Annual audits will be required as well as the submittal of additional cost reporting documents as required by the department.

Medicaid of Louisiana has developed the medical criteria which must be met in order for a Title XIX patient to be classified for reimbursement under NF-Neurological Rehabilitation Treatment Program. This program incorporates two levels of patient care. These are the NF-Rehab Services for an injury or condition of recent onset and the NF-Complex Care for an injury or condition requiring transitional or long term care in a specialized setting capable of addressing cognitive, medical, technological and family needs. NF-Rehab Services provide intensive, comprehensive, and interdisciplinary services to persons with an injury or illness resulting in residual severe deficits and disability and/or need for aggressive medical support. SN-Rehab programs service needs are designed to reduce the client rehabilitation and medical while restoring the person to an optimal level of physical, cognitive, and behavioral function within the content of the person, family and community. NF-Complex Care services provide care for clients who present with a variety of medical/surgical concerns requiring a high skill level

of nursing, medical, and/or rehabilitation interventions to maintain medical/functional stability. These clients are essentially too medically complex or demanding for a typical skilled nursing setting but are no longer in need of the acute hospital setting.

Patients in need of NF-Rehab services shall meet the following requirements.

1. The client shall have an injury or condition that occurred or its initial onset was within one year from the date of admission. Clients served shall have severe functional limitations of recent onset, regression/progression, or clients who have not had prior exposure to rehabilitation.

2. The client shall have been determined, by a physician, to be responsive and appropriate for rehabilitation to recover lost function or appropriate for assessment for determination of functional recovery potential.

3. The client shall require two to four hours of rehabilitation therapy services, per day, as tolerable and appropriate, and a minimum of 5.5 hours of nursing care per day. Rehabilitation therapy services will be available and provided, as tolerable and appropriate, at least five days per week. Examples of patients to be considered include, but are not limited to:

- a. traumatic brain injury;
- b. cerebral vascular accidents with severe neurologic and neurobehavioral sequelae;
- c. spinal cord injury (cervical through thoracic);
- d. orthopaedic injuries usually associated with neurotrauma (multiple extremity and pelvic fractures, as well as severe contractures);
- e. complex paraplegics.

4. The client shall have complete neurological/medical/psychosocial assessment completed prior to admission by the facility which identifies:

- a. history of current condition;
- b. presenting problems and current needs;
- c. preliminary plan of care including services to be rendered;
- d. initial goals and time frames for goal accomplishment.

5. The client shall have an assigned facility case manager to monitor and measure goal attainment and functional improvement. The facility case manager will be responsible for cost containment and appropriate utilization of services. The facility case manager will coordinate discharge planning activities with the department when it has been determined by the department that NF-Rehab services are no longer required or appropriate.

6. The client shall demonstrate progress toward the reduction of physical, cognitive, and/or behavioral deficits to maintain eligibility for NF-Rehabilitation funding.

Patients in need of NF-Complex Care services shall meet the following requirements.

1. The client shall have an injury or condition resulting in severe functional cognitive, physical and/or behavioral deficits and no longer requires nor can benefit from an active rehabilitation program.

2. The client shall require a minimum of 4.5 to 5.5 hours of nursing care per day. Clients shall receive the maximum amount of rehabilitation therapy services as appropriate and tolerable as determined by a physician. Examples of patients and/or conditions to be considered include, but are not limited to:

- a. Persistent Vegetative State (PVS) brain injury patients;
 - b. parenteral antibiotic therapy;
 - c. spinal cord injury (stable).
3. The client shall have complete neurological/medical/psychosocial assessment completed prior to admission by the facility which identifies:

- a. history of current condition;
- b. presenting problems and current needs;
- c. preliminary plan of care including services to be rendered.

4. The client shall have an assigned facility case manager to monitor and measure goal attainment and functional improvement. The facility case manager will be responsible for cost containment and appropriate utilization of services. The facility case manager will coordinate discharge planning activities with the department when it has been determined by the department that NF-Complex Care services are no longer required or appropriate.

The facility seeking to provide services under this Neurological Rehabilitation Treatment Program must meet the following requirements:

1. The facility shall be accredited by the Joint Commission on Accreditation on Healthcare Organizations (JCAHO) and by the Commission on Accreditation of Rehabilitation Facilities (CARF).

2. The facility shall have appropriate rehabilitation services to manage the functional and psychosocial needs of the clients services and appropriate medical services to evaluate and treat the pathophysiologic process. The staff shall have intensive specialized training and skills in rehabilitation.

3. The facility shall have formalized policies and procedures to govern the comprehensive skilled and rehabilitation nursing care, related medical and other services provided. An interdisciplinary team approach shall be utilized in patient care. This team shall include, but is not limited to: a physician, a registered nurse (with special training/experience in rehabilitation and brain injury care/treatment), physical therapist, occupational therapist, speech/language therapist, respiratory therapist, psychologist, social worker, recreational therapist, and case manager.

4. The facility shall have formalized policies and procedures to insure that the interdisciplinary health and rehabilitation needs of every NF-Neurological Rehabilitation patient shall be under the supervision of a board certified primary care physician.

5. The facility shall have formalized policies and procedures to insure a licensed physician visits and assess each client's care frequently and no less than required by law, licensure, certifications and accreditations.

6. The facility shall have formalized policies and procedures to furnish necessary medical care in cases of emergency and provide 24 hour access to services in an acute care hospital.

7. The facility shall provide designated, continuous beds for persons requiring NF-Neurological Rehab an/or NF Complex Care services. The facility shall provide private rooms for clients demonstrating medical and/or behavioral needs. Dedicated treatment space shall be provided for all treating disciplines including the availability of distraction-free individual treatment rooms/areas.

8. The facility shall provide 24 hour nursing services to meet the medical and behavioral needs with registered

nurse coverage 24 hours per day, seven days per week.

9. The facility shall provide appropriate methods and procedures for dispensing and administering medications and biologicals.

10. The facility shall have formalized policies and procedures for, and shall provide on a regular basis, ongoing staff education in rehabilitation, respiratory care, specialized medical services and other related clinical and non-clinical issues.

11. The facility shall provide dietary services to meet the comprehensive nutritional needs of the clients. These services shall be provided by a registered dietician for a minimum of two hours per month.

12. The facility shall provide client families and significant others the opportunity to participate in the coordination and facilitation of service delivery and personal treatment plan.

13. The facility shall provide non-medical transportation services and arrange for medical transportation services to meet the medical/social needs of the clients.

14. The facility shall provide initial and ongoing integrated, interdisciplinary assessments to develop treatment plans which should address medical/neurological issues sensorimotor, cognitive, perceptual, and communicative capacity, affect/mood, interpersonal, social skills, behaviors, ADL's, recreation/leisure skills, education/vocational capacities, sexuality, family, legal competency, adjustment to disability, post-discharge services environmental modifications, and all other areas deemed relevant for the person.

15. The facility shall provide a coordinated, interdisciplinary team which meets in team conference to update the treatment plan for each person at least every 14 days and as often as necessary to meet the changing needs of the client.

16. The facility shall provide appropriate consultation and services to meet the needs of the clients, including but not limited to audiology, driver education, orthotics, prosthetic, or any specialized services.

17. The facility shall establish protocol for ongoing contact with vocational rehabilitation education, mental health, developmental disabilities, social security, social welfare, head injury advocacy groups and any other relevant public/community agencies.

18. The facility shall establish protocol for close working relationship with other acute care hospitals capable of caring for persons with neurological trauma to provide for outpatient follow up, in service education and ongoing training of treatment protocols to meet the needs of the traumatic brain injury clients.

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

Interested persons may submit written comments to the following address: John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this emergency rule. Copies of this rule and all other Medicaid rules and regulations are available at parish Offices of Family Services for review by interested parties.

A public hearing on this proposed emergency rule will

be held in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA at 9:30 a.m. on January 29, 1993. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

Department of Revenue and Taxation Tax Commission

Personal Property Ad Valorem Tax
(LAC 61.V. Chapters 7-35)

The Tax Commission, at its meeting of November 5, 1992, exercised the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions and amendments to the Real/Personal Property Rules and Regulations.

This emergency rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 1993. Cost indices required to finalize these assessment tables are not available to this office until late October, 1992. The effective date of this emergency rule is January 1, 1993.

Title 61 REVENUE AND TAXATION Part V. Ad Valorem Taxation

Chapter 7. Watercraft §703. Tables - Watercraft

§703.(B)

Table 2.2

FLOATING EQUIPMENT MOTOR VESSELS

YEAR	COST INDEX (AVERAGE)	AVERAGE ECONOMIC LIFE		
		EFFECTIVE	PERCENT	COMPOSITE
		AGE	GOOD	MULTIPLIER
1992	0.993	1	94	.93
1991	1.005	2	87	.87
1990	1.025	3	80	.82
1989	1.052	4	73	.77
1988	1.109	5	66	.73
1987	1.156	6	58	.67
1986	1.173	7	50	.59
1985	1.184	8	43	.51
1984	1.202	9	36	.43
1983	1.234	10	29	.36
1982	1.257	11	24	.30
1981	1.315	12	22	.29
1980	1.451	13	20	.29

CONSIDERATION OF OBSOLESCENCE WHEN USING THE COST APPROACH

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

§703.(C)

Table 2.3

FLOATING EQUIPMENT BARGES (NON - MOTORIZED)

YEAR	COST INDEX (AVERAGE)	AVERAGE ECONOMIC LIFE		
		EFFECTIVE	PERCENT	COMPOSITE
		AGE	GOOD	MULTIPLIER
1992	0.993	1	97	.96
1991	1.005	2	93	.93
1990	1.025	3	90	.92
1989	1.052	4	86	.90
1988	1.109	5	82	.91
1987	1.156	6	78	.90
1986	1.173	7	74	.87
1985	1.184	8	70	.83
1984	1.202	9	65	.78
1983	1.234	10	60	.74
1982	1.257	11	55	.69
1981	1.315	12	50	.66
1980	1.451	13	45	.65
1979	1.596	14	40	.64
1978	1.745	15	35	.61
1977	1.877	16	31	.58
1976	1.976	17	27	.53
1975	2.100	18	24	.50
1974	2.342	19	22	.52
1973	2.711	20	21	.57
1972	2.809	21	20	.56

CONSIDERATION OF OBSOLESCENCE WHEN USING THE COST APPROACH

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 and 10:925 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17:1213 (December 1991).

Chapter 9. Oil and Gas Properties

§901. Guidelines for Ascertaining the Fair Market Value of Oil and Gas Properties

A. The Assessment of Oil and Gas Properties shall be made in accordance with the Louisiana Constitution of 1974, Article VII, Section 18, and in accordance with guidelines adopted by the Tax Commission and applied uniformly throughout the state.

B. The Well

1. The well includes all of the equipment and any other taxable property located below the well head, as well as the casing head, well head and/or Xmas tree.

2. Each string of casing runs from the surface down. There will always be at least two sizes of casing; the surface pipe which seals off fresh water zones, and the production string. The larger surface pipe usually extends only a few feet, depending on the depth of usable underground water, while the small production string extends to the depth of the oil producing formations. However, in some wells, and in particular the deeper wells, it may be necessary to set more than two strings of casing, each of which extends to a specific depth.

3. Each well is normally assessed in accordance with guidelines establishing "Fair Market Value".

C. Explanations

1. Production Depth - is the depth from the surface to the upper perforations in each producing zone in which the well is completed. As an example - a well completed in three separate zones is a triple completion and will have three different production depths as determined by the depth of the upper perforation for each completion.

2. Single Completions

a. Well originally completed as a single.

b. Well reclassified by the Louisiana Department of Conservation after a conversion of multiple completed well to a single producing zone.

3. Multiple Completions - wells consisting of more than one producing zone. Deepest or primary completion may or may not be the base well number depending upon the Louisiana Department of Conservation permits and classification.

4. Injection Wells - wells completed as single or wells reclassified by the Louisiana Department of Conservation after a conversion of another well. Wells are used for gas and water injection for production purposes, also used for disposal wells.

5. Water Wells - wells used for production purposes only - both fresh and salt water supply.

D. Well Fair Market Value Classifications

1. Each individual well must be listed separately by ward, field name and Louisiana Department of Conservation field code number, location (Sec.- Twp.-Range), lease name, well serial number, lease well number, well type, and production depth (upper perforation of each zone), in accordance with guidelines established by the Louisiana Tax Commission.

E. Assessment of Multiple Completion (Dual) Wells

1. All Zones Producing

a. Assess deepest production depth at full schedule value and shallower production depth(s) at fifty percent (50%) of full schedule value.

2. Only 1 Zone Producing

a. Assess production depth *only* at full schedule value.

3. No Zones Producing

a. Assess *only* the deepest production depth at full schedule value.

F. Permanently Abandoned Wells

1. Must be reported only the first tax year after abandonment, however, no assessment shall be made on such well. A P & A permit number, issued by the Louisiana Department of Conservation, must be provided. A copy of the P & A report (Conservation Form # P & A) may be requested of the taxpayer, if necessary. A work permit or well history report is not acceptable.

G. Multi-Completed Wells

1. P & A-35 Report, covers multi-completed wells and issued by the Department of Conservation. The report is used where circumstances will not permit abandonment of all zones and where one or more zones are incapable of producing (dead) and depleted (no further production). Such wells are reported the first year after production ceased, however, a P & A-35 Report must be furnished. After the first reporting, the well must be reported yearly (without P & A Report) until all zones have been officially abandoned by a P & A Report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 2:359 (November 1976), amended LR 8:102 (February 1982), amended LR 9:69 (February 1983), amended LR 17: 1213 (December 1991), amended LR 19:

§903. Instructions for Reporting Oil and Gas Properties

A. A separate LAT-12 Form is used for each lease or facility. An attachment in lieu of the form is permitted *ONLY* if information is in the same sequence. The LAT-12 Form may be reproduced and used as an attachment; however, all attachments must be properly identified and attached to the original.

B. For operations with more than one lease or facility in any one field (by ward), the following will be permitted:

1. Furnish an original LAT-12 showing parish, ward and field with notation that attachments are made. Only this form needs date and signature.

2. Furnish separate attachment(s) (as stated above) for each lease or facility.

3. Total each attachment, by property classes, and summarize.

4. Summary of all attachments, by property classes, may be on an attachment or in the space provided on the original.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 16:1063 (December 1990), amended LR 19:

§905. Reporting Procedures

A. Oil, Gas and Associated Wells

1. Property Class #1 - see guidelines adopted by the Louisiana Tax Commission and report in accordance with form requirements or as outlined above.

B. Surface Equipment

1. See guidelines adopted by the Louisiana Tax Commission. Various sizes, items, etc., may not be commingled into one category or value. Property must be grouped, totaled and included in summary according to the following property classes:

2. Property Class #2 - Oil and Gas Equipment

See explanations elsewhere in this section regarding the assessment of Multiple Completion Wells.

PRODUCING DEPTHS	COST - NEW VALUE BY DEPTH PER FOOT		**15% OF COST-NEW BY DEPTH PER FOOT	
	Region 1*	Region 2*	Region 1*	Region 2*
0- 1,249 ft.	\$3.72	\$5.11	\$.56	\$.77
1,250- 2,499 ft.	5.42	7.29	.81	1.09
2,500- 3,749 ft.	8.04	10.60	1.21	1.59
3,750- 4,999 ft.	8.94	11.57	1.34	1.74
5,000- 7,499 ft.	17.54	23.07	2.63	3.46
7,500- 9,999 ft.	19.72	25.01	2.96	3.75
10,000-12,499 ft.	27.14	27.14	4.07	4.07
12,500-14,999 ft.	40.19	40.19	6.03	6.03
15,000-17,499 ft.	64.36	64.36	9.65	9.65
17,500-19,999 ft.	86.44	86.44	12.97	12.97
20,000-Deeper ft.	150.65	150.65	22.60	22.60

*Refer to List of Parishes located in Region 1. All parishes not listed as located in Region 1 are considered to be located in Region 2.

**These 15% values must be multiplied by the Percent Good factors, based on the age of each well, to obtain the Assessed Value exclusive of additional obsolescence consideration.

PARISHES LOCATED IN REGION 1

Bienville	Franklin	Red River
Bossier	Grant	Richland
Caddo	Jackson	Sabine
Caldwell	LaSalle	Tensas
Catahoula	Lincoln	Union
Claiborne	Madison	Webster
Concordia	Morehouse	West Carroll
DeSoto	Natchitoches	Winn
East Carroll	Ouachita	

PROCEDURE FOR ARRIVING AT ASSESSED VALUE

1. Multiply the appropriate Percent Good factor based on age of the well as found on the Serial Number Chart below.
2. All shut-in wells such as those listed on the year end Office of Conservation Oil Well Potential Report (Form DM 1 R), Gas Well Deliverability Test (Form DT 1), or other form of documentary evidence found to be acceptable by the assessor, are to be allowed a deduction of 20% for obsolescence.
3. Deduct any additional obsolescence as warranted to reflect Fair Market Value (i.e. Well Status Codes 27, 41, 42, 43, 63, etc. in Conservation Dept. data files).

**SERIAL NUMBER TO PERCENT
GOOD CONVERSION CHART**

YEAR	BEGINNING SERIAL NO.	ENDING SERIAL NO.	25 YEAR LIFE PERCENT GOOD
1992	214190	AND UP	98%
1991	212881	214189	95%
1990	211174	212880	93%
1989	209484	211173	90%
1988	207633	209483	87%
1987	205211	207632	84%
1986	202933	205210	81%
1985	197563	202932	78%
1984	189942	197562	75%
1983	184490	189941	71%
1982	179370	184489	68%

a. Major items of oil and gas equipment are shown as a schedule item. For other equipment (not included as a schedule item), year of construction or purchase, original cost and composite multiplier must be shown and used to determine Fair Market Value. Refer to composite multipliers in the General Business Section of these guidelines.

3. Property Class #3 - Tanks

a. See schedule for type, size, unit cost, etc.

4. Property Class #4 - Lease Lines

a. Steel: Up through 6" in diameter - see schedule. For larger sizes - see schedule in Pipelines Section and use LAT-14 Form.

b. Plastic: Up through 6" in diameter - see schedule.

5. Property Class #5 - Inventories

a. May be reported as a total accumulated cost in the Fair Market Value column - with property description and on appropriate LAT Form.

b. Material & Supplies:

i. Located on lease or facility - Use LAT-12 Form.

ii. Located at a public or private storage - use LAT-5 Form (Sec. 1).

c. Pipe Stock - Report footage or tonnage in unit column (indicating measurement), cost per unit measurement in unit value column and extend total fair market value.

i. Located on lease or facility - Use LAT-12 Form.

ii. Public or private storage - Use LAT-5 Form (Sec. 1).

d. Pipe Stock - Exempt under LA. Const., Art. VII, S 21(D-3)- Use LAT-5 Form (Sec. 1).

6. Property Class #6 - Field Improvements

a. Docks, platforms, lease buildings, equipment sheds and buildings, warehouses, land and leasehold improvements, etc.- Furnish year constructed and cost. Use composite multiplier from appropriate table on original cost, and extend Fair Market value for each.

7. Property Class #7 - Other Property - On lease or producing facilities but not included in the above classes viz:

a. Barges - Used as storage, work, utility, submerged platforms, etc. - report type, size, year of purchase, cost and use composite multiplier from the appropriate table.

b. Furniture & Fixtures - may be reported as a total cost with the composite multiplier from the appropriate table on original cost. Report such property on LAT-12 Form (Oil & Gas Property).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 19: (February 1993).

§907. Tables - Oil and Gas

(Tables can also be found in LAC 61:V.907, Appendix A.)

§907.(A)

Table 3.1

OIL, GAS AND ASSOCIATED WELLS

The Cost - New Schedules below cover only that portion of the well subject to ad valorem taxation. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

1981	173109	179369	64%
1980	166724	173108	60%
1979	162463	166723	56%
1978	158114	162462	52%
1977	154410	158113	48%
1976	150983	154409	44%
1975	147695	150982	39%
1974	144502	147694	34%
1973	141817	144501	30%
1972	138757	141816	26%
1971	135746	138756	23%
1970	131757	135745	21%
1969	AND LOWER	131756	20%
VAR.	990000	AND UP	20%

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Louisiana Tax Commission and in accordance with requirements set forth on LAT-12- "Personal Property Tax Report - Oil and Gas Property" Form.

Oil and Gas Personal Property will be assessed in seven (7) major categories as follows:

- Oil, Gas, and Associated Wells
- Oil and Gas Equipment (Surface Equipment)
- Tanks (Surface Equipment)
- Lines (Oil and Gas Lease Lines)
- Inventories (Material & Supplies)
- Field Improvements (Docks, platforms, bldgs., etc.)
- Other Property (Other property not included above)

§907.(B)

**Table 3.2
SURFACE EQUIPMENT**

Listed are the FAIR MARKET VALUES and ASSESSED VALUES of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
ACTUATORS - (See Metering Equipment)		
AUTOMATIC CONTROL EQUIPMENT - (See Safety Systems)		
AUTOMATIC TANK SWITCH UNIT - (See Metering Equipment)		
BARGES - CONCRETE - (Assessed on an individual basis)		
BARGES - STORAGE - (Assessed on an individual basis)		
BARGES - UTILITY - (Assessed on an individual basis)		
BARGES - WORK - (Assessed on an individual basis)		
COMMUNICATION EQUIPMENT - (See Telecommunications)		
DAMPENERS - (See Metering Equipment - "Recorders")		
DESORBERS - No metering equipment included.		
125#	\$ 25,520	\$ 3,830
300#	28,140	4,220
500#	32,020	4,800
DESTROILETS - (See Metering Equipment - "Regulators")		
DESURGERS - (See Metering Equipment - "Regulators")		
DESILTERS - (See Metering Equipment - "Regulators")		
DIATROLLERS - (See Metering Equipment-"Regulators")		
DOCKS, PLATFORMS, BUILDINGS - (Assessed on an individual basis)		
DRY DEHYDRATORS (DRIERS) - (See Scrubbers)		
ENGINES-UNATTACHED - (Only includes engine & skids)		
Per Horsepower	80	10
EVAPORATORS - (Assessed on an individual basis)		
EXPANDER UNIT - No metering equipment included.		
Per Unit	9,360	1,400
FLOW SPLITTERS - No metering equipment included.		
48 In. Diameter Vessel	4,560	680
72 In. Diameter Vessel	6,040	910
96 In. Diameter Vessel	9,250	1,390
120 In. Diameter Vessel	13,150	1,970
FIRE CONTROL SYSTEM - (Assessed on an individual basis)		
FURNITURE & FIXTURES - (Assessed on an individual basis)		
Field operations only, according to location.		
GAS COMPRESSORS - Package unit- skids, scrubbers, cooling system and power controls. No metering or regulating equipment.		
Up to 1500 Horsepower	280	(Per H.P.) 40
1501 and Up	180	(Per H.P.) 30

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
GAS COOLERS - No metering equipment.		
5,000 MCF/D	\$ 7,200	\$ 1,080
10,000 MCF/D	8,100	1,220
20,000 MCF/D	25,200	3,780
50,000 MCF/D	57,150	8,570
100,000 MCF/D	93,600	14,040
GENERATORS - Package Unit Only - No special installation.		
Per K.W.	200	30
GLYCOL DEHYDRATION - Package unit - including pressure gauge, relief valve and regulator. No other metering equipment.		
Up to 4.0 MMCF/D	5,050	760
4.1 to 5.0 MMCF/D	5,630	840
5.1 to 10.0 MMCF/D	9,470	1,420
10.1 to 15.0 MMCF/D	15,270	2,290
15.1 to 20.0 MMCF/D	22,400	3,360
20.1 to 25.0 MMCF/D	23,480	3,520
25.1 to 30.0 MMCF/D	32,840	4,930
30.1 to 50.0 MMCF/D	53,360	8,000
50.1 to 75.0 MMCF/D	71,260	10,690
75.1 & Up	90,000	13,500
HEATERS - Includes unit, safety valves, regulators and automatic shut-down. No metering equipment.		
STEAM BATH - DIRECT HEATER		
24 In. Diameter Vessel - 250,000 BTU/HR Rate	1,760	260
30 In. Diameter Vessel - 500,000 BTU/HR Rate	2,210	330
36 In. Diameter Vessel - 750,000 BTU/HR Rate	2,660	400
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	3,940	590
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	4,860	730
WATER BATH - INDIRECT HEATER		
24 In. Diameter Vessel - 250,000 BTU/HR Rate	2,200	330
30 In. Diameter Vessel - 500,000 BTU/HR Rate	2,650	400
36 In. Diameter Vessel - 750,000 BTU/HR Rate	3,740	560
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	4,830	720
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	6,010	900
STEAM - (STEAM GENERATORS)		
24 In. Diameter Vessel- 250,000 BTU/HR Rate	2,280	340
30 In. Diameter Vessel- 450,000 BTU/HR Rate	2,860	430
36 In. Diameter Vessel-500 to 750,000 BTU/HR.....	4,280	640
48 In. Diameter Vessel-1 to 2,000,000 BTU/HR.....	4,920	740
60 In. Diameter Vessel-2 to 3,000,000 BTU/HR.....	5,560	830
72 In. Diameter Vessel-3 to 6,000,000 BTU/HR.....	8,780	1,320
96 In. Diameter Vessel-6 to 8,000,000 BTU/HR.....	10,550	1,580
HEAT EXCHANGE UNITS- SKID MOUNTED - (See Production Units)		
HEATER TREATERS - Necessary controls, gauges, valves and piping. No metering equipment included.		
HEATER-TREATERS - Non-Metering		
4 x 20 ft.	3,830	570
4 x 27 ft.	4,930	740
6 x 20 ft.	5,160	770
6 x 27 ft.	6,490	970
8 x 20 ft.	8,260	1,240
8 x 27 ft.	9,680	1,450
10 x 20 ft.	10,930	1,640
10 x 27 ft.	12,850	1,930
HEATER-TREATERS-METERING - Also includes metering section with dump counters.		
3 x 15 ft.	3,780	570
4 x 22 ft.	6,300	950
6 x 22 ft.	7,380	1,110

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
HEATER-TREATERS-METERING - (CONTINUED)		
8 x 22 ft.	\$ 10,620	\$ 1,590
10 x 22 ft.	13,500	2,030
L.A.C.T. (LEASE AUTOMATIC CUSTODY TRANSFER) - (See Metering)		
L.T.X. (LOW TEMPERATURE EXTRACTION) - Includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc. - complete unit.		
RANGE I- Up to 5.0 MMCF/D.....	32,930	4,940
RANGE II- 5.1 to 10.0 MMCF/D.....	43,160	6,470
RANGE III- 10.1 to 15.0 MMCF/D.....	55,460	8,320
RANGE IV- 15.1 and up MMCF/D.....	71,190	10,680
LIQUA METER UNITS - (See metering equipment)		
MANIFOLDS - (See metering equipment)		
MATERIAL & SUPPLIES - INVENTORIES - (Assessed on an individual basis)		
METER CALIBRATING VESSELS - (See metering equipment)		
METER PROVER TANKS - (See metering equipment)		
METER RUNS - (See metering equipment)		
METER CONTROL STATIONS - (Assessed on an individual basis)		
Not considered Communication Equipment.		
METERING EQUIPMENT		
ACTUATORS - Hydraulic, pneumatic & electric valves.....		
	1,490	220
CONTROLLERS - Time cycle valve - valve controlling device (also known as Intermittent)		
	470	70
FLUID METERS:		
1 Level Control		
24 In. Diameter Vessel - 1/2 bbl. dump	1,140	170
30 In. Diameter Vessel - 1 bbl. dump	1,460	220
36 In. Diameter Vessel - 2 bbl. dump	2,020	300
2 Level Control		
20 In. Diameter Vessel 1/2 bbl. dump.....	1,060	160
24 In. Diameter Vessel 1/2 bbl. dump.....	1,280	190
30 In. Diameter Vessel 1 bbl. dump.....	1,600	240
36 In. Diameter Vessel 2 bbl. dump.....	2,160	320
L.A.C.T. & A.T.S. UNITS		
30 lb. discharge.....	7,110	1,070
60 lb. discharge.....	8,100	1,220
SOLAR PANELS (Also see Telecommunications)		
Per Unit (10" x 10")	90	10
METER RUNS - Piping, valves & supports - no meters.		
2 In. piping & valve	1,530	230
3 In. piping & valve	1,710	260
4 In. piping & valve	2,070	310
6 In. piping & valve	2,880	430
8 In. piping & valve	4,320	650
10 In. piping & valve	5,760	860
12 In. piping & valve	7,200	1,080
14 In. piping & valve	9,800	1,470
16 In. piping & valve	12,800	1,920
18 In. piping & valve	15,840	2,380
20 In. piping & valve	20,600	3,090
22 In. piping & valve	25,960	3,890
24 In. piping & valve	31,770	4,770
RECORDERS (METERS) - Includes both static element and tube drive pulsation dampener- also one and two pen operations.		
Per Meter.....	620	90

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
METERING VESSELS (ACCUMULATORS)		
1 bbl. Calibration Plate- (20 x 9)	\$ 880	\$ 130
5 bbl. Calibration Plate- (24 x 10)	960	140
7.5 bbl. Calibration Plate - (30 x 10)	1,330	200
10 bbl. Calibration Plate - (36 x 10)	1,660	250
MANIFOLDS - MANUAL OPERATED		
HIGH PRESSURE		
Per Well	5,580	840
Per Valve	1,890	280
LOW PRESSURE		
Per Well	2,700	410
Per Valve	900	140
MANIFOLDS - AUTOMATIC OPERATED		
HIGH PRESSURE		
Per Well	10,080	1,510
Per Valve	3,330	500
LOW PRESSURE		
Per Well	7,200	1,080
Per Valve	2,430	360
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors - in addition to normal equipment found on manual operated system.		
NO METERING EQUIPMENT INCLUDED.		
PROVER TANKS		
5 bbl. (4 x 8)	2,070	310
10 bbl. (5 x 8)	2,610	390
15 bbl. (6 x 9)	3,380	510
20 bbl. (6 x 10)	4,110	620
25 bbl. (8 x 9)	4,730	710
REGULATORS		
Per Unit	630	90
PIPE LINES - LEASE LINES		
STEEL		
2 In. Nominal Size - Per Mile	6,610	990
2 1/2 In. Nominal Size - Per Mile	11,120	1,670
3 & 3 1/2 In. Nominal Size - Per Mile	12,810	1,920
4, 4 1/2 & 5 In. Nominal Size-Per Mile	15,180	2,280
6 In. Nominal Size - Per Mile	21,480	3,220
PLASTIC - P.V.C.		
2 In. Nominal Size - Per Mile	990	150
2 1/2 In. Nominal Size - Per Mile	1,620	240
3 In. Nominal Size - Per Mile	1,800	270
4 In. Nominal Size - Per Mile	2,700	410
6 In. Nominal Size - Per Mile	5,310	800
PLASTIC - FIBERGLASS		
2 In. Nominal Size - Per Mile	5,810	870
3 In. Nominal Size - Per Mile	9,170	1,380
4 In. Nominal Size - Per Mile	13,110	1,970
6 In. Nominal Size - Per Mile	34,380	5,160
PIPE STOCK - (Assessed on an individual basis)		
PIPE STOCK - EXEMPT - (Under La. Const. Art. X, § 4 (19-C))		
PRODUCTION UNITS		
CLASS I - Per Unit - 1 Separator & 1 Heater	5,770	870
CLASS II - Per Unit - 2 Separators & 1 Heater	6,850	1,030
PRODUCTION PROCESS UNITS - These units are by specific design and not in the same category as gas compressors, liquid and gas production units		

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
PRODUCTION PROCESS UNITS - (CONTINUED)		
or pump-motor units. (Assessed on an individual basis.)		
PUMPS - IN LINE		
Per horsepower rating of motor	\$ 70	\$ 10
PUMP-MOTOR UNIT - Pump and Motor Only		
CLASS I (Water Flood, SW disposal, P/L, etc.)		
Up to 300 HP - Rated on Per HP of Motor	90	(Per H.P.) 10
CLASS II (High Pressure injection, etc.)		
301 and Up HP - Rated on Per HP of Motor	110	(Per H.P.) 20
PUMPING UNITS - CONVENTIONAL & BEAM BALANCE UNITS		
(Unit Value includes motor)		
Assessed according to well depth on which unit is operating.		
0 - 1,250 ft. well depth.....	1,650	250
1,251 - 2,500 ft. well depth.....	2,790	420
2,501 - 3,750 ft. well depth.....	3,920	590
3,751 - 5,000 ft. well depth.....	4,410	660
5,001 - 7,500 ft. well depth.....	5,900	890
7,501 - 10,000 ft. well depth.....	6,480	970
10,001 - 12,500 ft. well depth.....	7,610	1,140
12,501 - 15,000 ft. well depth.....	10,710	1,610
15,001 - 17,500 ft. well depth.....	13,950	2,090
17,501 - 20,000 ft. well depth.....	17,910	2,690
20,001 - deeper ft. well depth.....	22,280	3,340
For "Air Balance" and "Heavy Duty" units multiply the above values by 1.30.		
REGENERATORS (ACCUMULATOR) - (See Metering Equipment)		
SAFETY SYSTEMS		
Onshore and Marsh Area		
Basic Case		
Well only	1,260	190
Well and Production Equipment.....	1,440	220
with surface op. ssv, add	2,160	320
Offshore 0 - 3 miles		
Wellhead safety system (excludes wellhead actuators)		
Per Well	3,600	540
Production train.....	9,000	1,350
Glycol dehydration system.....	5,400	810
P/L pumps and LACT.....	12,600	1,890
Compressors.....	7,920	1,190
Wellhead Actuators (does not include price of the valve)		
5,000 psi	900	140
10,000 psi and over	1,350	200
For installation costs - add 25%		
SAMPLER - (See Metering Equipment "Fluid Meters".)		
SCRUBBERS - TWO CLASSES		
CLASS I - Manufactured, for use with other major equipment and at times included with such equipment as part of a package unit.		
8 In. Diameter Vessel.....	760	110
10 In. Diameter Vessel.....	1,100	170
12 In. Diameter Vessel.....	1,240	190
CLASS II - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.		

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
CLASS II - (CONTINUED)		
8 In. Diameter Vessel.....	\$ 360	\$ 50
12 In. Diameter Vessel.....	470	70
NO METERING OR REGULATING EQUIPMENT INCLUDED IN THE ABOVE.		
SKIMMER TANKS - (See Flow Tanks in Tanks Section)		
STABILIZERS - Per Unit.....	1,400	210
SEPARATORS - (No metering equipment included)		
125 PSI Vessel.....	3,300	490
230 PSI Vessel.....	4,080	610
500 PSI Vessel.....	6,000	900
600 PSI Vessel.....	6,300	950
1,000 PSI Vessel.....	7,200	1,080
1,200 PSI Vessel.....	8,400	1,260
1,440 PSI Vessel.....	9,600	1,440
1,500 PSI Vessel.....	10,200	1,530
2,000 PSI Vessel.....	12,900	1,930
3,000 PSI Vessel.....	15,000	2,250
4,000 PSI Vessel.....	18,300	2,740
5,000 PSI Vessel.....	21,600	3,240
6,000 PSI Vessel.....	25,800	3,870
SUMP/DUMP TANKS - (See Metering Equipment "Fluid Tanks")		
TANKS - No metering equipment		
FLOW TANKS (Receiver or Gunbarrel)		
50 to 548 bbl. range		
Average tank size - 250 bbl. - Per Barrel*.....	9.71	1.46
STOCK TANKS (Lease Tanks)		
100 to 750 bbl. range		
Average tank size - 300 bbl. - Per Barrel*.....	7.12	1.07
STORAGE TANKS (Closed Top) - Per Barrel*		
1,000 barrel.....	5.18	.78
1,500 barrel.....	4.59	.69
2,000 barrel.....	4.41	.66
2,001 - 5,000 barrel.....	3.69	.55
5,001 - 10,000 barrel.....	3.24	.49
10,001 - 15,000 barrel.....	5.40	.81
15,001 - 55,000 barrel.....	4.86	.73
55,001 - 150,000 barrel.....	4.32	.65
INTERNAL FLOATING ROOF - Per Barrel*		
10,000 barrel.....	5.67	.85
20,000 barrel.....	4.95	.74
30,000 barrel.....	4.68	.70
50,000 barrel.....	4.37	.65
55,000 barrel.....	4.32	.65
80,000 barrel.....	3.51	.53
100,000 barrel.....	3.42	.51
PONTOON FLOATING ROOF - Per Barrel*		
10,000 barrel.....	5.45	.82
20,000 barrel.....	5.22	.78
40,000 barrel.....	4.91	.74
50,000 barrel.....	4.59	.69
80,000 barrel.....	3.69	.55
100,000 barrel.....	3.60	.54
150,000 barrel.....	3.15	.47
*(I.E.: Tank size bbl. X no. of bbls. X F.M.V. and/or Assessed Value factor.)		
TELECOMMUNICATIONS EQUIPMENT		
Microwave System		
Telephone and data transmission.....	18,000	2,700
Radio Telephone	1,350	200

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
TELECOMMUNICATIONS EQUIPMENT - (CONTINUED)		
Supervisory Controls		
Remote Terminal Unit, well.....	\$ 2,970	\$ 450
Master Station.....	6,750	1,010
Towers (installed)		
Heavy duty, guyed, per foot.....	70	10
Light duty, guyed.....	10	2
Heavy duty, self supporting.....	230	30
Light duty, self supporting.....	50	10
Equipment building , per sq. ft.	70	10
Solar panels , per unit (10' x 10')	90	10
UTILITY COMPRESSORS		
Per Horsepower - rated on motor.....	180	30
VAPOR RECOVERY UNIT - No Metering Equipment		
0 - 30 psi - 80 mcf/d.....	3,260	490
0 - 30 psi - 160 mcf/d.....	6,530	980
0 - 60 psi - 80 mcf/d.....	6,750	1,010
WATER FLOOD EQUIPMENT - (See "Pump-Motor, Class I")		
WATERKNOCKOUTS - Includes unit, backpressure valve & regulator, but, no metering equipment.		
24 In. Diameter Vessel.....	1,300	190
30 In. Diameter Vessel.....	1,620	240
36 In. Diameter Vessel.....	1,940	290
48 In. Diameter Vessel.....	2,660	400
72 In. Diameter Vessel.....	3,840	580
96 In. Diameter Vessel.....	5,760	860
120 In. Diameter Vessel.....	8,640	1,300

TABLE 3.3

**SERVICE STATIONS
MARKETING PERSONAL PROPERTY**

***ALTERNATIVE PROCEDURE**

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
AIR & WATER UNITS - Above ground.....	\$ 160	\$ 20
Below ground.....	100	20
AIR COMPRESSORS - 1/3 TO 1 H.P.....	300	50
1 1/2 TO 5 H.P.	640	100
CAR WASH EQUIPMENT - In Bay (roll over brushes).....	9,900	1,490
In Bay (pull through).....	17,430	2,610
Tunnel (40 to 50 ft.).....	33,170	4,980
Tunnel (60 to 75 ft.).....	36,260	5,440
DRIVE ON LIFTS - Single Post.....	1,010	150
Dual Post.....	1,690	250
LIGHTS - - - - LIGHT POLES - EACH	50	10
Lights - Per Pole Unit.....	110	20
PUMPS - SINGLE - Self contained and/or remote controlled computer - non-electronic.....	620	90
DUAL - - non-electronic.....	1,070	160
SINGLE - COMPUTERIZED , non-self-service, post pay, pre/post pay, self-contained and/or remote controlled dispensers.....	750	110
DUAL - COMPUTERIZED	1,320	200

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
READ-OUT EQUIPMENT - At operator of self-service - per hose outlet.....	\$ 220	\$ 30
SUBMERGED PUMPS - Used with remote control equipment, according to number used - per unit.....	310	50
SIGNS - Station Signs		
6 ft. lighted - installed on 12 ft. pole.....	450	70
10 ft. lighted - installed on 16 ft. pole.....	1,460	220
ROTATORS - (ADDITIONAL EQUIPMENT)		
Small & medium signs.....	290	40
Large signs.....	500	80
ATTACHMENT SIGNS - FOR STATION SIGNS		
Lighted - "self-serve" (4 x 11 ft.).....	340	50
Lighted - "pricing" (5 x 9 ft.).....	570	90
HIGH-RISE SIGNS		
16 ft. lighted - installed on:		
1 Pole.....	2,700	400
2 Poles.....	3,370	510
3 Poles.....	3,940	590
ATTACHMENT SIGNS - FOR HIGH-RISE		
Lighted - "self-serve" (5 x 17 ft.).....	1,350	200
Lighted - "pricing" (5 x 9 ft.).....	570	90
TANKS - (Average for all tank sizes)		
(Underground) - per gallon.....	29	.04

The above represents "Fair Market Value" and "Assessed Value" of modern stations and self-service marketing equipment. Other costs associated with such equipment are included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

*This ALTERNATIVE ASSESSMENT PROCEDURE should be used **ONLY** when acquisition cost and age are unknown or unavailable. Otherwise, see General Business section for normal assessment procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17:1213 (December 1991).

**Title 61
REVENUE AND TAXATION
Part V. Ad Valorem Taxation**

Chapter 15. Aircraft

§1501. Guidelines for Ascertaining the Fair Market Value of Aircraft

A. Airplanes and helicopters, except those owned by a company engaged in the business of transporting passengers and/or property for hire on regularly scheduled flights, which are assessed as public service properties, are subject to valuation and assessment by parish assessors. Antique airplanes, those manufactured at least twenty-five years ago, and not being used in commerce, are exempt from personal property taxes. Any aircraft weighing less than six thousand pounds which is owned by a private individual and not used for commercial

or profit-making purposes is also exempt from personal property taxes (R.S. 47:6001). Crop dusting airplanes used exclusively for agricultural purposes are exempt from personal property taxes (R.S. 47:1707). As with other forms of personal property, aircraft are to be taxed where situated on January 1st. Fair Market Value is the standard for valuation of aircraft. The procedures for discovery and valuation of aircraft follow.

B. Discovery

By their nature, aircraft are a highly mobile form of personal property. Aircraft listings for each parish are presently developed from a list supplied to the Louisiana Tax Commission by the FAA detailing the owner, identification number, make and other information for every aircraft in the state registered with that agency. The Tax Commission, in turn, supplies this information to the parish assessors who shall supplement this list based on their own knowledge of recently purchased aircraft not included in the FAA listing or of aircraft typically operating in their parish but registered in another parish or state.

C. Valuation When Using the Cost Approach

Fair Market Value is the valuation standard for aircraft. The Assessor shall estimate the Fair Market Value of each aircraft having situs in his parish through use of the information provided him on LAT Form 15. The same procedure shall be used as for other forms of machinery and equipment. That is, the original cost of the aircraft will be brought up to current value through use of the appropriate Cost Index, Percent Good factors and Composite Multipliers appearing in Table 6.1 (also see LAC 61:V.1503, Appendix A).

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Table 6.1

AIRCRAFT (INCLUDING HELICOPTERS)

YEAR	COST INDEX (AVERAGE) INDEX	AVERAGE ECONOMIC LIFE		
		EFFECTIVE AGE	PERCENT GOOD	COMPOSITE MULTIPLIER
1992	0.993	1	92	.91
1991	1.005	2	84	.84
1990	1.025	3	76	.78
1989	1.052	4	67	.70
1988	1.109	5	58	.64
1987	1.156	6	49	.57
1986	1.173	7	39	.46
1985	1.184	8	30	.36
1984	1.202	9	24	.29
1983	1.234	10	21	.26
1982	1.257	11	20	.25

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment, and Other Assets Used in General Business Activity

A. Because the information necessary to use the Market and Income Approaches to value is generally not available, the Fair Market Value of office furniture and equipment, machinery and equipment, and other assets used in general business activity can generally best be estimated by the Cost Approach. This approach allows the Assessors across the State of Louisiana to fairly and uniformly assess business and industrial personal property, while, at the same time, allowing each Assessor the discretion that is necessary to accommodate modernization, facelifting of equipment, and obsolescence.

B. The following data are required to use the Cost Approach:

1. Acquisition cost of equipment and date of purchase;
2. The average expected economic life of the equipment;
3. A typical depreciation schedule for the equipment; and,
4. An index that adjusts the cost for the effects of inflation.

C. The Assessor should obtain from the taxpayer the acquisition cost of the equipment, the actual age of the equipment, and any information that may reflect on the average economic life of the equipment. These regulations, as adopted by the Louisiana Tax Commission, contain guidelines for average economic life, typical depreciation schedules, and cost indices.

D. Three different procedures are defined for establishing fair market value when using the Cost Approach: Procedure 1 shall be used for the typical business and industrial personal property which has an average economic life equal to the guidelines, and that has not incurred any economic or functional obsolescence. Alternative Procedure 2 should only be used for the business and industrial personal property which has an average life that is either lower or higher than the guidelines. Alternative Procedure 3 should only be used for the business and industrial personal property that has incurred economic or functional obsolescence. An assessor or taxpayer wishing to deviate

from Procedure 1 shall bear the burden of proving that the alternative procedure elected establishes the fair market value of the property.

E. Composite Multipliers are computed for the assessor in Procedure 1 and presented in Table 11.4 (this table can also be found in LAC 61:V.2503.A, Appendix A). These tables shall be updated annually by the Louisiana Tax Commission in order to comply with uniform assessment of personal property.

F. Procedure 1

This procedure for establishing the fair market value of business and industrial personal property (excluding oil and gas properties, drilling rigs, inventories and leased equipment), includes these steps:

1. Classify the personal property according to the classifications listed in Table 11.1 (this table can also be found in LAC 61:V.2503.A, Appendix A).

2. The classification table will refer the assessor to the correct Composite Multiplier Table. The composite multiplier is a composite of the cost index and the percent good.

3. Select the correct composite multiplier from this table, based on the actual age of the equipment (See example below).

4. Multiply the composite multiplier times the acquisition cost of the equipment. The result is the fair market value of the equipment.

For example, the Age 1 Composite Multiplier applies to personal property purchased the year prior to the year it is being assessed (two years back for Orleans Parish) and so on for the other ages.

G. Alternative Procedure 2

If an assessor determines that economic lives are over or understated for certain personal property, an appropriate composite multiplier can be derived as illustrated below:

1. Select the average economic life of the personal property based on information available.

2. Go to Table 11.3 (this table can also be found in LAC 61:V.2503.C, Appendix A) and select the percent good based upon the actual age of the property.

3. Select the appropriate cost index from Table 11.2 (this table can also be found in LAC 61:V.2503.B, Appendix A), based on the year of acquisition.

4. Multiply the percent good times the cost index to calculate the Composite Multiplier.

5. Multiply the composite multiplier times the acquisition cost of the personal property in order to derive the fair market value of the personal property.

This procedure should only be used if the assessor has proof that the average economic life of the personal property is different from the average economic life as provided in the guidelines. Otherwise, use Procedure 1 to calculate the fair market value.

H. Alternative Procedure 3

This procedure should be used only if economic and/or functional obsolescence has affected the fair market value of the business and industrial personal property. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration.

The steps are:

1. Acquire the acquisition cost of the personal property.

2. Multiply the acquisition cost times the cost index from Table 11.2 (LAC 61:V.2503.B, Appendix A).

3. Adjust the number derived in Step 2 for the economic and/or functional obsolescence.

4. Multiply the magnitude derived in Step 3 by the percent good, from Table 11.3 (LAC 61:V.2503.C, Appendix A).

5. The result is the fair market value of personal property that has suffered some economic and/or functional obsolescence.

This procedure should be used only if the assessor has evidence that the personal property has incurred significant economic and/or functional obsolescence.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than fair market value may result.

Otherwise, use Procedure 1 to calculate the fair market value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), amended LR 12:36 (January 1986), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17:1213 (December 1991), amended LR 19: (February 1993).

§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

(Tables can also be found in LAC 61:V.2503, Appendix A.)

§2503.(A)

Table 11.1

SUGGESTED GUIDELINE FOR ASCERTAINING ECONOMIC LIVES OF BUSINESS AND INDUSTRIAL PERSONAL PROPERTY

The following alphabetical list includes most of the principal activities and types of machinery and equipment used in business throughout this state. The years shown represent an estimate of the average economic life of the equipment as experienced by the particular business or industry. The actual economic life of the assets of the business under appraisal may be more or less than the guidelines shown. The assessor must use his best judgement in consultation with the property owner in establishing the economic life of the property under appraisal.

Business Activity/Type of Equipment	Use Table	
	Average Economic Life In Years	11.4 Composite Multipliers-Sub-Table No.
Agricultural Machinery and Equipment	10	4
Aircraft & Aircraft Parts Mfg. M & E	12	5
Aluminum Industry M & E	20	7
Amusement Devices (Music, Pinball Mach., etc.)	12	5
Video Games	3	1
Apparel Mfg. M & E	20	7
Auto Repair M & E	10	4
Bakeries		
Industrial (i.e., Holsum, Sunbeam Bread)	20	7
Commercial (i.e., Albertson's, Mom & Pop, etc.)	12	5

Business Activity/Type of Equipment	Use Table	
	Average Economic Life In Years	11.4 Composite Multipliers-Sub-Table No.
Bank F & F	12	5
Bank Safety Deposit Boxes	25	8
Barber & Beauty Shops	10	4
Billboards, Poster Panels & Bulletin Boards	15	6
Bleach Mfg. M & E	12	5
Blueprinting, Photostating, Mimeographing & Lithographing (non-electronic)	10	4
Boat Molds (fiberglass)	8	3
Book Bindery	12	5
Bottling & Soft Drinks Mfg. M & E	20	7
Bowling Lanes	12	5
Automatic Pinsetters & Other M & E	10	4
Brewing & Distilling M & E	20	7
Butcher Shops	12	5
C.A.T.V. Equipment		
Cablevision Systems	10	4
Cabinet Shop M & E	12	5
Candy & Confections Mfg. M & E	12	5
Cannery M & E	20	7
Car Wash (5 min. & coin-op)	10	4
Cement, Clay & Brick Prods. Mfg. M & E	20	7
Chemical Industry M & E	15	6
Clothing Mfg. M & E	20	7
Cocktail & Beer Bars	10	4
Coin-op Machines	10	4
Computers	5	2
Concrete Products M & E	20	7
Construction M & E		
Cranes, Crawler	20	7
General Construction	10	4
Asphalt Plants		
Portable	10	4
Stationary	12	5
Land Clearing	10	4
Marine Construction		
Ships & Vessels	20	7
Pleasure Craft	12	5
Road Construction (heavy)	10	4
Rock Crushing		
Portable	10	4
Stationary	12	5
Sewer & Utilities	10	4
Well Drilling (other than O & G)	10	4
Container Mfg. M & E	20	7
Coolers (walk-in)	12	5
Copy Machines	8	3
Costumes (rental)	5	2
Cranes (crawler)	20	7
Dairy Processing M & E	20	7
Dental Equipment	12	5
Department Store Furniture & Equip.	12	5
Dies & Molds	10	4

Business Activity/Type of Equipment	Use Table	
	Average Economic Life In Years	11.4 Composite Multipliers-Sub-Table No.
Dispensing Machinery (coin-op)	10	4
Distilling & Brewing M & E	20	7
Doctors, Dentists & Professional Equip.	12	5
Drug Store F & F	12	5
Dry Cleaning & Laundry M & E (Except coin-op)	12	5
(Coin-op)	5	2
Electrical Generating		
Gas & Diesel	10	4
Steam	25	8
Electrical Mfg. M & E	15	6
Electrical Transmission & Distribution	25	8
Electronic Equipment	8	3
Electronic Mfg. Equip.	8	3
Feedmill M & E	12	5
Fertilizer Applicators	10	4
Fertilizer Mfg. M & E	8	3
Fiberglass Molds	8	3
Fish Processing M & E	20	7
Flour, Cereal & Grain Milling	20	7
Food Processing M & E	20	7
Forklifts		
Inside	12	5
Outside	10	4
Foundry M & E	20	7
Fruit Bins & Cargo Pallets	10	4
Gaming Equipment		
Electronic, Slots or Computers	5	2
Mechanical, Slots	10	4
All Other Gaming Equipment	15	6
Garage M & E	10	4
General Contractor M & E	10	4
Golf Carts	8	3
Golf Course Equip.	10	4
Golf Course Tractors	12	5
Greenhouse & Nursery M & E	10	4
Grocery Store F & F	12	5
Grocery Store Walk-In Coolers	12	5
Hardware Store F & F	12	5
Hatchery M & E	10	4
Health Spa Equip.	10	4
Hospital & Nursing Home Equip.	12	5
Hotel F & F	10	4
Ice Cream Cabinets	10	4
Ice & Refrigeration M & E	20	7
Iron & Steel Industry M & E	25	8
Janitorial Service M & E	10	4
Jewelry Store F & F and Equip.	12	5

Business Activity/Type of Equipment	Use Table	
	Average Economic Life In Years	11.4 Composite Multipliers-Sub-Table No.
Key Duplication Equip.	10	4
Laboratory Equip. (non-electronic)	12	5
Landscaping M & E	10	4
Laundry & Dry Cleaning M & E (Except Coin-op)	12	5
(Coin-op)	5	2
Leather Products Mfg. M & E	20	7
Libraries (professional)	15	6
Lift Trucks (See Forklift)		
Lumber & Wood Products Industry		
Logging M & E	10	4
Log Stackers	10	4
Pulp, Paper & Paperboard M & E	20	7
Plywood & Veneer M & E	20	7
Scarifying M & E	10	4
Sawmills		
Portable	12	5
Stationary	20	7
Shake & Shingle Mills		
Portable	12	5
Stationary	20	7
Machine Shop M & E (maintenance)	12	5
Machine Shop M & E (production)	20	7
Mailing Machines	10	4
Meat Packing M & E	12	5
Meat Processing M & E (complex)	20	7
Medical Equipment	12	5
Metal Fabrication & Extrusion Mfg. M & E	20	7
Metal Sheet Fabrication	12	5
Mining, Milling & Quarry M & E	10	4
Mobile Yard Equipment	10	4
Mortuary Service Equip.	12	5
Motel Furniture & Equipment	10	4
Music Instruments (rental)	8	3
Neon Signs	10	4
Newspaper M & E		
Press	15	6
Photographic	10	4
Computer	5	2
Other M & E	15	6
Nursing Home Equipment	12	5
Nursery & Greenhouse M & E	10	4
Office Computers	5	2
Office Copy Machines	8	3
Office Electronic Machines	8	3
Office F & F	15	6
Office Machines (inc. electric)	10	4
Office Mailing Machines	10	4
Office Safes	25	8
Outdoor Advertising Structures (See Signs)		
Oxygen & Acetylene Tanks	25	8

Business Activity/Type of Equipment	Use Table	
	Average Economic Life In Years	11.4 Composite Multipliers-Sub-Table No.
P.A. Systems	10	4
Packing & Sorting M & E (fruit, veg., etc.)	12	5
Paint & Varnish Mfg. M & E	12	5
Pallets, Crates, Lugs, Bins, etc.	10	4
Petroleum Products Industry		
Bulk Station Equip.	25	8
Refining M & E	20	7
Service Station Equip.*	10	4
Photography Equipment	10	4
Plastic Illuminated Signs	10	4
Plumbing Shop Equipment	10	4
Plywood & Veneer Mfg. M & E	20	7
Pool Hall Equipment	12	5
Power & Generation M & E		
Gas & Diesel	10	4
Steam	25	8
Printing & Publishing Equip. (See Newspaper)		
Professional Equipment		
Scientific, Doctors, Dentists, etc.	12	5
Libraries	15	6
Propane Tanks	25	8
Pulp & Paper Mfg. M & E	20	7
Radio & Television		
Broadcasting Equipment	10	4
C.A.T.V. (Cable System)	10	4
Recording Equipment	8	3
Service & Repair Equipment	10	4
Towers	20	7
Radio - Telephone Equip. - 2-Way	10	4
Rental Equipment		
Public U-Rent (except heavy equip.)	8	3
Tuxedos	5	2
Research & Development M & E	3	1
Restaurants, Soda Fountains & Drive-Ins	10	4
Retail Stores F & F	12	5
Rock Crushers (See Construction)		
Sawmills (See Lumber)		
Scaffolding (rental)	10	4
Search Lights	10	4
Service Station Equipment*	10	4
Sewer Construction Equip.	10	4
Sewing Equipment	12	5
Sheet Metal Fabrication	12	5
Shipbuilding (See Construction)		
Shoes & Leather Prods. Mfg. M & E	20	7
Shipyards (See Construction)		

Business Activity/Type of Equipment	Use Table	
	Average Economic Life In Years	11.4 Composite Multipliers-Sub-Table No.
Signs		
Bulletin Boards	15	6
Billboards	15	6
Neon	10	4
Plastic Illuminated	10	4
Poster Panels	15	6
Small Tools - perishable	5	2
Smelting M & E	20	7
Soft Drink Mfg. M & E (batch)	20	7
Stores		
Retail	12	5
Wholesale	12	5
Sugar Cane Refining M & E	20	7
Supermarkets	12	5
Walk-In Coolers	12	5
Cash Register Scanners	8	3
Tavern & Bar Equipment	10	4
Telecommunications Equipment (electronic)	8	3
Telephone & Intercom Systems		
Electronic	8	3
Manual (non-electronic)	10	4
Television & Radio (See Radio)		
Textile, Tent & Awning Mfg. M & E	20	7
Theatre		
Projection Equipment	15	6
F & F	15	6
Tire Recapping Equipment	12	5
Toilets, portable	12	5
Tuxedo Rental	5	2
Unlicensed Vehicles	10	4
Upholstery Equipment	10	4
Vending Machines	10	4
Video Games	3	1
Warehouse Equipment	12	5
Water Systems	12	5
Welding Shop Equipment	12	5
Wholesale Stores	12	5
Winery Equipment	12	5
Woodworking Shops M & E	12	5
X-Ray Equipment	12	5

*If acquisition cost and age of service station equipment are not available, see OG Section for alternative assessment procedure.

§2503.(B)

Table 11.2 (CONTINUED)
COST INDICES

YEAR	Table 11.2 COST INDICES		YEAR	NATIONAL AVERAGE	
	1926 = 100	January 1, 1992 = 100*		1926 = 100	January 1, 1992 = 100*
			1979	584.4	1.596
			1978	534.7	1.745
			1977	497.1	1.877
			1976	472.1	1.976
			1975	444.3	2.100
			1974	398.4	2.342
			1973	344.1	2.711
			1972	332.1	2.809
			1971	321.3	2.904
			1970	303.3	3.076
			1969	285.1	3.272
			1968	273.2	3.415
			1967	262.9	3.548
1992	939.8	0.993			
1991	928.5	1.005			
1990	910.2	1.025			
1989	886.5	1.052			
1988	841.4	1.109			
1987	806.9	1.156			
1986	795.4	1.173			
1985	787.9	1.184			
1984	776.4	1.202			
1983	755.8	1.234			
1982	742.4	1.257			
1981	709.2	1.315			
1980	642.8	1.451			

*Reappraisal Date: January 1, 1992 - 932.9 (Base Year)

§2503.(D)

Table 11.4
COMPOSITE MULTIPLIER
1993 (1994 Orleans Parish)

SUB-TABLE #1		SUB-TABLE #2		SUB-TABLE #3		SUB-TABLE #4		SUB-TABLE #5		SUB-TABLE #6		SUB-TABLE #7		SUB-TABLE #8	
3 Years		5 Years		8 Years		10 Years		12 Years		15 Years		20 Years		25 Years	
AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.
1	.70	1	.84	1	.89	1	.91	1	.93	1	.94	1	.96	1	.97
2	.49	2	.69	2	.79	2	.84	2	.87	2	.90	2	.93	2	.95
3	.35	3	.53	3	.69	3	.78	3	.82	3	.87	3	.92	3	.95
4	.21	4	.36	4	.57	4	.70	4	.77	4	.83	4	.90	4	.95
		5	.26	5	.48	5	.64	5	.73	5	.81	5	.91	5	.96
		6	.23	6	.38	6	.57	6	.67	6	.79	6	.90	6	.97
				7	.30	7	.46	7	.59	7	.73	7	.87	7	.95
				8	.26	8	.36	8	.51	8	.65	8	.83	8	.92
				9	.24	9	.29	9	.43	9	.59	9	.78	9	.90
						10	.26	10	.36	10	.53	10	.74	10	.88
						11	.25	11	.30	11	.47	11	.69	11	.85
								12	.29	12	.41	12	.66	12	.84
								13	.29	13	.38	13	.65	13	.87
										14	.37	14	.64	14	.89
										15	.37	15	.61	15	.91
										16	.38	16	.58	16	.90
												17	.53	17	.87
												18	.50	18	.82
												19	.52	19	.80
												20	.57	20	.81
												21	.56	21	.73
														22	.67
														23	.65
														24	.65
														25	.68
														26	.71

Data sources for tables are:

1. **Cost Index.** Marshall and Swift Publication Company.
2. **Percent Good.** Marshall and Swift Publication Company.
3. **Average Economic Life.** Louisiana Survey of Other States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), amended LR 10:944 and 10:945 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17:1213 (December 1991), amended LR 19: (February 1993).

Chapter 27. Use Value

Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2701. Definitions of Land Eligible for Use Value Assessment

A. *Bona fide agricultural land* is land devoted to the production for sale, in reasonable commercial quantities, of plants and animals, or their products, useful to man and agricultural land under a contract with a state or federal agency restricting its use for agricultural production.

B. *Bona fide horticultural land* is land devoted to the production for sale, in reasonable commercial quantities, of fruits, vegetables, flowers or ornamental plants, and horticultural land under a contract with a state or federal agency restricting its use for horticultural production.

C. *Bona fide marsh land* is wet land other than bona fide agricultural, horticultural or timber land.

D. *Bona fide timberland* is land stocked by forest trees of any size and specie, or formerly having such tree cover within the last three years and not currently developed or being used for non-forest purposes, and devoted to the production, in reasonable commercial quantities, of timber and timber products, and timberland under a contract with a state or federal agency restricting its use for timber production.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 3:289 (June 1977), amended LR 8:102 (February 1982), amended LR 15:1097 (December 1989).

§2703. Eligibility Requirements and Application for Use Value Assessment

A. In order to be classified as bona fide agricultural, horticultural, marsh or timberland and assessed at its use value under the provisions of Article VII, Section 18 (C) of the Louisiana Constitution of 1974, it must:

1. meet the definition of bona fide agricultural, horticultural, marsh or timberland as described in Section 2302 of Title 47 of the Louisiana Revised Statutes of 1950; and,

2. the owner must file an application, copy included in this section, (also see LAC 61:V.2703, Appendix B) with the assessor in the parish or district where the property is located, certifying that the property is eligible for use value assessment.

B. In the case of bona fide agricultural, horticultural or timberland:

1. The land must be at least three acres in size or have produced an average gross annual income of at least two thousand dollars in one or more of the designated classifications for the four preceding years; and,

2. The landowner must sign an agreement that the land will be devoted to one or more of the designated uses as defined in Section 2302 of Title 47 of the Louisiana Revised Statutes of 1950.

C. The Assessor shall keep the application on file from the date of application until December 31 of the year following expiration of the last year included in the application or loss of eligibility, whichever comes sooner.

AUTHORITY NOTE: Promulgated in accordance with LSA - Constitution of 1974, Article VII, S18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 3:289 (June 1977), amended LR 8:102 (February 1982), amended LR 15:1097 (December 1989).

§2705. Classification

A. The *Modern Soil Surveys* published by the U.S. Department of Agriculture, Soil Conservation Service, in cooperation with the Louisiana Agricultural Experiment Station, listed in *Map Index*, together with the conversion legends prepared and distributed by the Soil Conservation Service, shall be used for determining the Use Value classification of agricultural, horticultural and timberland. The parishes in which Modern Soil Surveys have been completed and published are as follows:

Acadia	LaSalle
Allen	Livingston
Ascension	Madison
Assumption	Morehouse
Avoyelles	Natchitoches
Bossier	Orleans
Caddo	Ouachita
Calcasieu	Pointe Coupee
Caldwell	Rapides
Catahoula	Red River
Claiborne	St. Bernard
Concordia	St. Charles
DeSoto	St. James
East Baton Rouge	St. John The Baptist
East Carroll	St. Landry
Evangeline	St. Martin
Franklin	St. Mary
Grant	St. Tammany
Iberia	Tangipahoa
Iberville	Tensas
Jefferson	Terrebonne
Lafayette	West Baton Rouge
Lafourche	West Carroll

B. The *General Soil Maps*, published by the U. S. Department of Agriculture, Soil Conservation Service, listed in *Map Index*, together with the conversion legends prepared and distributed by the Soil Conservation Service, shall be used for determining use value classifications *in all other parishes* until the time that the Modern Soil Surveys for such parishes are completed. On January 1 of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classifications for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued.

C. It is the intent that General Soil Maps are to be used only in the absence of and until Modern Soil Surveys are completed in the future by the U.S. Department of Agriculture, Soil Conservation Service, on presently unmapped areas. However, at the option of and by agreement between the assessor and the land owner, Modern Soil Surveys that have been completed on any part of any parish (including individual farms or tracts of land), can be used for determining use value classification until such time as the Modern Soil Survey for that parish is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2307.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 3:290 (June 1977), amended LR 10:945 (November 1984), amended LR 12:36 (January 1986), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17:1213 (December 1991).

§2707. Map Index Table

(This table can also be found in Appendix A.)

**MAP INDEX
LISTING OF GENERAL SOIL MAPS
& MODERN SOIL SURVEYS
FOR THE STATE OF LOUISIANA
PUBLISHED BY
U.S. DEPT. OF AGRICULTURE, SOIL CONSERVATION SERVICE
IN COOPERATION WITH
LOUISIANA AGRICULTURAL EXPERIMENT STATION**

Parish	General Soil Map		Modern Soil Surveys Date Published or Status
	Date	Map No.	
Acadia	July, 1972	4-R-14566-A	Sept., 1962 (Series 1959#15)
Allen	Jan., 1970	4-R-28814-A	September, 1980
Ascension	Sept., 1972	4-R-16165-B	August, 1976
Assumption	July, 1970	4-R-15698-A	August, 1978
Avoyelles	Nov., 1970	4-R-15240-A	September, 1986
Beauregard	Nov., 1971	4-R-28744-A	(Survey Complete - Being Published)
Bienville	Nov., 1971	4-R-16791-B	(Survey Complete - Being Published)
Bossier	Nov., 1971	4-R-13994-B	August, 1962 (Series 1959#13)
Caddo	Nov., 1971	4-R-16024-A	September, 1980
Calcasieu	Aug., 1972	4-R-28741-B	June, 1988
Caldwell	Dec., 1970	4-R-15485-A	July, 1990
Cameron	Nov., 1971	4-R-28743-A	(Survey Complete - Being Published)
Catahoula	June, 1971	4-R-16812-A	November, 1986
Claiborne	June, 1970	4-R-17132-A	May, 1989
Concordia	Dec., 1970	4-R-14761-A	February, 1988
DeSoto	Nov., 1971	4-R-29144-A	October, 1991
East Baton Rouge	May, 1972	4-R-25895-A	September, 1968
East Carroll	Jan., 1970	4-R-28748-A	February, 1988 East
Feliciana	Nov., 1971	4-R-17441-A	(Survey Complete - Being Published)
Evangeline	Nov., 1971	4-R-28936-A	August, 1974
Franklin	Sept., 1972	4-R-15069-B	August, 1981
Grant	Sept., 1972	4-R-16051-B	December, 1986
Iberia	Feb., 1974	4-R-15681-A	August, 1978
Iberville	Nov., 1971	4-R-16280-A	June, 1977
Jackson	Jan., 1971	4-R-16811-A	(Survey Complete - Being Published)
Jefferson	Nov., 1971	4-R-17344-A	January, 1983
Jefferson Davis	Jan., 1970	4-R-28746-A	(Survey Complete - Being Published)
Lafayette	Nov., 1970	4-R-15827-A	August, 1977
Lafourche	June, 1969	4-R-16329-A	October, 1984
LaSalle	Aug., 1970	4-R-16813-A	October, 1991
Lincoln	Sept., 1972	4-R-17131-B	(Survey Complete - Being Published)
Livingston	Feb., 1971	4-R-17440-A	January, 1991
Madison	Mar., 1970	4-R-28745-A	May, 1982
Morehouse	Aug., 1972	4-R-15071-B	September, 1985
Natchitoches	Aug., 1972	4-R-16790-B	February, 1990
Orleans	July, 1970	4-R-3865-A	September, 1989
Ouachita	June, 1971	4-R-15070-A	February, 1974
Plaquemines	Dec., 1969	4-R-28742-A	(Survey Complete - Being Published)

MAP INDEX (CONTINUED)

Parish	General Soil Map Date	Map No.	Modern Soil Surveys Date Published or Status
Pointe Coupee	Oct., 1970	4-R-14739-A	March, 1982
Rapides	Sept., 1975	4-R-15239-A	June, 1980
Red River	Nov., 1971	4-R-16027-A	June, 1980
Richland	Oct., 1971	4-R-14778-A	(Survey Complete - Being Published)
Sabine	Apr., 1970	4-R-29238	(Survey Complete - Being Published)
St. Bernard	Aug., 1970	4-R-17359-A	June, 1989
St. Charles	Nov., 1971	4-R-16166-A	
January, 1987 St. Helena	Mar., 1971	4-R-17438-A	(Survey Complete - Being Published)
St. James	Nov., 1971	4-R-19476-A	August, 1973
St. John	Nov., 1971	4-R-19476-A	August, 1973
St. Landry	May, 1970	4-R-29386	October, 1986
St. Martin	Sept., 1970	4-R-15484-A	April, 1977
St. Mary	May, 1972	4-R-31670	March, 1959 (Series 1952#3)
St. Tammany	Aug., 1972	4-R-17443-B	March, 1990
Tangipahoa	Nov., 1971	4-R-17439-A	April, 1990
Tensas	July, 1972	4-R-13919-A	October, 1968
Terrebonne	Aug., 1972	4-R-31732	February, 1960 (Series 1956#1)
Union	Nov., 1971	4-R-17133-A	(Survey Complete - Being Published)
Vermilion	Jan., 1970	4-R-28747-A	(Survey Complete - Being Published)
Vernon	June, 1971	4-R-16053-A	(Survey Complete - Being Published)
Washington	Nov., 1971	4-R-17437-A	(Survey Complete - Being Published)
Webster	Nov., 1971	4-R-27092-A	(Survey Complete - Being Published)
West Baton Rouge	July, 1970	4-R-14740-A	March, 1982
West Carroll	Mar., 1976	4-R-14767-A	May, 1977
West Feliciana	Sept., 1975	4-R-29109-A	
Winn	Dec., 1970	4-R-16052-A	(Survey Complete - Being Published)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 and R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 3:290 (June 1977), amended LR 10:946 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17:1213 (December 1991).

amended LR 13:764 (December 1987), amended LR 16:16:1063 (December 1990), repealed and repromulgated LR 19:

§2903. Immovable Property of Electric Membership Corporations, Electric Power Companies, Gas Companies, Pipeline Companies, Railroad Companies, Telegraph Companies, Telephone Companies and Water Companies Assessed as Public Service Companies by the Louisiana Tax Commission

A. Immovable property as defined in LA. R.S. 47:1815(H), shall be reported by the taxpayer to the assessor of the parish or district where the property is located. Upon request by the assessor, each public service company shall furnish a list of the immovable property by description and location to that assessor for his sole purpose of locating and inspecting property covered by the public service assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Tax Commission, LR 4:30 (February 1978), amended LR 13:764 (December 1987), amended LR 16:16:1063 (December 1990).

§2905. Report of Values to the Assessor

A. The Louisiana Tax Commission shall allocate the assessed value of each public service company among the parishes of the state on or before September 1 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Tax Commission, LR 4:30 (February 1978), amended LR 13:764 (December 1987), amended LR 16:16:1063 (December 1990).

Chapter 29. Public Service Properties

§2901. Non-Operating Or Non-Utility Property

A. Includes property held for future use or development, property leased to third parties, and certain other property not included in the company rate base.

B. Non-operating or non-utility real property shall be any lands not actually used for utility purposes or lands leased, rented, loaned or otherwise used for commercial, industrial or other purposes. This also applies to any building not directly involved in the utility purpose. (This definition is for the sole purpose of establishing the criteria for determining when the property is to be assessed by the local assessor in accordance with R.S. 47:1853(c).)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Tax Commission, LR 4:30 (February 1978),

§2907. Exceptions to Valuation or Allocation

A. On or before September 15 or within 15 days after the Commission has certified the assessed value of a company to an Assessor, whichever is the later, an Assessor may file an exception to the assessed value of the company, or to the allocation of the assessed value to one or more parishes, in writing, with the Commission together with evidence in support of the exception. If, in the exception, a hearing is requested, it shall be held in accordance with the Administrative Procedures Act.

B. Notwithstanding the fact that an exception has been filed to the valuation or allocation of public service property, the assessment shall be entered on the rolls as it was originally reported to the Assessor until or unless a change order is issued by the Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Tax Commission, LR 4:30 (February 1978), amended LR 13:764 (December 1987), amended LR 16:16:1063 (December 1990).

§2909. Appraisal of Public Service Properties

A. In appraising public service properties, the Louisiana Tax Commission shall:

1. Employ all of the following nationally recognized techniques of appraisal, where applicable, to best determine fair market value:
 - a. the market approach
 - b. the cost approach
 - c. the income approach
2. Assign such weight to each approach as is appropriate to best determine fair market value.

B. All public service properties of the same nature and kind shall be appraised in the same manner. The appraised value of all lands owned by the company in this state shall be deducted from the total appraised value of the public service properties and shall be assessed by the Tax Commission and shown as a separate item on the tax roll (R.S. 47:1853(B)).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47: 1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission.

§3103

Exhibit A

APPEAL TO LOUISIANA TAX COMMISSION FOR TAXPAYER OR ASSESSOR

Name: _____ Parish/District: _____
Address: _____ City, State, Zip: _____
Ward: _____ Assessment/Tax Bill Number: _____
Board of Review Appeal No. _____

(Attach a photo copy of the appeal form you submitted to the Board of Review, both sides)

Address of property being appealed _____

IMPORTANT: If property does not have a street address, please show legal description:

I hereby appeal the decision of the Board of Review on the assessment of the above described property.

The original assessment by the assessor was \$ _____.
Did the Board of Review change the assessment? Yes _____
No _____. If yes, the Board of Review set the assessment at \$ _____. I am requesting that the assessment be fixed at \$ _____. I feel that the Fair Market Value of my property as of January 1, 19____, was \$ _____.

I understand that property is assessed at a percentage of Fair Market Value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time.

I may call the following witnesses:

Presentation of my case will take _____ minutes. Please notify me of the date, place and time of my appeal at the address shown below*.

DATE	TAXPAYER/ TAXPAYER'S REP./ASSESSOR
La. Tax Commission	*Address: _____
P. O. Box 66788	_____
Baton Rouge, LA 70896	_____
B.R.: 504-925-7830	_____
N.O.: 504-568-5259	Phone No.: _____

Chapter 35. Miscellaneous

§3501. Service Fees - Tax Commission

A. The Tax Commission is authorized by R.S. 47:1838 to levy and collect fees on an interim basis for the period beginning on July 1, 1992, and ending on June 30, 1996, in connection with services performed by the Tax Commission as follows:

1. A fee for assessing public service property, at the rate of one-tenth of one percent (.1%) of the collection realized by each local tax recipient body, to be paid by each public service property which pays ad valorem taxes.
2. A fee for assessing insurance companies, at the rate of fifteen-hundredths of one percent (.15%) of the collection realized by each local tax recipient body, to be paid by each insurance company which pays ad valorem taxes.
3. A fee for assessing financial institutions, at the rate of fifteen-hundredths of one percent (.15%) of the collection realized by each tax recipient body, to be paid by each bank and capital stock association which pays ad valorem taxes.

B. The fee shall be computed on public service property, insurance company credit assessments and bank stock assessments and listed in the valuation thereof on the tax rolls as part of the value of the property.

C. The value of each public service property, insurance company, and bank assessed includes the fee due to the Tax Commission under Act No. 521 of 1992.

D. The amount of the fee shall be calculated in and added to the value of the public service property, insurance company and bank in the property listing process by the Tax Commission.

E. Collection Procedure

1. The sheriff in each parish and the Tax Collector for the City of New Orleans shall be responsible for the collection of our fee which is paid by each public service property, insurance company and bank which pays ad valorem taxes (R.S. 47:2051).

2. The Tax Collector is required to mail a notice of tax due to each public service property, insurance company and bank which pays ad valorem taxes listed on the tax rolls (R.S. 47:2101(B)(1)).

3. Ad valorem taxes, which includes this fee, must be paid by December 31 of the tax year for all parishes except Orleans, which must be paid by January 31 on real property and February 15 on personal property (R.S. 47:2101).

4. Tax sales and redemptions for movable and immovable public service property, insurance company and bank stock which pays ad valorem taxes, including this fee, listed on the tax rolls shall be held in accordance with R.S. 47:2171-2177 and R.S. 47:2178-2260.

5. Interest on the fee for the assessment of public service property, insurance company and bank stock, to be paid by each public service property, insurance company and bank which pays ad valorem taxes, including this fee, begins to accrue on December 31 (January 31 Orleans real property and February 15 Orleans personal property), of the tax year at the rate of 1 1/4% per month (R.S. 47:2101 (A)(3)).

F. In addition to the above, the Tax Commission has also adopted certain user service fees that will be collected by this agency at the time of purchase as follows:

1. A forty dollar (\$40.00) fee to be levied for the receipt of a printed copy of the Louisiana Tax Commission Real/Personal Property Rules and Regulations manual to be paid by the requesting party.

2. A fifteen dollar (\$15.00) fee to be levied for the receipt of a printed copy of the annually adopted updates and amendments to the Real/Personal Property Rules and Regulations manual to be paid by the requesting party.

3. A twenty dollar (\$20.00) fee to be levied for the receipt of a printed copy of each Louisiana Tax Commission biennial report, beginning with the twenty-fifth edition (1990-1991) to be paid by the requesting party.

G. A twenty dollar (\$20.00) fee to be levied for the filing of late LAT forms on amended renditions for reduced assessments, excluding office errors by the assessor's office, which shall be payable by the requesting taxpayer at the time of filing said late rendition. This fee should be made payable to the Louisiana Tax Commission and be forwarded with the required documents for said assessment reduction to be processed by this office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:

§3503. Homestead Exemptions

A. General Provisions

1. The Louisiana Constitution permits no other property tax exemptions except those provided in the Constitution.

2. The Constitution exempts to the extent of \$7,500 of assessed value:

a. The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred and sixty acres....owned and occupied by any person...."

b. This exemption also extends to: "the surviving spouse or minor child of a deceased owner...when the homestead is occupied as such and title to it is in either the husband or the wife...."

3. The language granting the exemption has been interpreted by numerous opinions of the Attorney General and several court decisions. There are three prerequisites to eligibility for the exemptions:

a. affected tax must be state, parish or special ad valorem tax

b. the taxpayer must own the property

c. the taxpayer must reside on the property he owns.

B. Taxes Affected

1. The exemption applies to ad valorem taxes only, and no other tax. *Acorn v. City of New Orleans* So. 2nd 1206 (La. Sup. Ct. 1979).

C. Ownership

1. To be eligible for homestead exemption, property must be owned and occupied by an individual. Property held in a trust and occupied by the principal beneficiary of the trust is entitled to homestead exemption; if occupied by the income beneficiary, it is not. (A.G.'s Opinions 88-278, July 6, 1988; 88-145, April 19, 1988).

2. Property owned by a partnership or corporation is not entitled to homestead exemption (Corporation: A.G.'s Opinion May 7, 1969, A.G.'s Opinion 1940-42, p. 4119; Partnership: A.G.'s Opinion 1936-38, p. 1044).

3. Purchase arrangement which does not transfer title does not give occupant entitlement to homestead exemption (Lease/purchase: A.G.'s Opinion 1940-42, p. 4110, and p. 4115; A.G.'s Opinion 1942-44, p. 1679; Bond for Deed: A.G.'s Opinion No. 87-345, May 12, 1987).

4. Property owned in indivision is not entitled to the homestead exemption, except as specifically provided by the Constitution - minor children of deceased owner. (Generally not eligible: *Henderson v. Hoy*, 26 La. Ann. 156 (1874); adult children of deceased parents not eligible: (A.G.'s Opinion 1940-42, p. 4094; unrelated joint owners of a duplex not eligible: A.G.'s Opinion 1946-48, p. 1045, owner of condominium is eligible for exemption on the condominium unit, but not on the common elements owned in indivision: A.G.'s Opinion No. 80-337, April 16, 1980).

5. The purpose of this section is to partially implement the provisions of Article VII, Section 20(B) of the Constitution of Louisiana relative to the providing of tax relief to residential lessees in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.

a. A residential lessee is defined as a person who owns and occupies a residence, including mobile homes, but does not own the land upon which the residence is situated.

b. A residential lessee shall be entitled to a credit against any ad valorem tax imposed relative to the residence property, in an amount equal to the amount of tax applicable on property with an assessed valuation of Seven Thousand Five Hundred Dollars (\$7,500.00) or the actual amount of tax, whichever is less, provided the residential lessee is not otherwise entitled to the homestead exemption. (R.S. 20:02).

D. Residence

1. Only one homestead exemption can be claimed; if two pieces of property are claimed as homestead, one must be occupied as residence by the claimant and the other must be used as a field, garden or pasture by that same claimant (A.G.'s Opinion 1942-44, p. 1660, A.G.'s Opinion 1942-44, p. 1678, A.G.'s Opinion 1940-42, p. 4117).

2. If other requirements are met, a person may be entitled to the exemption, even if the taxpayer is a citizen of another state or country (A.G.'s Opinion 1948-50, p. 729).

3. Taxpayer does not lose the exemption by temporary absence (A.G.'s Opinion 1948-50, p. 729).

4. State employee living in another parish does not lose his entitlement if he returns to occupy the property regularly (A.G.'s Opinion 1936-38, p. 1055) and does not rent the property to another (A.G.'s Opinion 1936-38, p. 1054).

5. Army officer required to live away from home who allows relatives to occupy the property rent free does not lose his homestead exemption (A.G.'s Opinion 1940-42, p. 4088).

6. Taxpayer who establishes a second residency for political purposes does not lose the homestead exemption on his first residence (A.G.'s Opinion 86-364, Oct. 17, 1986).

7. If part of a property is used as income producing property, the part occupied by the owner as a residence is exempt, the income producing part is not (portion of home used as a place of business is not exempt, A.G.'s Opinion 1940-42, p. 4129; A.G.'s Opinion 1934-36, p. 1144; rented half of double house not exempt, A.G.'s Opinion 1934-36, p. 1138).

8. When there is more than one tract with a residence on one and a field, pasture, or garden on the other, tract must actually be used as a field, pasture or garden to be eligible for exemption, taxpayer must personally use the field, pasture, or garden, and if the tract is let out to another, it is not exempt. (A.G.'s Opinion 1940-42, p. 1660).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1064 (December 1990), amended LR 17:611 (June 1991), repealed and repromulgated LR 19:

§3505. Housing For the Homeless

A. For the purpose of applying the exemption from ad valorem taxation provided in Article VII, Section 21 (B)(1)(b) of the Constitution of Louisiana, the following definitions have been adopted by the Tax Commission in accordance with Act 845 of 1989:

1. *A homeless person* - one without a house, an apartment, a room or any type of residence or domicile.

2. *Term of lease* - the total length of the lease, including renewals at the option of the lessees, that the lessor obligates property to a nonprofit corporation or association for use solely as housing for the homeless.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1709.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:

§3507. CLAIM FOR TAXES PAID IN ERROR

A. Any person who has a claim against a political subdivision for ad valorem taxes erroneously paid, may present such claim to the Louisiana Tax Commission. The claim may be presented on the form in this section and shall be presented as follows:

1. The claim shall be presented to the Tax Commission in writing within one year of the erroneous payment.

2. The presentation of the claim shall include:

- a. the name of the parish in which the property is located and, in Orleans Parish, the number of the district;
- b. the name and address of the property owner;
- c. the amount of tax paid in error;
- d. the assessment number, tax bill number, account number, or any other numerical designation of the property on the assessment rolls.

3. The person who presents the claim shall:

a. present proof that he or she is the person who made the erroneous payment by evidence such as a receipt to the claimant, or a canceled check issued in payment; or,

b. is a bona fide representative of the person who made the erroneous payment by evidence such as proof of status of responsible employee or officer, or affidavit or contract of employment as attorney, accountant, or other representative; or, by proof of status as custodian, trustee, executor or other legal capacity, or other showing of capacity of representative of the claimant; or,

c. has succeeded to or otherwise possesses the right to present the claim.

4. The claim shall show the nature of the error. Payment of taxes on property which was eligible for homestead exemption, or was exempt from taxation by Article VII, Section 21 of the Constitution of 1974, or other provision of law is erroneous payment. Dual payment, or payment on dual or multiple assessments of the same property is erroneous payment. Payment of taxes which results solely from a clerical error by the Assessor or by the taxpayer may be erroneous payment.

a. In the case of dual payment or dual assessment, the claim shall particularly identify the property on which dual payment was made.

b. In the case of a claim of exemption, the claimant shall provide proof of the basis of the exemption.

c. There is no erroneous payment when the taxpayer questions the accuracy of an assessment, but has not appealed the assessment by regular administrative process.

5. If it is reasonably available to the claimant, the presentation shall include:

a. except in Orleans Parish, the number of the ward in which the property is located, or, in the case of business personal or movable property, the number of the ward in which the property was taxed;

b. the property classification, such as land, improvement, machinery and equipment, furniture and fixtures, inventory, or similar classification.

6. The claim must be presented to the Tax Commission within three years of the erroneous payment. The date of payment shall be shown by a dated receipt from the Tax Collector; or, by a date marked by the Collector on the check on the date of payment or processing; or, if neither is available, the date of processing, or cancellation marked by the bank in which the check was deposited.

a. The claim may be sent by registered or certified mail or by telefax. If it is not, the date of receipt stamped by the appropriate employee of the Tax Commission shall be the date on which the claim is made.

7. The claim shall be submitted to the Assessor for review, as provided in R.S. 47:2108.1(A).

8. There will be refund of taxes paid in error only in the limited circumstances allowed by R.S. 47:2108.1(C)(1) and (3). In all other cases, a credit against future taxes owed shall be the remedy (R.S. 47:2108.1(C)(2)).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2108.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1063 (December 1990), repealed and repromulgated LR 19:

Claim for Refund or Credit
of Taxes Paid in Error

I. Claimant:

Name _____
Mailing Address _____
City _____ State _____ Zip _____

II. Property:

Parish _____ Ward _____ Assessment No. _____ Amt. of Claim _____
Description of property: _____

III. Basis of Claim:

Dual or multiple payment _____
Payment on non-existent property _____
Payment on property in which taxpayer no longer _____
has an interest _____
Property is eligible for homestead exemption _____
Clerical error in assessment rolls _____
Other _____

The following documents are attached to this form as proof of the basis
for this claim:

IV. Date of Erroneous Payment: _____

The following proof of date of payment is attached to document the date(s) of payments:

Copy of canceled check(s) (both sides) _____
Receipted tax bill _____
Other _____

To Be Completed at Office of Louisiana Tax Commission

Claim received, Date _____ Assessor consulted, Date _____
Assessor's Response: Approve _____ Disapprove _____ Date _____
Other _____

Initial Response to Taxpayer

Documentation requested _____ Date _____
Received _____ Date _____

Decision

Approved _____ Denied _____ Date _____
Reason for Denial _____
Reason _____

Refund or Credit

Property is eligible for homestead Yes _____ No _____
Parish has alternative procedure Yes _____ No _____

§3509. Tulane University

A. Should the value of property of Tulane University not otherwise exempt from taxation exceed the additional value exempt from taxation pursuant to Article VIII, Section 14 of the Constitution, the taxable value allocated to each parish for taxation shall be in the proportion that the assessed value of the property of Tulane University not exempt from taxation by Article VII, Section 21, in the parish bears to the total assessed value of such property in the state.

B. At the time the parish or district assessment rolls are filed with the Tax Commission, the Assessor shall notify the Commission of:

1. property belonging to Tulane which is exempt from taxation by Article VII, Section 21
2. other property in the parish belonging to Tulane University
3. the Fair Market Value and the Assessed Value of the property in Category 2.

C. When the value of the property in Category 2 exceeds \$5,000,000, the Tax Commission shall notify each reporting parish of that fact and of the assessed value of Category 2 property which is taxable that year in that parish. The Tax Commission will then submit a supplement to the regular tax roll.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1064 (December 1990), renumbered and repromulgated LR 19:

Malcolm B. Price
Chairman

DECLARATION OF EMERGENCY

Department of Social Services Office of Community Services

Child Protection Investigation Program

The Department of Social Services, Office of Community Services, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following emergency rule in the Child Protection Investigation Program, in order to set priorities for case response and allocate staff resources to cases identified by reporters as presenting immediate substantial risk of harm to children. This emergency rule is to remain in effect for the maximum period allowed under R.S. 49:954(B) et seq.

The Department of Social Services, Office of Community Services (OCS), hereby amends the rule entitled "Child Protective Service Prioritization" as published in the *Louisiana Register* April 20, 1991, pages 387-388 by deleting Part I, Prioritization and Acceptance of Reports of Child Abuse and Neglect. Part II, Time Limits for Acceptance of Reports remains in effect. OCS withdraws the notice of intent entitled "Child Protective Services Prioritization", published in the *Louisiana Register*, March 20, 1992, pages 316-319.

The Department of Social Services, Office of Community Services, published an emergency rule in the *Louisiana Register*, July 20, 1992, pages 683-684, concerning Child Protective Services Prioritization, which excluded low risk cases for acceptance for investigation will expire with the declaration of this new emergency rule. The department has subsequently conducted statewide public

hearings on the rule. Public input elicited by the public hearings has been considered in the development of this emergency rule.

The 356 persons who attended and registered at the eight public hearings across the state will receive a copy of the tabulated results of both the written and verbal comments when completely transcribed. Any other interested person may receive the same information by making a written request to Brenda Kelley, Assistant Secretary, OCS, Box 3318, Baton Rouge, LA 70821.

EMERGENCY RULE

I. Report Investigation

A. Reports will be assigned for investigation when the circumstances of the report indicate either (1) a cause to believe by the reporter that substantial risk of harm to the child is present and the child's physical, mental, or emotional health is seriously endangered as a result, or (2) the reporter has cause to believe that abuse or neglect has already occurred.

B. The Office of Community Services will investigate reports of abuse and/or neglect which provide first hand information of an injury, or of evidence of an injury to a child, such as personal observation of photographs, names of witnesses, medical reports, or police reports, which cause a reporter to believe that a child has been injured or is at substantial risk of injury through the action or inaction of the child's caretaker.

C. It is important to understand that in all cases the reported circumstances of the child, such as, age, health, current condition, and the past history of the family and alleged perpetrator, such as access to the victim, history of violence or neglect, and parental willingness and/or ability to protect the child, could add information that will either establish or weaken the reason to believe that immediate and substantial risk of harm is likely to be present.

II. Response Time. The reports classified as presenting low risk to the child with no indication of immediate substantial harm alleged will be assigned a response time of up to 10 working days from the date the report was received.

III. Anonymous Reports

A. Reports of alleged child abuse and neglect will be accepted from anonymous reporters.

B. OCS intake staff shall attempt to obtain the reporter's name and address so that follow up contacts are possible in order to clarify information contained in the report and to improve the assessment of risk to the child. The reporter shall be informed of the confidentiality of the reporter's identity and the legal protection from civil or criminal liability for reporters who report in good faith.

C. The Office of Community Services, pursuant to a request made during the public hearing process, has sought an attorney general's opinion on the effect of Louisiana law regarding provision of a name and address by a permissive reporter of child abuse and/or neglect. It is the intent of the office to adhere to the interpretation of the law as provided by the attorney general.

IV. Bad Faith Reports

A. At any time when OCS staff has reason to believe that a report(s) of child abuse and/or neglect has been made in bad faith, all available information shall be turned over to the district attorney for review.

B. This action would be taken when there is evidence

that the reporter made a report known to be false or with reckless disregard for the truth of the report.

V. Residential Care of Children in State Custody. In order to provide some workload relief for child protection and foster care staff in the Office of Community Services, the positions assigned to the Gary W. program will be transitioned consistent with the federal court's approval of conclusion of OCS activities in the Gary W. case, into monitoring and strengthening of residential foster care programs to prevent occurrence in Louisiana of abusive or neglectful conditions for foster children which resulted in the Gary W. judgment against the state of Louisiana.

VI. Non Reports

A. According to the guidelines for a model system of protective services established by the National Association of Public Child Welfare administrators, child protective services is a specialized field of child welfare which is not an appropriate service for all child and family-related problems. These guidelines have been used to assist staff in making a determination of those situations which do not constitute a report of child abuse and/or neglect. Response from the public during the recent hearings indicated that the majority of participants were in concurrence with these decisions.

B. The following list of non-reports of child abuse and/or neglect provides brief explanations for clarity. If there is a need for medical, mental health, social, or other services to be provided to the child, his/her family, or the caretaker, appropriate referrals for such services will be made.

Abandonment—Teenager whose parents want agency to take custody due to conflict/behavior and other unspecified family or behavior problem which does not include abuse or neglect.

Clothing Inadequate—which does not seriously endanger life or health of the child.

Death—of a child without surviving children in home (Information accepted for data collection on child deaths).

Dependency—Substance abuse or mental/physical limitation of a parent which does not incapacitate them from providing minimally acceptable care.

Drug/alcohol abuse by teenager (with or without parental permission).

Educational Neglect—Reports shall be referred to the local school board which is charged under Louisiana law with responsibility for enforcing compulsory school attendance.

Food Inadequate—Reporter expresses concern about the family dietary choices which do not seriously endanger the development, health, or life of a child.

Lack of Supervision of a teenager 13 years or older unless mental capacity, physical condition or situational factors indicate serious threat to life or health of the child.

Medical Neglect—no strong likelihood of serious consequences such as failure to provide corrective shoes, glasses, or orthodontia.

Sexual Activity—Sibling/minor perpetrator with no alleged parental/caretaker culpability.

Sexual Enticement/Harassment and unspecified sexual abuse—without a specific allegation of sexual abuse by caretaker or parent.

Shelter Inadequate—which does not seriously endanger the life or health of a child.

Venereal Disease—Child age 13 or older without a specific allegation of sexual abuse by caretaker/parent.

Gloria Bryant-Banks
Secretary

DECLARATION OF EMERGENCY

Department of State
Office of Uniform Commercial Code

Farm Product Encumbrance Fees

In accordance with the emergency provisions of R.S. 49:953(B), and under the authority of R.S. 49:230 and 3:3657(C)(1), the Department of State, Office of Uniform Commercial Code, hereby adopts the following emergency rule relative to fees established for issuance of the master list of farm product encumbrances as required by Section 1324 of the Food Security Act of 1985, P.L. 99-198, as amended.

Title 10

BANKS AND SAVINGS AND LOANS
PART V. UNIFORM COMMERCIAL CODE

Chapter 3. Central Registry

§321. Schedules of Fees for Filing and Encumbrance Certificates

* * *

C. Registration (Initial and Renewal) for the master list of farm product encumbrances shall be assessed each calendar year and are calculated as follows:

Registration Fee Schedule

NO. OF PARISHES	NUMBER OF FARM PRODUCTS		
	1 - 3	4 - 7	OVER 7
1 - 10	\$ 40	\$ 80	\$125
11 - 30	\$ 80	\$175	\$ 250
31 - 45	\$125	\$250	\$325
46 - 64	\$175	\$325	\$500
ALL PRODUCTS IN ALL PARISHES AVAILABLE ON MICROFICHE			\$ 40

* * *

W. Fox McKeithen
Secretary of State

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Office of Fisheries

King Mackerel

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:317 which provides that the secretary of the department may declare a closed season when it is in the best interest of the state; the secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

Effective 12 midnight, November 6, 1992 the commercial fishery for king mackerel in Louisiana waters will close and remain closed until 12:01 am., July 1, 1993.

The secretary was notified by the Gulf of Mexico

Fishery Management Council and the National Marine Fisheries Service on October 23, 1992 that the western gulf commercial king mackerel quota had been reached and the season closure is necessary to prevent overfishing of this species.

Joe L. Herring
Secretary

RULES

RULE

Board of Elementary and Secondary Education

Amendment to 8(g) Policy and Procedure Manual

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 adopted the following amendments to the 8(g) Policy and Procedures Manual:

Section II: Support Fund Policy Activity Definitions

23. *Exemplary Program*—a model program or project which is worthy of imitation and which will provide the following results:

- a. ample objective evidence of effectiveness;
- b. stated objectives obtained;
- c. educational needs of the students met; and
- d. clear and attributable connection between treatment and effect.

Section IV: Part 162. Provisions Relative to Exemplary Programs in Elementary and Secondary Schools and Postsecondary Vocational-Technical Institutions

A. The program must clearly demonstrate that appropriate implementation will result in improved student achievement at the elementary/secondary level and/or improved vocational skills at the postsecondary vocational-technical level.

B. In the program there must be a clear correlation between the activities to be implemented and the results to be achieved.

Delete "C"

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Amendments to Bulletin 741

In accordance with the R.S. 49:950 et seq., the

Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted numerous amendments to Bulletin 741, Louisiana Handbook for School Administrators. These amendments were adopted as an emergency rule, effective June 26, 1992 and printed in full in the July, 1992 issue of the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 1706, Implementation of the Exceptional Children's Act

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the following revisions to Bulletin 1706, Regulations for the Implementation of the Exceptional Children's Act, R.S. 17:1941 et seq., effective June 25, 1992.

These revisions were adopted as an emergency rule and printed in the July, 1992 issue of the *Louisiana Register*, and were approved to stabilize Special Educational Services for the 1992-93 school year for children who are, or may be disabled until the issues of special educational funding are addressed in the new Minimum Foundation Program in 1993-94. Special Educational Services are to remain status quo.

	Public Allotments Ratios Based on Teachers	Non-Public Allotments Ratios Based on Membership
Ed. Assessment Teachers	1:160 or major fraction thereof	1:3500 or major fraction thereof
School Psychologists	1:160 or major fraction thereof	1:3500 or major fraction thereof
Social Workers	1:210 or major fraction thereof	1:4500 or major fraction thereof

Pupil Appraisal operating expenses are a flat \$7,500 plus \$2.50 times the prior year's student membership. These funds are to be used exclusively for the support of the operation of the pupil appraisal program which may include such expenditures as clerical, materials and supplies, test equipment and travel for pupil-appraisal staff. It is not for the hiring of personnel other than pupil appraisal clerical staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 1895, Model Career Options Program (MCOP) Guide FY 92-93 (LAC 28:I.917)

The Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1992 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted revised Bulletin 1895, Model Career Options Program (MCOP) Guide FY 92-93. This guide was also adopted as an emergency rule and printed in full in the June, 1992 issue of the *Louisiana Register*. This guide is referenced in the *Louisiana Administrative Code* as stated below.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§917. Personnel Evaluation Standards and Regulations**

* * *

D. Bulletin 1895 - Model Career Options Program Revised Bulletin 1895, Model Career Options Program (MCOP) Guide 92-93 is adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3901.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 1903, The Louisiana Law for the Education of Dyslexic Students (LAC 28:I.909)

The Board of Elementary and Secondary Education, pursuant to notice of intent published April 20, 1992 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted Bulletin 1903, Regulations for the Implementation of R. S. 17:7(11), the Louisiana Dyslexia Law, including the revisions submitted by the department for clarification and to comply with 1992 legislation. These regulations were adopted as an emergency rule and printed in full in the August, 1992 issue of the *Louisiana Register*.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§909. Special Education Regulations**

* * *

F. Bulletin 1903 is adopted.

1. Bulletin 1903, Regulations for the Implementation of R.S. 17:7(11), The Louisiana Dyslexia Law for the Education of Dyslexic Students includes regulations for implementing

the five-step process for evaluation and determination of program eligibility.

2. This bulletin contains statewide regulations for student placement in a multi-sensory regular education program. It identifies the five-step process to be implemented by the LEAs. It includes characteristics of multi-sensory programs as well as procedures and criteria for assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11).

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 1920 - Model Early Childhood Program Guidelines (FY 92-93) (LAC 28:I.906)

The Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1992 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the regulations for Model Early Childhood Programs, Bulletin 1920. This bulletin will be referenced in the Louisiana Administrative Code as are numerous other bulletins containing policies and regulations. These guidelines were adopted as an emergency rule and printed in the July, 1992 issue of the *Louisiana Register*.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
CHAPTER 9. Bulletins, Regulations, and State Plans
§906. Early Childhood Programs**

A. Bulletin 1920, Regulations for Model Early Childhood Programs is adopted.

1. These regulations address the seven broad areas repeatedly identified in research studies as critical in the provision of quality early childhood programs. The state parameters are consistent with state and national research findings and with guidelines and standards recommended by the National Association for the Education of Young Children, the Southern Association of Children Under Six, and the Southern Association of Colleges and Schools.

2. These regulations apply to all state-funded programs for high-risk four-year olds, including those "8g" programs that reference the existing programs. Adherence to these regulations is critical in order to assure that appropriate programs are provided for young children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.7

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Federally Required Amendments to the Louisiana Annual Special Education Program Plan for FY 91-93

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the federally required amendments to the Louisiana Annual Special Education Program Plan for FY 91-93. These amendments were also adopted as an Emergency Rule and printed in full in the May, 1992 issue of the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

**Technical Institute Name Change
(LAC 28:I.111)**

The Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1992 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted an amendment to the *Louisiana Administrative Code* as stated below:

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 1. Organization**

§111. Vocational Technical Schools

* * *

42. Charles B. Coreil Technical Institute

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1994.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

**Technical Institute Name Change
(LAC 28:I.111)**

The Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1992 and

under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted an amendment to the *Louisiana Administrative Code* as stated below:

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 1. Organization

§111. Vocational Technical Schools

* * *

35. Acadian Technical Institute

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1994.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Temporary Employment Permit - Revised (LAC 28:I.903)

The Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1992 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the Revised Temporary Employment Permit as stated below. This revised policy is an amendment to the *Louisiana Administrative Code* and was adopted as an emergency rule, effective June 25, 1992.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§903. Teacher Certification Standards and Regulations**

* * *

C. Temporary Employment Permit

1. A temporary employment permit valid for one school year, will be granted to those candidates who meet the qualifying scores on the revised NTE in three out of four modules and whose aggregate score is equal to or above the total score on all four modules required for standard certification. All other standard certification requirements must be met.

2. When no area examination is required, a temporary employment permit will be granted to candidates who meet qualifying scores in two out of three modules of the core battery and whose aggregate score is equal to or above the total score on all three modules of the core battery required for certification. All other standard certification requirements must be met.

3. To employ an individual on a temporary employment permit, a local superintendent would be required to verify that no regularly certified teacher is available for employment. Names of the individuals employed on a temporary employment permit should be listed on the addendum to the Annual School Report with verification that no regularly certified teacher is available.

4. An individual can be reissued a permit under the board policy only if evidence is presented to the State Department of Education that the NTE has been retaken within one year from the date the permit was last issued. A temporary employment permit may be issued no more than five times.

5. Temporary employment permits will be issued at the request of individuals who meet all requirements for regular certification with the exception of the NTE scores. All application materials required for issuance of a regular certificate must be submitted to the Bureau of Higher Education and Certification with the application for issuance of a temporary employment permit.

This policy will remain in effect until July 1, 1995.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18: (November 1992).

Carole Wallin
Executive Director

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Employment Opportunity Loan Program

The Student Financial Assistance Commission, Office of Student Financial Assistance, has adopted rules in implementation of the Louisiana Employment Opportunity (LEO) Loan Program. The adopted rules shall regulate the program and comprise the Louisiana Employment Opportunity Loan Program Policy and Procedure Manual.

Louisiana Employment Opportunity (LEO) Loan Program Policy and Procedure Manual Table of Contents

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A copy of the manual can be obtained from the Office of the State Register, 1051 Riverside North, Room 512, Baton Rouge, LA 70802 or it can be viewed from 7:45 a.m. to 4:30 p.m., Monday through Friday at the Office of Student Financial Assistance, 1885 Wooddale Boulevard, Baton Rouge, LA 70806.

Jack L. Guinn
Executive Director

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Louisiana Honors Scholarship

The Student Financial Assistance Commission, Office of Student Financial Assistance, hereby adopts rules to implement the Louisiana Honors Scholarship Program. The current Section VII of the Scholarship/Grant Policy and Procedure Manual will be redesignated Section VIII. A new Section VII will be inserted incorporating the following rules to implement the Louisiana Honors Scholarship:

VII. Louisiana Honors Scholarship Program

A. Program Description, History and Purpose

The Louisiana Honors Scholarship Program, first awarded in the fall of 1992, provides tuition exemption to Louisiana residents to acknowledge, honor and reward the academic achievement of Louisiana's top high school graduates, to insure that these students have the financial resources to pursue a higher education in one of Louisiana's colleges and universities and to provide an incentive to these students to seek their higher education in this state.

8. Legislative Authority

Chapter 20-B-3 of Title 17 of the Louisiana Revised Statutes of 1950 comprised of R.S. 17:3042.31 through 3042.35, enacted by Act 1085 and amended by Act 13 of the 1992 Regular Legislative Session.

C. Student Participation/Responsibilities

1. Initial Eligibility. To establish initial eligibility, the student must meet all of the following criteria:

a. graduate in the top five percent of the academic years graduating class from a Louisiana public or state (BESE) approved nonpublic high school, as identified and certified by the city and parish school board for public high schools and by the principal or headmaster of each nonpublic approved high school; or be enrolled in a state-approved home study program and score in the upper five percent in the state on the National Merit Examination;

b. be a Louisiana resident, as defined in Section VIII.A of this manual;

c. enroll as a full-time undergraduate student in a public or regionally accredited LAICU member independent college or university in the state;

d. not be eligible for other gratuitous financial assistance or support from the college or university attended or from any alumni organization or foundation organized by the alumni or other supportive individual of the college or university attended whose charter specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner if the total cost of the student's tuition is provided by the scholarship.

2. Award Notification/Acceptance

a. respond in writing, as requested, by the deadlines specified;

b. receive the award certificate and the tuition exemption form at the high school ceremony or reception;

c. present the tuition exemption form to the college at the time of registration.

3. Renewal Eligibility. Continuing eligibility is contingent upon the recipient meeting the following requirements:

a. continue to attend a Louisiana public or independent college or university as a full-time student;

b. maintain by the end of each academic year a cumulative college grade point average of at least a 3.0 on a 4.0 scale;

c. continue to register, maintain and successfully complete not less than 12 hours per semester, nine hours per quarter or six hours per summer session;

d. have previously received tuition waivers for less than 10 semesters (or 15 quarters), including summer sessions and less than seven years have elapsed since the month following the date of high school graduation.

D. High School, School Board and Louisiana Department of Education Participation/Responsibilities

1. School Board, Private High School Headmasters and Louisiana Department of Education Representatives:

a. Each city and parish school board and private high school principal or headmaster shall apply the following guidelines in complying with R.S. 17:3042.33A:

i. consider only the academic grades recorded on the student's official high school transcript in determining class ranking;

ii. the academic courses which are to be considered in determining academic class ranking shall be defined as part of the written criteria to be adopted by the board or headmaster;

iii. non-academic courses or other subjective criteria shall not be used in computing academic class ranking for the purposes of this Chapter;

iv. define the procedure by which students who would otherwise have equal academic class ranking may be ranked (tie-breaker procedure). This may include an evaluation of the students' academic grades on a set of pre-determined core academic courses such as English, math and science or an evaluation of the level of difficulty of the courses taken by the students, such as honors courses and higher level math or science courses;

v. by an affirmative act taken during a public meeting, approve written criteria for determining the academic class ranking of students and the procedure by which the top five percent shall be identified. Such written criteria shall incorporate each of the requirements defined in this Paragraph.

b. In computing the top five percent of each high

school's graduating class, apply the following formula:

The total number of students receiving a state high school diploma from the institution during the academic year (includes summer and mid-year graduates) multiplied by the figure .05, and rounded up to the next whole number.

EXAMPLE: For a high school that awarded state high school diplomas to two summer graduates, seven mid-year graduates and 79 spring graduates during the academic year considered, the following computation would apply.

$$[2 + 7 + 79 = 88 \times .05 = 4.4 \text{ round up to } 5.0]$$

Accordingly, five students may be selected for the Honors Scholarship at the high school depicted in the example.

c. Ensure that the approved selection criteria is publicly posted in each high school under the board or headmaster's jurisdiction and provide a copy of the criteria to OSFA.

d. Ensure that amendments to the criteria, as approved by the board/headmaster from time to time, shall only be effective for the years following the year in which amended.

e. Each year, by the deadline specified and on the forms provided by OSFA, city and parish school boards for public high schools, principals or headmasters of nonpublic BESE approved high schools, and Louisiana Department of Education representatives for home study students, certify and submit to OSFA the names of students graduating in the top five percent of each high school's academic year graduating class or the names of those students completing an approved home study program who scored in the upper five percent in the state on the National Merit Exam.

2. Public and private high schools and Louisiana Department of Education representatives:

a. receive the notification of selected students and the award certificates produced by OSFA;

b. recognize recipients at an award ceremony or school reception provided by R.S. 17:177;

c. invite members of the legislature representing the school's district to attend the ceremony or reception, endorse the certificates and make the presentation awarding such.

E. College/University Participation/Responsibilities.

Colleges and universities eligible to participate in the Louisiana Honors Scholarship Program are Louisiana public and independent (regionally accredited member institutions of LAICU) colleges and universities. Participating institutions shall:

1. receive OSFA notification of student's eligibility determination;

2. respond to OSFA communications as requested, including but not limited to, the following:

a. certify full-time enrollment status each semester or quarter;

b. supply certification of continuing eligibility, including the following, to be supplied at the completion of each academic year (ending after each spring semester/quarter):

i. total number of hours earned during the specific academic year (including summer sessions);

ii. cumulative hours earned (including prior academic years and summer sessions);

iii. cumulative GPA, including all grade credits earned to date;

iv. actual date of graduation.

c. notify OSFA immediately if applicant fails to enroll or withdraws from school or drops to less than full-time attendance;

d. notify OSFA of any irregularities discovered by the institution which may affect student eligibility status;

e. maintain adequate records to verify compliance with LASFAC rules.

3. follow LASFAC billing procedures, as follows:

a. institutions may bill LASFAC only for students certified eligible by OSFA.

b. institutions will bill LASFAC, based on their certification of new students' first time, full-time enrollment and renewal students' full-time enrollment as of the fourteenth class day (ninth class day for Louisiana Tech). Institutions are not to bill for students who are enrolled less than full-time on the fourteenth class day, nor for renewal students who did not maintain full-time attendance, as defined in this Section for the immediately preceding term for which they were enrolled. Students failing to meet the full-time enrollment criteria are responsible for reimbursing the institutions for any monies owed. Refunds for less than full-time enrollment after the fourteenth class day are to be retained by the institution.

c. institutions will not bill LASFAC for any awardee who has elected to accept another form of tuition waiver.

d. if the total cost of the student's tuition is provided by the Honors Scholarship, the student shall not be eligible for nor shall an institution award any other gratuitous financial assistance or support from the college or university attended or from any alumni organization or from a foundation organized by the alumni or other supportive individuals of the college or university attended whose charter specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner.

e. annually, institutions must provide OSFA a current fee schedule for Louisiana Honors Scholarship Program billing purposes. The schedule must indicate the total cost of tuition, which shall not include any fees charged by the college or university that are in addition to the basic course enrollment charges. Independent institutions must bill LASFAC for the amount equal to the highest tuition charged at a Louisiana public college or university or the actual tuition of the independent institution, whichever is less. An itemized description of the composition of the mandatory fees listed on the fee schedule must also be supplied.

f. upon the school's certification, OSFA will reimburse the institution for each scholarship recipient up to the maximum amount listed on the approved fee schedule.

F. Louisiana State Legislators Participation/Responsibilities

1. receive OSFA's notification that constituents have been selected for award of the Honors Scholarship.

2. receive invitations from high schools in their respective districts and attend ceremonies for the purpose of endorsing the Louisiana Honors Scholarship award certificate and presenting the certificate to the recipient.

G. OSFA Participation/Responsibilities

1. budget forecasting:

a. determine the amount of funding required for continuation of the program by estimating the total new and continuing tuition exemptions expected to be awarded;

b. submit recommended budget;

c. receive notification of appropriation upon enactment.

2. certification processing:

a. forward blank certification forms and instructions to Louisiana public and approved private high schools and the Louisiana Department of Education;

b. receive, review and approve the completed high school certification listings of selectees.

3. renewal eligibility/ineligibility determination:

a. annually, at the close of each academic year, determine the recipient's current status and continuing eligibility;

b. notify recipients of their status and any actions needed.

4. award determination:

a. forward award notification to new and renewal recipients;

b. generate award listings and forward to high schools, college and university financial aid offices and to legislators;

c. maintain correspondence with colleges and universities to confirm initial and continuing eligibility of students for the Louisiana Honors Scholarship.

5. reimburse the tuition waived by colleges and universities:

a. review and approve for reimbursement the school's current schedule of fees;

b. mail Honors Scholarship billing packets to schools;

c. verify and reconcile the school's Honors Scholarship billing invoice;

d. resolve and correct discrepancies, if applicable;

e. mail payment acknowledgement and check to school.

H. Definitions Applicable to this Chapter

Academic year—for purposes of the Louisiana Honors Scholarship Program, the annual academic year for both college and high school begins with the summer session, includes the fall and winter terms and ends at the conclusion of the spring term, in that order. For example, for a high school graduate to be considered for award of the scholarship to attend college in the 1992 fall term, he/she must have graduated from high school during the summer term 1991 (usually June or July), mid-term 1991 (usually December), or the spring term 1992 (usually May or June). This definition is not to be confused with the Louisiana Department of Education's definition of school year, which is found in Bulletin 741.

BESE Approved Nonpublic High School—as defined in the Louisiana School Directory (Bulletin 1462), an approved nonpublic school meets all standards in Standards for Approval of Nonpublic Schools. For the purposes of this Chapter, approved nonpublic schools may include private high schools classified annually by the Department of Education as provisionally or probationally approved, if their students fulfill BESE graduation requirements.

Graduate—a student is certified (by award of the state high school diploma) to have satisfactorily completed the required units of high school work assigned from the state high school course of study prescribed by the Louisiana State Board of Elementary and Secondary Education (BESE).

Graduating class—for the purposes of this Chapter the high school graduating class is defined by the number of high school graduates from a public or approved nonpublic high school during the academic year preceding the award year.

LAICU member institution—a private college or university which is a member of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU). As of June 1992, LAICU membership included Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of Holy Cross College, Tulane University, and Xavier University.

Jack L. Guinn
Executive Director

RULE

Department of Environmental Quality
Office of Air Quality and Radiation Protection

Vapor Recovery Systems
(AQ61) (LAC 33:III.2132 and 6523)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has revised the Air Quality Regulations, by adopting LAC 33:III.2132 and amending LAC:III.6523, (AQ61).

This regulation requires installation of vapor recovery systems at certain motor vehicle fuel dispensing facilities located in parishes of ozone nonattainment designated as moderate or above (East Baton Rouge, West Baton Rouge, Pointe Coupee, Livingston, Ascension, and Iberville). This regulation also provides for recordkeeping, enforcement, permitting, and fee requirements.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds
§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refuelling Emissions at Gasoline Dispensing Facilities

A. Definitions

Terms used in this Section are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined below as follows:

Independent Small Business Marketer of Gasoline (ISBM)—a person engaged in the marketing of gasoline who would be required to pay for procurement and installation of vapor recovery equipment under this Section, unless such person:

1. is a refiner; or
2. controls, is controlled by, or is under common control with, a refiner; or
3. is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under a common control with, a refiner (unless the sole affiliation referred to herein is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person); or
4. receives less than 50 percent of his annual income from refining or marketing of gasoline. The term "refiner" shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) does not exceed 65,000 barrels per day. "Control" of a corporation means ownership of more than 50 percent of its stock.

Major System Modification (for the purposes of LAC 33:III.2132)—replacing, repairing or upgrading 75 percent or more of the facility's Stage II equipment.

Motor Vehicle Fuel—any petroleum distillate having a Reid vapor pressure of more than four pounds per square inch as determined by ASTM Method D323 and which is used primarily to power motor vehicles. This definition includes, but is not limited to, gasoline and mixtures of simple alcohols

and gasoline.

Motor Vehicle Fuel Dispensing Facility (hereafter called "facility or facilities")—a facility consisting of one or more stationary gasoline storage tanks, with an individual capacity of 250 gallons or more, together with dispensing devices, used to fill motor vehicle fuel tanks, or portable containers.

Small Business Stationary Source—a stationary source that:

1. is owned or operated by a person that employs 100 or fewer individuals;
2. is a small business concern as defined in the Small Business Act;
3. is not a major stationary source;
4. does not emit 50 tons or more per year of any regulated pollutant; and
5. emits less than 75 tons per year of all regulated pollutants.

B. Regulated Sector

1. The provisions of this regulation shall apply in all parishes designated as moderate or above for ozone nonattainment. These are Ascension, East Baton Rouge, West Baton Rouge, Iberville, Pointe Coupee and Livingston Parishes.

2. New facilities constructed after promulgation of this regulation shall comply with the requirements of this regulation upon start-up of the facility.

3. All facilities existing when these rules are promulgated that dispense greater than 10,000 gallons of gasoline per month (50,000 gallons of gasoline per month in the case of an independent small business marketer of gasoline) are subject to this regulation and shall demonstrate to the administrative authority their average monthly volume of motor vehicle fuel dispensed. This information shall be submitted to the administrative authority no later than 90 days after promulgation of this regulation. The criteria that mandate the installation of gasoline vapor recovery equipment are determined by calculating the average volume of motor vehicle fuel dispensed per month, without facility shutdown, for the most recent two year period, and shall be calculated monthly. If data for two years is not available, this calculation shall be based on the monthly average for the most recent 12 calendar months, including only those months for which the facility was operating.

4. Facilities subject to the provisions of this Section shall demonstrate compliance according to the following schedule:

- a. facilities for which new construction commenced after November 15, 1990 must comply with these requirements within six months after promulgation of this regulation;
- b. facilities which dispense 100,000 gallons or more of gasoline per month must comply within one year after promulgation of this regulation;
- c. any facility described in both Subsection B.4.a and b of this Section shall meet the requirements of Subsection B.4.a of this Section;
- d. all other facilities must comply within two years after promulgation of this regulation;
- e. existing facilities previously exempted from, but which become subject to, the requirements of this regulation shall comply with the requirements of this regulation within one year from the date on which the facility becomes subject.

5. No owner or operator as described in Subsection B.1, 2 and 3 of this Section shall cause or allow the

dispensing of motor vehicles fuel at any time unless all fuel dispensing operations are equipped with and utilize a certified vapor recovery system which is properly installed and operated within guidelines of the National Fire Protection Association (NFPA) 30. The vapor recovery equipment utilized shall be certified by the California Air Resources Board (CARB) or equivalent certification authority approved by the administrative authority to attain a minimum of 95 percent gasoline vapor control efficiency. This certified equipment shall have coaxial hoses and shall not contain remote check valves. In addition, only CARB or equivalent approved aftermarket parts and CARB or equivalent approved rebuilt parts shall be used for installation or replacement use.

6. The regulated facility shall submit the following application information to the administrative authority prior to installation of the Stage II Vapor Recovery System:

a. plans for installation of the Stage II Vapor Recovery System, including approved equipment (per Subsection B.5 of this Section) and piping, together with the proposed construction schedule;

b. plans to test for proper operation of the Stage II equipment every five years or upon major system modification;

c. information in the application for approval form shall include:

- i. the facility name and address;
- ii. signature of the owner or operator;
- iii. the CARB executive order number of the vapor recovery system to be utilized; and
- iv. any other pertinent information.

7. Once a facility becomes subject to this regulation, that facility shall continue to be subject to this regulation even if throughput drops back below the throughput exemption level.

8. Upon request by the Department of Environmental Quality, the owner or operator of a facility that claims to be exempt from the requirements of this Section shall submit supporting records to the department within 30 calendar days from the date of the request. The Department of Environmental Quality shall make a final determination regarding the exemption status of a facility.

C. Training

1. At least one owner/operator/employee from each facility shall receive training in the categories listed in this Section. For each person who successfully completes training, a certificate or other proof of training shall be required. The required training shall be completed prior to the initiation of operation of a facility's Stage II Vapor Recovery equipment. Training shall include the following areas:

- a. purposes and effects of the Stage II vapor control program;
- b. equipment operation and function specific to the facility's system;
- c. maintenance schedules and requirements for the facility's equipment;
- d. equipment warranties; and
- e. equipment manufacturer contacts (names, addresses and telephone numbers) for parts and service.

2. The administrative authority shall accept equipment manufacturers' seminars as a form of training with proof of attendance or completion after evaluation. Other types of training may be accepted upon approval by the Department of Environmental Quality.

D. Testing, Labeling and Recordkeeping

1. The facility owner/operator shall maintain the following records, on the facility premises for at least two years, and present them to an authorized representative of the Department of Environmental Quality upon request:

- a. application approval records;
- b. station operating license;
- c. system installation and testing results;
- d. stage II maintenance records. These maintenance records shall include, but not be limited to, daily visual inspections for malfunctions. Such malfunctions shall include:
 - i. absence or disconnection of any component required to be used on a certified system;
 - ii. crimped or flattened vapor hose such that the vapor passage is blocked or restricted;
 - iii. torn nozzle boots;
 - iv. damaged faceplates or facecones;
 - v. malfunction in the nozzle shutoff mechanism; and
 - vi. inoperative vacuum producing device;
- e. inspection records;
- f. compliance records;
- g. training certification; and
- h. gasoline throughput records. These shall include, but not be limited to, all monthly gasoline delivery receipts and sales information.

2. A pressure decay/leak test (San Diego Test Procedure TP-92-1) shall be conducted and successfully passed, initially, after installation of the vapor recovery system and prior to initiating operation of the vapor recovery system, and once every five years thereafter.

3. A dynamic pressure drop test (San Francisco Bay Area Dynamic Back Pressure Test Procedure ST-27) shall be conducted and successfully passed, initially, after installation of the vapor recovery system and prior to initiating operation of the vapor recovery system, and once every year thereafter.

4. A liquid blockage test (San Diego Test Procedure TP-91-2) shall be conducted and successfully passed, initially, after installation of the vapor recovery system and prior to initiating operation of the vapor recovery system, and once every five years thereafter.

5. The test methods used are contained in the Environmental Protection Agency document entitled "Technical Guidance Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, EPA-450-3-91-022b."

6. The facility owner/operator shall post operating instructions conspicuously on the front of each gasoline dispensing pump using a Stage II Vapor Recovery System. The instructions shall include:

- a. a clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site;
- b. a warning that continued attempts at dispensing gasoline after the system indicates that the vehicle tank is full ("topping off") may result in spillage or recirculation of gasoline; and
- c. a telephone number established by the department for use by the public to report comments, questions or problems experienced with the system.

7. It shall be the responsibility of the owner/operator to have the installed equipment successfully pass the required test (see Subsection D.2, 3, 4 and 5 of this Section) prior to start-up of the facility. The owner or operator of the facility shall notify the department at least five calendar days in advance of the date that the testing is to be performed. The department reserves the right to confirm the results of the

aforementioned testing at its discretion and at any time. Within 30 days after installation or major system modification of a vapor recovery system, the owner or operator of the facility shall submit to the department the date of completion of the installation or major system modification of a vapor recovery system and the results of all functional testing requirements.

8. Any equipment which has been tagged "out of order" by the department shall not be used until it has been repaired or replaced.

9. Any equipment having a defect, as determined through daily visual inspections or other means, shall be tagged "out of order" by the facility owner or operator and shall not be used until it has been repaired or replaced.

E. Enforcement

1. Enforcement of these regulations, authorized under R.S. 30:2054, shall include, but not be limited to, the following penalties:

- a. notices of violation;
- b. warnings;
- c. cease and desist orders;
- d. suspension of license or permit to operate;
- e. revocation of license or permit to operate;
- f. monetary fines; and
- g. "red tagging" equipment to prevent its operation.

2. The administrative authority may consider requests from a small business stationary source for modification of any work practice or technological method of compliance, or the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source. No such modification may be granted unless it is in compliance with the applicable requirements of the Louisiana Environmental Quality Act and the Federal Clean Air Act, including the requirements of the applicable implementation plan. Where such applicable requirements are set forth in federal regulations, only modifications authorized in such regulations may be allowed.

F. Fees

The fees are defined in LAC 33:III.6523.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18: (November 1992).

Chapter 65. Rules and Regulations for the Fee System of the Air Quality Control Programs

§6523. Fee Schedule Listing

* * *

FEE NUMBER	FEE DESCRIPTION	AMOUNT
2400	An application approval fee for Stage II Vapor Recovery	\$100.00
	An annual facility inspection fee for Stage II Vapor Recovery	\$150.00

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 13:741 (December 1987),

amended LR 14:613 (September 1988), LR 15:735 (September 1989), LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18: (November 1992).

James B. Thompson, III
Assistant Secretary

RULE

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Non-HWSA Cluster IV-A (HW34)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Hazardous Waste Regulations, LAC 33:V.Subpart 1, (HW34).

These amendments allow the state to satisfy its continuing obligation to the United States Environmental Protection Agency (USEPA) in maintaining a program at a minimum equivalent to that of EPA. This allows the state to meet all requirements concerning the authorization process, which will effectively ensure grant support funds. This rule also amends LAC 33:V.1305 in an attempt to clarify the requirements for transfer facility status. LAC 33:V.5139 was inadvertently deleted from the hazardous waste regulations on July 20, 1992, and has been reintroduced in this rule which resulted in this regulation not being in effect for a period of four months.

This rule may be obtained through the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802.

James B. Thompson, III
Assistant Secretary

RULE

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

**Property to be Inventoried
(LAC 34:VII.307)**

Notice is hereby given that the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency, under authority of R.S. 39:321, has amended the existing state property control regulations, LAC 34:VIII.307.

Title 34

**GOVERNMENT CONTRACTS,
PROCUREMENT AND PROPERTY CONTROL**

Part VII. Property Control

**Chapter 3. State Property Inventory Regulations
§307. Items of Property to be Inventoried**

A. All items of moveable property having an "original" acquisition cost, when first purchased by the state of

Louisiana, of \$250 or more, and all gifts and other property having a fair market value of \$250 or more, with the exception of items specifically excluded in §307.F and §307.G, must be placed on inventory. The term "movable" distinguishes this type of equipment from equipment attached as a permanent part of a building or structure. The term "property" distinguishes this type of equipment from "supplies" with supplies being consumable through normal use in no more than one year's time. All acquisitions of qualified items must be tagged with a uniform state of Louisiana identification tag approved by the commissioner of administration and all pertinent inventory information must be forwarded to the Louisiana property assistance agency director or his designee within 45 days after receipt of these items.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:323, R.S. 39:326 and R.S. 39:332.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Property Control Section, LR 2:228 (August 1976), amended LR 8:227 (June 1982), amended by Office of the Governor, Division of Administration, Louisiana Property Assistance Agency, LR 12:94 (February 1986), amended LR 18: (November 1992).

* * *

Louis W. Amedee
Director

RULE

Office of the Governor Office of Elderly Affairs

Long-Term Care (LAC 4:VII.Chapter 11)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has adopted the following rule effective November 20, 1992.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter E. Uniform Service Requirements

§1237. Long-Term Care Assistance Program

A. Purpose. The Louisiana Long-Term Care Assistance program (the program) is designed to help defray the expenses incurred by individuals and families as a result of the rising cost of long-term care services resulting from expanded facility requirements mandated by federal law.

B. Definitions. As used in this Section, the following terms shall have the following meanings:

Agency—the Office of Elderly Affairs in the Office of the Governor.

Director—the executive director of the Office of Elderly Affairs.

Gross Income—adjusted gross income as provided by the federal income tax return.

Long-term Care—care rendered to a resident of a facility licensed and certified by the Department of Health and

Hospitals as a nursing home in accordance with R.S. 40:2009.3 et seq. or as an intermediate care facility for the mentally retarded in accordance with R.S. 28:421 et seq.

Net Income—gross income less:

a. any non-reimbursed health care expenses including long-term care services, personal care attendants, adaptive medical equipment, and other medical services recognized under state law;

b. federal and state taxes paid including income, property, and inheritance taxes; and

c. any health insurance premiums paid.

C. Administration of the Program

1. The Louisiana Long-Term Care Assistance program shall be administered by the Office of Elderly Affairs. The program shall be subject to the availability, appropriation, and allocation of funds for the program.

2. The agency may seek private grants, federal funds, and any other revenue source for the operation of the program.

3. The agency may engage a fiscal intermediary to assist in the management and administration of the program.

4. The agency shall adopt and promulgate such rules and regulations as are necessary to administer the program.

D. Eligible Participants.

1. Participation in the program shall be limited to residents of the state of Louisiana who meet all of the following criteria:

a. the individual is a patient in a facility licensed as: a nursing home in accordance with R.S. 40:2009.3 et seq., or licensed as an intermediate care facility for the mentally retarded in accordance with R.S. 28:421 et seq.;

b. the individual has a net income for the prior calendar year of less than \$60,000 or a joint net income of less than \$120,000;

c. the individual does not qualify for any other federal or state health care assistance program which provides for the payment of expenses for long-term care; and

d. the individual is not fully reimbursed for required long-term care services by health care insurance as determined by the agency.

E. Program Benefits

1. The benefits under the program shall be \$350 per month for incurred medical expenses for long-term care services.

2. Reimbursement payments shall be made on a monthly basis to eligible participants at the facilities where they reside. Payments shall not be forwarded to any other address. Where the participant has moved, the check shall be returned to the Office of Elderly Affairs.

3. Participants who move from one facility to another shall immediately notify the Office of Elderly Affairs of the change in address to prevent interruption of reimbursement.

F. Application for Reimbursement

1. Any individual residing in a long-term care facility, as defined in Subsection C of this Section, may request reimbursement of medical expenses by making application to the Office of Elderly Affairs.

2. Approved application forms shall be made available through nursing homes, ICF-MR facilities, and the Office of Elderly Affairs.

G. Eligibility Determinations

1. The agency shall provide each applicant for reimbursement of incurred medical expenses with written notification regarding the determination of eligibility.

2. Prior to making a final determination, the agency shall return applications which are incomplete or questionable (i.e., expenses reported exceed all income) for additional information.

H. Appeal Procedures

1. Applicants for reimbursement of incurred medical expenses shall be afforded the right to appeal any adverse decision on the basis of additional information or administrative error. The appeal must be in the form of a request for a hearing as outlined in LAC 4:VII.1275.

2. The agency shall make every effort to resolve disputes informally prior to proceeding with a formal hearing.

Subchapter F. Hearing Procedures

§1275. Hearing Procedures for Persons Filing Appeals in the Long-Term Care Assistance Program

A. Right to a Hearing. The Office of Elderly Affairs (the agency) shall provide an opportunity for a hearing and issue a written decision to any applicant for reimbursement of incurred medical expenses whose application is denied and who files an appeal in accordance with LAC 4:VII.1237.H.1.

B. Request for Hearing

1. A request for hearing must be received by the Governor's Office of Elderly Affairs within 30 days following applicant's receipt of the written notification of adverse decision from the agency.

2. A request for hearing must be in writing and must state with specificity the grounds upon which the agency's decision is appealed. The request must include:

a. the basis upon which petitioner refutes the agency's decision (i.e., additional information or administrative error); and

b. a specific statement of the suspected administrative error; and/or

c. additional information which the agency should consider in rendering a decision, including, but not limited to the following:

i. the dates of all relevant actions; and

ii. the names of individuals, agencies or organizations who may be able to substantiate the petitioner's claim.

C. Administrative Review of Adverse Decision

1. Upon receipt of a request for a hearing pursuant to Subsection B of this Section the administrator of the Long-Term Care Assistance program (the program) shall investigate the allegation stated in the request; consider the additional information provided by the petitioner; and issue a written decision within 30 days.

2. The written decision shall inform the petitioner of the findings of the investigation, the actions to be taken, if any, as a result of the investigation, and the provisions for appealing the decision to the director.

3. If the administrator of the program fails to respond or to act upon an appeal within 30 days, or if dissatisfied with the results of the administrative review, the petitioner may refer the request for a hearing to the director.

D. Notice of Hearing

1. Upon receipt of a request for hearing, the director shall, within 10 working days, set a date for the hearing.

2. The Office of Elderly Affairs shall issue a written notice to the petitioner and other interested persons which shall include:

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

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

c. a reference to the particular section of statutes, regulations, and rules involved; and

d. a short and plain statement of the reasons for the decision that is being appealed and the evidence on which the decision was based.

3. Petitioner shall be given no less than 10 working days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

E. Hearing Examiner

1. The director or his/her designated representative shall be the hearing examiner and preside at the hearing, subject to the provisions of R.S. 49:960. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by the administrator of the program or the petitioner.

2. The hearing examiner shall conduct the hearing in accordance with the procedures outlined herein and render a fair decision.

F. Rules of Evidence

1. In hearings under these rules, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objection to evidentiary offers may be made and shall be noted in the record.

2. Documentary evidence may be received by the hearing examiner in the form of a copy or excerpt if the original is not readily available. On request, either party shall be given an opportunity to compare the copy with the original.

3. If a hearing will be expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form or the parties may stipulate as to facts or circumstances or summarize same.

4. Either party may conduct cross-examination required for a full and true disclosure of the facts.

5. Official notice may be taken by the hearing examiner of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the Office of Elderly Affairs' specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data; and afforded an opportunity to contest the material so noticed. The special skills or knowledge of the Office of Elderly Affairs and its staff may be utilized in evaluating the evidence.

6. Formal exceptions to rulings of the hearing examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing examiner, the action desired. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented

in the offer of proof.

G. Ex Parte Consultations. Communications between the hearing examiner and any party or interested person or his representative shall be governed by R.S.49:960 of the Louisiana Administrative Procedure Act.

H. Depositions and Subpoenas. The taking and use of depositions and the issuance of subpoenas shall be governed by R.S. 49:956 (A)(5)-(8) of the Louisiana Administrative Procedure Act.

I. Hearing. The procedure to be followed for hearings held under §1275 shall be as provided in §1267.J.

J. Transcript. The rules governing transcripts for hearings held under §1275 shall be as provided in §1267.K.

K. Final Decision. All decisions shall be in writing and shall be rendered and acted upon by the director within 60 days of the close of the hearing. A copy of the decision shall be sent immediately to the applicant by registered or certified mail, return receipt requested. A copy of the decision shall also be sent to any other persons directly affected by the decision.

L. Rehearing and Appeal. Procedures for rehearings and appeals shall be governed by R.S. 49:959 and 965.

M. Record. The record in a hearing under this Section shall consist of the materials listed in §1267.M.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18: (November 1992).

James R. Fontenot
Director

RULE

Department of Health and Hospitals Board of Practical Nurse Examiners

Education and Licensure

(Editor's Note: The following rules, which appeared on pages 1126 through 1130 of the October 20, 1992 Louisiana Register, are being republished in their entirety to correct typographical errors.)

Notice is hereby given that the State Board of Practical Nurse Examiners, under the authority imposed in R.S. 37:961-979, has amended the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the state of Louisiana, LAC 46:XLVII.Chapter 1, at its meeting on October 2, 1992.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 1. Practical Nurses

Chapter 1. Authority

§101. Foreword

This manual of administrative rules and minimum requirements contains the approved rules and regulations of the Louisiana State Board of Practical Nurse Examiners relating to practical nurse education, the development, progression and discontinuation of practical nursing programs, and practical nurse licensure in the state of Louisiana. These rules and requirements have been adopted and promulgated

in accordance with the law relating to the practice of practical nursing with the authorization vested in the board by the Louisiana Revised Statutes of 1950, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, Section 961-979, as amended through 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:961 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 10:335 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18: (November 1992).

Chapter 3. Board of Practical Nurse Examiners

§301. Organization

Louisiana State Board of Practical Nurse Examiners consists of 13 members appointed by the governor and is the regulatory agency created by statute to act with legal authority on matters related to practical nursing education and the practice of practical nursing in Louisiana as determined by the Louisiana Revised Statutes, Title 37, Section 961-979, as amended through 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, and 37:962 as amended Act 642, 1990.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:192 (April 1977), amended LR 5:355 (November 1979), LR 10:335 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18: (November 1992).

§307. Rules and Adjudication and License Suspension and Revocation Proceedings

A. - U. ...

1. - 6. ...

a. - m. ...

n. has violated any provisions of this Part (R.S. 37:961-979 as amended 1991) or aid or abet therein.

V. The board may, at its discretion, impose a reasonable monetary assessment against the licensee or applicant for licensure for the purpose of defraying expenses of hearing and/or the expenses of the board in monitoring any disciplinary stipulations imposed by order of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:978.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 2:275 (September 1976), amended LR 3: 193 (April 1977), LR 7: 587 (November 1981), LR 10:336 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18: (November 1992).

Chapter 5. Definitions

§501. Terms in the Manual

A. - G. ...

H. *Initial License*—the original license issued to a candidate.

I. ...

J. *Licensure Examination*—the official examination approved by the board.

K. - P. ...

Q. *Survey*—periodic onsite review of a practical nursing program by the board to determine compliance with the adopted minimum requirements outlined herein.

R. *Temporary Permits*—temporary work authorization issued to Louisiana graduates to practice practical nursing upon successful completion of an approved program of practical nursing pending the results of the first board approved licensure examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 2:274 (September 1976) amended LR 3:193 (April 1977), LR 10:336 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18: (November 1992).

Chapter 7. Program Establishment

§703. Initial Requirements

A. - K.1. ...

2. Nursing homes shall be licensed by the Department of Health and Hospitals.

3. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:337 (April 1984) amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18: (November 1992).

Chapter 9. Program Projection

Subchapter A. Faculty and Staff

§901. Faculty

A. Shall consist of a minimum of one full-time nurse member for every eighteen students admitted; one of whom shall be designated as program coordinator/department head. At no time shall a faculty consist of less than two full-time nurse members.

B.1.- 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:338 (April 1984), LR 16:133 (February 1990), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18: (November 1992).

Subchapter C. Records

§917. Protection

Administration shall provide for the protection of all student records and transcripts, faculty personnel records, contractual agreements, communications and other pertinent program information against loss, destruction and unauthorized use. Such protection includes maintenance of such records for a period of not less than 60 years in fireproof and waterproof storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18: (November 1992).

Subchapter D. Program Policies

§921. Approval

All policies affecting the students or the program shall be subject to board approval prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:195 (April 1977), amended LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18: (November 1992).

§923. Development and Implementation of Policies and Procedures

A. The policies for admission, evaluation, level advancement and completion shall be developed by the faculty and approved by the board prior to implementation.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:195 (April 1977), amended LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18: (November 1992).

§931. Length of Program

A. A program shall cover a minimum of 1500 hours of scheduled instruction. At least 700 hours shall be the minimum number of theory hours and at least 800 hours shall be the minimum number of clinical hours. Theory and clinical experience should be concurrent, if possible, progressing from the simple to the complex.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:196 (April 1977), amended LR 8:67 (February 1982), LR 10:339 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October, 1992), repromulgated (November 1992).

§933. Curriculum

A. The curriculum shall include a minimum of:

1. 70 hours of Body Structure and Function providing the student with a foundation for understanding basic anatomy and the normal functions of the human body and deviations from the normal;

2. 10 hours of Introduction to Microbiology presenting a basic understanding of microbes necessary in carrying out nursing procedures and in helping to prevent illness and/or its transfer to others;

3. 20 hours of Vocational Adjustments including concepts of self adjustment, personality development, ethical, legal and social relationships with parents, families, employers and co-workers, communication skills, responsibilities of the practical nurse and general information on nursing and nursing organizations, and the Louisiana Revised Statute, Title 37, Chapter 11, Subpart II. Practical Nurses and LAC 46:XLVII. Nursing, Subpart 1. Practical Nurses;

4. 10 hours of Personal, Family and Community Health presenting concepts of health and its maintenance, human

development throughout the life cycle, development, spread and control of disease, and local, state and national health resources;

5. 40 hours of Nutrition in Health and Illness describing concepts of proper nutrition for all age groups and diet modifications for therapeutic purposes;

6. 70 hours of Introduction to Pharmacology presenting concepts relating to action, dosage, side effects and administration of medications;

7. Principles and Practices of Nursing presenting the application of concepts which will provide basic principles of nursing care and correlated experiences to develop competency in Medical-Surgical Nursing which shall include 285 hours of theory and 600 hours of clinical; Geriatric Nursing, which shall include 80 hours of theory and 80 hours of clinical; Obstetrics which shall include 40 hours of theory and 40 hours of clinical; Pediatric Nursing which shall include 40 hours of theory and 40 hours of clinical and Mental Health Nursing which shall include 20 hours of theory and 40 hours of clinical. Clinical experience must include experience in medication administration;

8. 15 hours of Career Readiness presenting information relating to interviews, completing job application forms, writing resumes, requesting license endorsement in another state, job seeking, career opportunities, continuing education availability and review for the practical nurse licensure examination;

9. A review of L.R.S. Title 37 and LAC 46:XLVII as in A.3 is to be included.

10. Instruction in Acquired Immune Deficiency Syndrome must be included in the curriculum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:196 (April 1977), amended LR 8:67 (February 1982), LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18: (November 1992).

Subchapter F. Admissions

§937. Regular Admissions

Regular admissions shall:

A. receive a grade placement of at least 10.5 in Mathematics and 11.0 in Reading and Language on an achievement test approved by the board.

B. - G. ...

H. provide certified copy of birth certificate or possess a valid United States passport.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 5:65 (March 1979), LR 6:657 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18: (November 1992).

§939. Advanced Standing

A. - C. ...

D. At the discretion of the nursing faculty and based upon individual evaluation, a student who has withdrawn from approved or accredited practical nursing program within

the previous four years may be granted advanced credit for units previously completed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 5:65 (March 1979), LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18: (November 1992).

Subchapter G. School Records

§945. Student Records

Individual files shall be maintained for each student officially enrolled and shall contain:

A. - H. ...

I. transcript: a board-approved final transcript form must be completed in duplicate for each student upon completion of the program; one copy shall remain at the institution, one shall be submitted to the board office with student application for license;

J. licensure examination results;

K. copy of birth certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18: (November 1992).

Subchapter H. Board Report and Records

§953. Periodic Reports

All programs shall submit periodic reports as requested by the board to include:

A. - B. ...

C. faculty qualification record forms to be obtained from the board office and to be submitted to the board on each newly appointed faculty member. Additional records should be submitted as additional education is achieved; review §901.B.2.;

D. copies of current contracts with each cooperating agency shall be submitted to the board office annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18: (November 1992).

Chapter 11. Program Progression

§1101. Program Changes

A. Program coordinator shall schedule regular evaluation, revision and improvement of programs and entire faculty shall participate.

B. 1.- 7. ...

8. all policies and procedures listed in §923.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April

1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18: (November 1992).

§1105. Student and Program Evaluation

A.1. - 3. ...

4. evaluation and grading systems which shall be realistic and consistent with the objectives of the program. Evaluation of student transcripts submitted to the board for application for licensure by examination or endorsement will be based on a letter grade of "C" or number grade of "80" out of 100 in each and every course. A grade of "Pass" will be acceptable for clinical grades if "Pass" is interpreted as "80" or above out of 100. Program evaluation shall be based upon the standardized achievement test scores, the performance of graduates and results of the practical nursing licensure examination. Programs having been approved by the board for five years or less receiving a 20 percent or higher failure rate on the NCLEX-PN examination shall be placed on provisional accreditation; programs having been approved by the board for six or more years receiving a 20 percent or higher failure rate on the NCLEX-PN may be placed on provisional accreditation; programs having been approved by the board for six or more years receiving a 20 percent or higher failure rate on two consecutive NCLEX-PN examinations shall be placed on provisional accreditation. Programs placed on provisional accreditation shall be required to follow the board rules in §1305.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18: (November 1992).

Chapter 13. Program Approval and Accreditation

§1301. General Information

A. A practical nursing program which has been established, projected and has progressed within the minimum requirements as set forth in this manual shall be issued accreditation status which shall be reviewed annually.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18: (November 1992).

§1303. Board Survey Objectives

A. - D. ...

E. evaluate each program's attainment of all minimum requirements essential for the continuation of quality education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18: (November 1992).

§1305. Types of Approval

A. Initial Approval

1. Initial approval shall be granted to institutions having received board approval for the establishment of a program in practical nursing and shall be limited to two years or until the first class has written the practical nursing licensure examination approved by the board, and results have been received by the board.

2. programs on initial approval shall be surveyed annually.

3. a program on initial approval which does not maintain the minimum requirements of the board, including that of less than 20 percent failure rate on the practical nursing licensure examination shall be subject to closure by the board when the currently enrolled class completes and, until examination results are received, the next class cannot be admitted. At the time the examination results are received, the board will make further determination.

B. Accreditation shall be granted to programs which have successfully completed the initial approval period and have maintained the minimum requirements established by the board. Programs receiving accreditation shall be surveyed at least every five years thereafter.

C. Annual accreditation renewal shall be issued to programs which maintain the minimum requirements established by the board and which meet the board-approved program objectives and which submit the required annual report and certification fee.

D. Certificates of initial approval, accreditation, and accreditation renewal, shall be sent to the designated institutions by the board upon board determination of compliance with minimum requirements listed herein.

E. Provisional Approval

1. programs having been approved by the board for five years or less but now fail to maintain minimum requirements and/or which receive a 20 percent or higher failure rate on the NCLEX-PN examination shall be placed on provisional accreditation; programs having been approved by the board for six or more years which receive a 20 percent or higher failure rate on the NCLEX-PN may be placed on provisional accreditation; programs having been approved by the board for six or more years receiving a 20 percent or higher failure rate on two consecutive examinations shall be placed on provisional accreditation.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 5:355 (November 1979), LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18: (November 1992).

Chapter 15. Discontinuation of a Program

§1503. Involuntary

A. If the stipulations of provisional accreditation or initial approval have not been met, withdrawal of accreditation or approval shall be considered by the board.

B. If the board's findings warrant withdrawal of accreditation/approval or closure, only those students presently enrolled shall be permitted to complete the program and apply for licensure.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18: (November 1992).

Chapter 17. Licensure

§1701. Qualifications

A. - C. ...

D. attain a score of 350 or above for those writing the board approved licensure examination for practical nursing prior to October, 1988, or a result of "Pass" for those writing the examination in October, 1988 and beyond.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:970.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18: (November 1992).

§1703. Types of Licensure

A. - C. ...

D. A licensee who has attained a score of 350 or above on the board approved licensure examination for practical nursing prior to October, 1988, or a result of "Pass" for those writing the examination in October, 1988 and beyond, may be endorsed to Louisiana provided all other requirements are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, 37:971 and 37:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18: (November 1992).

§1705. Temporary Permit

A. ...

1. A temporary permit will be issued to graduates of approved or accredited practical nursing programs in Louisiana pending the results of the first board approved licensure examination taken, providing the application for licensure and the specified fee have been submitted by the applicant and an official transcript has been submitted by the institution from which he/she graduated.

2. - 6. ...

B. A temporary permit may be issued to licensees pending disciplinary action at time of license renewal.

C. The candidate failing to submit the application for the National Council Licensure Examination for Practical Nursing and the application for a practical nurse license in Louisiana by the closing date for the examination will be handled on a case by case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 5:65 (March

1979), LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18: (November 1992).

§1707. Retirement from Practice

A. A licensee who is retiring from practice shall send a written notice to the board. Upon receipt of this notice the board shall place the name of the licensee upon an inactive list. While on this list, the licensee shall not be subject to the payment of any renewal fees and shall not practice practical nursing in the state. When the licensee desires to resume practice, a renewal license shall be issued to a licensed practical nurse who submits the required fee.

B. Delinquent License.

1. Licensees who have failed to renew licensure and have not requested to be placed on inactive status as required, and are unemployed and wish to renew licensure, will be subject to late renewal fees as listed in §1715 of this manual.

2. Licensees whose licenses have been delinquent for one or more years will be subject to pay fees for the delinquent year(s) to update licensure.

3. Licensees who neglect to renew licensure and continue to practice nursing without benefit of licensure will be subject to penalties commensurate with the amount of time employment has continued.

C. Review Courses. Licensees or applicants for endorsement to Louisiana who have been out of practice for four or more years shall be required to successfully complete a refresher course approved by the board. Said course shall have a clinical component of a minimum of 60 hours. Special student permits may be issued by the board to participants in such courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, 37:972-975, 37:977, and 37:978.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18: (November 1992).

§1713. Verification of Licensure

A. An employer requesting verification of a practical nurse's license shall submit the request in writing to the board accompanied by the required fee.

B. A licensee requesting verification of lost/stolen/never received license shall obtain a "verification of renewal" form from the board office, submit the completed form and a certified copy of his/her birth certificate accompanied by the appropriate fee. Upon receipt of the above a verification of license shall be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18: (November 1992).

§1715. Fees to be Submitted to the Board:

A. Fees

- | | |
|-------------------------|-------|
| 1. Examination fee | \$ 30 |
| 2. Original Licensure | \$ 20 |
| 3. Renewal of Licensure | \$ 20 |

- 4. Endorsement from another state \$ 34
- 5. Endorsement to another state \$ 4
- 6. Late Renewal \$ 10
- 7. Verification of Licensure \$ 2
- 8. Student Evaluations \$ 2
- 9. Reinstatement of License \$ 20
- 10. Survey fee \$ 50
- 11. Renewal of Certificate of Accreditation \$ 30

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:977.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners LR 18:1130 (October 1992), repromulgated LR 18: (November 1992).

Terry L. De Marcay, R.N.
Executive Director

RULE

**Department of Health and Hospitals
Office of Public Health**

Sanitary Code, General Provisions

Under the authority of R.S. 40:4 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer, acting through the Office of Public Health of the Department of Health and Hospitals, has amended and reenacted the entire Chapter I (General Provisions) of the State Sanitary Code. This revision is necessary to improve the procedure so as to assure that parties regulated by this Code receive ample due process as required by the Administrative Procedure Act. This reenactment will clarify and spell out the procedures that must be followed for Sanitary Code enforcement.

Copies of this rule can be obtained from the Office of the State Register at 1051 North Third Street, Room 512, Baton Rouge LA 70804 and also at the Office of Public Health, Box 60630, New Orleans, LA 70160. Please reference log number 9211#060 when inquiring about this rule.

J. Christopher Pilley
Secretary

RULE

**Department of Health and Hospitals
Office of Public Health**

Permitting Process for Sewage System Installation

The Department of Health and Hospitals, Office of Public Health amends Section 13:012-3 of Chapter XIII of the State Sanitary Code to more clearly define the permitting process and responsibilities for individual sewage system installations. This section shall read as follows:

13:012-3—A "final" permit, which shall also be in writing, may be issued only upon assurance that the individual sewage system has been properly installed. 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 the actual installation. In the case of all other types of individual sewage systems, the assurance of proper installation shall be determined by means of an on-site inspection conducted by a representative of the state health officer. With systems that use electrical power, the home owner/occupant shall complete and sign an "Individual Sewerage Electrical Certification Form" specifying that the installation complies fully with the National Electrical Code and any applicable local codes. The sanitarian shall not issue final approval for this system, unless he/she has received a duly completed original "Individual Sewerage Electrical Certification Form" and the installation checklist. Only forms physically furnished by the Office of Public Health, obtainable from each parish health unit, free of charge, shall be accepted. In any case, a final permit shall be issued only to the owner/occupant of the premises to be served by the individual sewage system.

NOTE: In no case does the Office of Public Health of the Department of Health and Hospitals assume any liability or responsibility for electrical connections of this system.

J. Christopher Pilley
Secretary

RULE

**Department of Health and Hospitals
Office of Public Health**

Registration of Children Born Outside of
Hospital (LAC 48:V.12305)

In accordance with the Administrative Procedure Act, as amended, the Department of Health and Hospitals, Office of Public Health has amended Title 48, Part V. Subpart 45., Chapter 123 of the Louisiana Administrative Code by revising §12305. The amendment provides requirements for the registration of out-of-hospital births.

Title 48

**PUBLIC HEALTH - GENERAL
Part V. Preventive Health Services
Subpart 45. Vital Records**

**Chapter 123. Preparation of Certificates
§12305. Requirements for Registration of Children Born
outside of Hospitals**

A. In addition to the requirements set forth in R.S. 40:45B, the registration of children born outside of hospitals by persons other than Louisiana licensed physicians and midwives shall occur at the parish health unit with the person who attended the birth appearing in proper person. Physicians and midwives listed on the current official list of licensed physicians and midwives promulgated by the Board of Medical Examiners and certified midwives as listed on the current official list promulgated by the Louisiana State Board of Nursing may register births by mail.

B. After six months from the date of birth, the

registration of children born outside of hospitals shall conform to the requirements of LAC 48:V.11115.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:33C.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health, LR 13:246 (April 1987). Repromulgated by the Department of Health and Hospitals, Office of Public Health, LR 18: (November 1992).

J. Christopher Pilley
Secretary

RULE

Department of Insurance
Commissioner of Insurance

Regulation 33

Pursuant to the provisions of R.S. 49:950 et seq. and R.S. 22:224, the Commissioner of Insurance has repealed (1) Regulation 33 as it currently stands and replaced it with new Regulation 33; (2) has repealed Regulation 33A and 33B. These actions are necessary to bring the medicare supplement insurance minimum standards regulation in line with the provisions mandated by the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), 42 USC 1395 et seq., and Act 428 of the 1992 Regular Legislative Session, and to eliminate duplicative regulations.

SYNOPSIS

Regulation 33 (Revised)

Medicare Supplement Insurance Minimum Standards

Regulation 33 establishes the minimum standards which must be complied with by all insurers marketing medicare supplement policies in Louisiana. The authority for this regulation is found in R.S. 22:224 and in 42 U.S.C. 1395 et seq. (OBRA '90).

The regulation begins with a statement of its purpose and the authority for its adoption. It then defines key terms used in the regulation and those that must be used in medicare supplement policies. The regulation then goes up to set forth the minimum standards that must be offered in various approved medicare supplement insurance plans as well as the requirements for coverage and standards for payment for services and fees. The regulation includes charts which detail the types of coverage and costs covered under the various plans. It also sets standards for the payment of claims, the payment of premiums, the filing and approval of policies including mandatory policy provisions and the approval of premium rates.

Interested parties may request a copy of the text of the rule from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804, or from Life and Health Division of the Department of Insurance at Box 94214, Baton Rouge, LA 70804-9214 or by calling (504)342-5301.

James H. "Jim" Brown
Commissioner

RULE

Department of Public Safety and Corrections
Corrections Services

Medical Parole of Inmates
(LAC 22:I.310)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, hereby amends the rules and regulations relative to medical parole of inmates.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND
LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

§310. Medical Parole

A. Purpose. To establish procedures for parole consideration of inmates determined to be permanently incapacitated or terminally ill.

B. Applicability. The assistant secretary of the Office of Adult Services, all wardens, medical directors and hospital administrators, in cooperation with the Parole Board, shall be responsible for ensuring compliance with this regulation.

C. General

1. Any person sentenced to the custody of the Department of Public Safety and Corrections, upon determination that he is permanently incapacitated or terminally ill as defined in Subsection D, may be considered for medical parole by the Parole Board. Medical parole consideration shall be in addition to any other parole for which an inmate may be eligible, but shall not be available to any inmate who is awaiting execution or has a contagious disease.

2. The authority to grant medical parole shall rest solely with the Parole Board, and this board may establish additional conditions of parole in accordance with the provisions of R.S. 15:574.20.

3. In considering an inmate for medical parole, the Parole Board may require that the department produce additional medical evidence or conduct additional medical examinations.

4. The parole term of an inmate released on medical parole shall be for the remainder of the inmate's sentence, without diminution of sentence for good behavior. Supervision of the parolee shall consist of periodic medical evaluations at intervals to be determined by the Parole Board at the time of release.

5. If it is discovered through the supervision of the medical parolee that his condition has improved such that he would not then be eligible for medical parole under the provisions of this regulation, the Parole Board may order that the inmate be returned to the custody of the department to await a hearing to determine whether his parole shall be revoked. Any inmate whose medical parole is revoked due to an improvement in his condition shall resume serving the balance of his sentence with credit given for the duration of the medical parole. If the inmate's medical parole is revoked due to an improvement in his condition, and he would be otherwise eligible for parole, he may then be considered for parole under the provisions of R.S. 15:574.4. Medical parole

may also be revoked for violation of any condition of parole established by the Parole Board.

D. Definitions

1. *Permanently Incapacitated Inmate*—Any inmate who, by reason of an existing physical or medical condition, is so permanently and irreversibly physically incapacitated that he constitutes only minimal danger to himself or to society.

2. *Terminally Ill Inmate*—Any inmate who, because of an existing medical condition, is irreversibly terminally ill, and who by reason of the condition constitutes only minimal danger to himself or to society.

3. *Danger to Himself*—An inmate whose behavior supports a reasonable expectation that he will inflict physical or severe emotional harm upon his own person.

4. *Danger to Society*—An inmate whose behavior supports a reasonable expectation that he will inflict physical harm upon another person or continue to participate in criminal activity.

E. Procedures. The following procedures shall be followed to identify inmates who may be eligible for medical parole:

1. A recommendation for a medical parole shall originate with the institution. If the unit medical director believes an inmate meets medical parole criteria according to Subsection D, he will forward a completed recommendation for medical parole form, and any other supporting documentation, to the warden for comments. The warden's comments should reflect whether or not, in his opinion, the inmate will constitute a security risk to the public should his medical parole be granted. Specifically, these comments should address the inmate's adjustment while incarcerated and the effect his medical condition has had upon his conduct with staff and other inmates, as well as his overall behavior. The warden shall then cause to be completed and promptly forward a residence agreement form, recommendation for medical parole form, supporting documentation and his comments, if any, to the Office of the Secretary.

2. The secretary will generally route the request to the Office of Adult Services for review of compliance with applicable law and policy. In any event, the secretary may:

a. concur with the recommendation of the warden and unit medical staff and forward the case to the Parole Board for review;

b. seek additional information from other medical or administrative staff prior to rendering a decision regarding medical parole eligibility; or

c. decline to forward the case to the Parole Board.

3. If the Parole Board review is not favorable, or if the case is not forwarded to the Parole Board by the secretary for review, then reconsideration may be granted upon reinitiation of the process at the unit level.

F. The effective date of this regulation is November 20, 1992.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:754.20, as enacted by Act 563 of the 1990 Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 17:605 (June 1991), amended LR 18: (November 1992).

Richard L. Stalder
Secretary

RULE

**Department of Public Safety and Corrections
Office of the State Police**

**Breath and Blood Alcohol Analysis
(LAC 55:I.501)**

The Department of Public Safety and Corrections, Office of State Police, adopts the following amendment to the regulation concerning the approval of instruments for blood alcohol analysis by breath sampling:

Title 55

PUBLIC SAFETY

Part 1. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§501. Approval of Instruments to Conduct Blood Alcohol Analysis by Breath Sampling

* * *

B. Approval of Instrumentation. The following is the instrument approved by the Louisiana Department of Public Safety and Corrections, the Office of State Police, Applied Technology Unit for analysis of breath specimens for the determination of the blood alcoholic content therein:

1. Intoxilyzer 5000, which was formerly manufactured by CMI Inc. and distributed by Federal Signal Corporation, and since October 9, 1988 manufactured by CMI, Inc. a subsidiary of MPD, Inc. Every Intoxilyzer 5000 which has been certified and placed in operation in Louisiana is now and has been continuously, since the date of its original certification, an approved instrument for the analysis of breath specimens for the determination of blood alcoholic content regardless of any incorrect reference to its manufacture or distribution in the amendment of July 20, 1991.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390 (October 1978), amended LR 6:660 (November 1980), LR 11:256 (March 1985), LR 14:362 (June 1988), repromulgated LR 14:441 (July 1988), amended LR 17:672 (July 1991), LR 18: (November 1992).

Paul W. Fontenot, Colonel
Deputy Secretary

RULE

**Department of Social Services
Office of Family Support**

**Food Stamp Eligibility
(LAC 67:III.Chapter 17 and 19)**

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

This proposed rule is necessary to comply with USDA Food And Nutrition Service directives to implement federal regulations at 7 CFR 271.2, 273.1, 278.1, 273.5, 273.8, 273.9 and pages 63592-63617 of FR 56, No.233.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

Chapter 17. Administration

Subchapter B. General Administrative Requirements

§1711. Disabled People in Group Living Arrangements

A. All individuals residing in group living arrangements who meet the Food Stamp Act's definition of "disabled" (as defined in Section 3(r) of the Food Stamp Act) are eligible to receive food stamps to purchase their prepared meals.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 271.2, 273.1(e)(1)(iii), 278.1(f).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support by Emergency Rule, LR 18:142 (February 1992), amended by Emergency Rule, LR 18:686-687 (July 1992), LR 18: (November 1992).

Chapter 19. Certification of Eligible Households

Subchapter E. Students

§1937. Student Related Provisions

* * *

A.4. Exclusions from Educational Assistance

* * *

c. All educational assistance will be excluded in the same manner regardless of the source of the assistance, i.e., an exclusion from educational income shall be granted based on amounts earmarked by the institution, school program, or other grantor as made available for the specific costs of tuition, mandatory fees, books, supplies, transportation, and miscellaneous personal expenses (other than living expenses).

d. The definition of mandatory fees includes the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved.

e. The maximum age level of students attending institutions of higher education who are prohibited from receiving food stamp assistance shall be lowered from 60 years to 50 years of age.

f. Eligible student status shall be granted to students participating in a state or federally financed work study program during the regular school year and the work incentive program under Title IV of the Social Security Act or its successor programs.

g. The funds from PASS (Plan for Achieving Self-Support) accounts will be excluded as income for the food stamp program.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 271.2, 273.1(e)(1)(iii), 278.1, 273.5, 273.9(c), 273.9C(v).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support by Emergency Rule, LR 18:142 (February 1992), amended by Emergency Rule, LR 18:686-687 (July 1992), LR 18: (November 1992).

Subchapter H. Resource Eligibility Standards

§1949. Exclusions From Resources

* * *

A.3. Inaccessible resource - one whose sale or other disposition is unlikely to produce any significant amount of funds for the support of the household.

4. State agencies shall not be required to require verification that a resource is inaccessible unless the

information provided by the household is questionable.

B. All of the resources of recipients of AFDC; SSI; and aid to the aged, blind, or disabled under Titles I, II, X, XIV, or XVI of the Social Security Act are excluded.

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:26937 et seq., 7 CFR 273.8, 273.9C(v).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:656 (November 1987), amended by Emergency Rule, LR 13:249 (August 1987), by Emergency Rule, LR 17:953 (October 1991), amended by the Department of Social Services, Office of Family Support by Emergency Rule, LR 18:142 (February 1992), by Emergency Rule, LR 18:686-687 (July 1992), LR 18: (November 1992).

Subchapter I. Income Eligibility Standards

§1964. Standard Shelter Estimate

A. Homeless households which do not receive free shelter throughout the calendar month shall be entitled to a Standard Shelter Estimate (SSE) of \$128. The \$128 SSE is a USDA-FNS determined estimate of reasonable expenses related to shelter costs which a homeless household may be expected to incur. All homeless households which incur or reasonably expect to incur shelter costs during a month shall be eligible for the SSE unless higher shelter costs are verified. If shelter costs in excess of \$128 are verified, the household may use actual costs rather than the SSE.

AUTHORITY NOTE: Promulgated in accordance with FR 56:63614, 7 CFR 273.9.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, by Emergency Rule, LR 18:142 (February 1992), amended by Emergency Rule, LR 18:686-687 (July 1992), LR 18: (November 1992).

Subchapter J. Determining Household Eligibility and Benefit Levels

§1987. Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

* * *

12. Households in which all members receive assistance from a Local General Assistance Program shall be considered categorically eligible for food stamps provided the LGA program has income and resource standards which do not exceed the food stamp limits; the LGA benefits are provided to assist in meeting living expenses; and the LGA benefits are on-going (not limited to emergency assistance).

* * *

AUTHORITY NOTE: Promulgated in accordance with FR 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274; FR 56:63612-63613.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended by Emergency Rule, LR 12:755 (November 1986), amended by the Department of Social Services, Office of Family Support, by Emergency Rule, LR 18:142 (February 1992), by Emergency Rule, LR 18:686-687 (July 1992), LR 18: (November 1992).

Gloria Bryant-Banks
Secretary

RULE

**Department of Social Services
Office of Family Support**

**Food Stamp Issuance
(LAC 67:III.1992)**

The Department of Social Services, Office of Family Support, has adopted §1992.A of the Louisiana Administrative Code, Title 67, Part III, Subpart 3. Food Stamps.

This rule is mandated by 7 CFR Part 274.2 (c) (1).

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

* * *

Chapter 19. Certification of Eligible Households

* * *

Subchapter J. Determining Household Eligibility and Benefit Levels

* * *

§1992. Issuing Benefits

A. State Office ATP Issuing Procedures. The regular monthly Authorization to Purchase (ATP) cards will be mailed on 14 mailing dates. Mail codes which identify the mailing sequence will be computer-assigned to all households.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 274.2 (c) (1).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 18: (November 1992).

Gloria Bryant-Banks
Secretary

iii. Conciliation is an attempt to reach a resolution of the participant's failure to comply with the employment and training requirement prior to initiation of a sanction (sending advance notice of adverse action.) The purpose of conciliation is to determine the reason the work registrant did not comply with the employment and training requirement and to provide the noncomplying individual with an opportunity to comply prior to the issuance of a notice of adverse action. The conciliation period shall begin the day following the date an individual fails to comply and shall continue for a period not to exceed 30 calendar days. A conciliation letter will be sent to the participant by the contractor/provider when conciliation begins.

iv. Conciliation must be initiated by the contractor/provider when there is knowledge of the participant's failure to comply; cannot exceed 30 days, and may end sooner if the participant refuses to cooperate in the process; and is considered successful when a verifiable act of compliance is performed by the participant or good cause is established. If the conciliation process is not successful, the process of sanctioning shall be initiated.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.7 (c)(2).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security by Emergency Rule LR 13:229 (April 1987), LR 13:394 (July 1987), amended by the Department of Health and Hospitals, Office of Eligibility Determinations by Emergency Rule, LR 15:96 (February 1989), and LR 14:770 (November 1988), amended by the Department of Social Services, Office of Family Support by Emergency Rule, LR 18:245 (March 1992), by Emergency Rule, LR 18:687 (July 1992), LR 18: (November 1992).

Gloria Bryant-Banks
Secretary

RULE

**Department of Social Services
Office of Family Support**

**Food Stamp Program
(LAC 67:III.1941)**

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamp Program.

This rule is mandated by Federal Regulations at 7 CFR 273.7.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

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Chapter 19. Certification of Eligible Households

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Subchapter G. Work Requirements

* * *

§1941. Household Concept

* * *

A.3. Ending or Avoiding Employment and Training (E&T) or Voluntary Quit Sanctions.

* * *

RULE

**Department of Social Services
Office of Family Support**

**Transitional Child Care/Project Independence
(LAC 67:III.Chapter 11 and 29)**

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 2, Aid to Families with Dependent Children (AFDC) Program and Subpart 5, Job Opportunities and Basic Skills Training Program.

This rule is necessary to establish the new payment schedule approved for all child care programs in the Department of Social Services.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Aid to Families with Dependent Children (AFDC)

Chapter 11. Application, Eligibility, and Furnishing Assistance

Subchapter E. Transitional Child Care Assistance

§1181. Eligibility Fees and Payments

* * *

G. Child Care Payments

* * *

2. The statewide limit is established as the maximum monthly amount allowable based upon the provider type, age, and the type of care provided. For Class A child care centers, the maximum payment for children under age two will be \$238.30 for full-time care and \$119.15 for part-time care. For children age two or older in Class A centers, the maximum payment will be \$216.50 for full-time care and \$108.25 for part-time care. For all other care providers, the maximum child care payments will be \$216.50 for full-time care and \$108.25 for part-time care.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of

Social Services, Office of Eligibility Determinations, LR 16:238 (March 1990), amended by DSS, Office of Family Support by Emergency Rule, LR 18:244 (March 1992), by Emergency Rule, LR 18:687-689 (July 1992), LR 18: (November 1992).

Subpart 5. Job Opportunities and Basic Skills Training Program

Chapter 29. Organization

§2903. Child Care Payment Rates for Project Independence

A. The following is the Standard Rate Schedule for payment for child care services provided to the children of Project Independence participants. The statewide limit is established as the maximum amount allowable based upon the provider type, age of child, and the type of care provided.

**STANDARD RATE SCHEDULE
Regular Care**

CHILD UNDER AGE 2			CHILD AGE 2 AND OLDER					
CLASS A CENTERS	Full Time		Part Time		Full Time		Part Time	
	Monthly	\$238.30	Monthly	\$119.15	Monthly	\$216.50	Monthly	\$108.25
	Weekly	55.00	Weekly	27.50	Weekly	50.00	Weekly	25.00
	Daily	11.00	Daily	5.50	Daily	10.00	Daily	5.00
	Hourly	1.38	Hourly	1.38	Hourly	1.25	Hourly	1.25
ALL OTHER PROVIDERS	Full Time		Part Time		Full Time		Part Time	
	Monthly	\$216.50	Monthly	\$108.25	Monthly	\$216.50	Monthly	\$108.25
	Weekly	50.00	Weekly	25.00	Weekly	50.00	Weekly	25.00
	Daily	10.00	Daily	5.00	Daily	10.00	Daily	5.00
	Hourly	1.25	Hourly	1.25	Hourly	1.25	Hourly	1.25

B. All rates herein are established as maximum allowable amounts; payments will be the provider's actual charges or the maximum rate, whichever is less. Daily rates are based on eight hours per day; weekly rates are based on five days per week; monthly rates are based on 4.333 weeks per month. Part-time care is considered to be 20 hours per week or less. Part-week care is considered to be fewer than five days per week, paid at the daily rate. (Example: A Project Independence participant in a component that is scheduled for three days per week would be eligible for the days of participation only.)

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE; Promulgated by the Department of Social Services, Office of Family Support by Emergency Rule, LR 18:244 (March 1992), amended by Emergency Rule, LR 18:687-689 (July 1992), LR 18: (November 1992).

Gloria Bryant-Banks
Secretary

RULE

**Department of Social Services
Office of The Secretary**

**Child Care Assistance Program
(LAC 67:I.Chapter 1)**

The Department of Social Services, Office of the Secretary adopts the following rule in the Child Care Assistance Program effective November 20, 1992.

Title 67

SOCIAL SERVICES

Part I. Office of the Secretary

Chapter 1. Child Care Assistance Program

* * *

§102. Waiting Lists

A. A limited amount of federal funding is available each year through the Child Care and Development Block Grant. As each child is determined eligible and authorized for services, anticipated agency expenditures on his behalf for 12 months are deducted from the total allocation for that year, to assure that expenditures can be made. Each regional office is responsible for tracking obligations of the funds allocated to that region. When all the funds for the current year have been obligated, no payments can be made for any

additional children determined eligible, instead, a waiting list is maintained for each region. Eligibles on the waiting lists are assigned a priority code according to the following criteria:

1. children in need of protective services;
2. special needs children;
3. all other children.

B. Within each priority group identified above, the waiting lists are maintained in chronological order by date of application.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18: (November 1992).

§103. Child Care Providers

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AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18: (November 1992).

§104. Payment

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AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18: (November 1992).

Gloria Bryant-Banks
Secretary

NOTICES OF INTENT

NOTICE OF INTENT

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

Timber Stumpage Values

TITLE 7
AGRICULTURE AND ANIMALS
Part XXXIX. Forestry

Chapter 201. Timber Stumpage
§20101. Stumpage Values

The Office of Forestry and the Tax Commission, as

required by R.S. 3:4343, adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1993:

1. Pine Sawtimber	\$212.03 per M bd. ft.
2. All Hardwoods	\$104.32 per M bd. ft.
3. Pine Pulpwood	\$26.85 per Cord
4. Hardwood Pulpwood	\$8.27 per Cord

Interested persons may submit written comments to Don Feduccia, Office of Forestry, Box 1628, Baton Rouge, LA 70821-1628. Comments will be accepted through the close of business at 4:30 p.m. on Monday, December 28, 1992.

Paul D. Frey, State Forester
Office of Forestry

Malcolm B. Price, Chairman
Tax Commission

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Rule Title: Timber Stumpage Values

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no additional implementation costs or savings to state or local units as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Estimated revenue for calendar year 1992 for timber severance taxes should be approximately \$9.5 million. For calendar year 1993, pine sawtimber will be assessed at \$212.03/MBF, pine pulpwood assessed at \$26.85/Cd., hardwood sawtimber will be assessed at \$104.32/MBF, and hardwood pulpwood assessed at \$8.27/Cd. Assuming production levels during 1993 will increase roughly one percent, expected revenue from timber severance should increase to approximately \$10.5 million. The State Treasury receives 25 percent of this tax and the parish from which the timber is severed receives 75 percent.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Purchasers of timber will be affected. However, the exact dollar amount is indeterminable.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The requirement of this office to assess market value of severed forest products and timber, with the approval of the parish governing authority and the Tax Commission, has been in effect for many years. The prevailing rate at which these values will be taxed has not changed. There should be negligible, if any, effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Economic Development Office of Financial Institutions

Application to Establish or Relocate a Financial Institution or Branch

Under the Authority of the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., the commissioner gives notice that rule making procedures have been initiated to provide procedures in accordance with authority pursuant to R.S. 6:121B(1) for making application for a certificate of authority to establish a new state-chartered financial institution; a branch office of an existing state-chartered financial institution; or to relocate the main office or a branch of an existing state-chartered financial institution. Unless indicated to the contrary the provisions of this rule apply to all applications for a certificate of authority.

Title 10

FINANCIAL INSTITUTIONS, UCC, CONSUMER CREDIT

Part I. Banks, Savings and Loans, and Savings Banks

Chapter 7. Application for New Financial Institution Charters

Subchapter A. Certificate of Authority for New Financial Institutions; Branches; or Relocation of Main Office or Branch

§701. Definitions

A. *Applicant*—one or more natural persons or a state-chartered financial institution seeking a certificate of authority from the commissioner to transact business as a financial institution, or a branch thereof, as defined below.

B. *Application*—shall consist of forms provided by the commissioner, submitted in a form acceptable to the commissioner, along with all supporting documents, requesting that a certificate of authority be granted.

C. *Branch*—any additional office for receiving deposits, or paying checks, or lending money apart from the chartered premises.

D. *Commissioner*—the commissioner of Financial Institutions.

E. *Electronic Financial Terminal (EFT)*—an electronic information processing device, other than a telephone, which is established to do either or both of the following:

1. capture the data necessary to initiate financial transactions; or
2. through its attendant support system, store or initiate the transmission of the information necessary to consummate a financial transaction.

The term includes, without limitation, point of sale terminals, merchant-operated terminals, cash-dispensing machines, and automated teller machines.

F. *Financial Institution*—any bank, savings bank, homestead association, building and loan association, or savings and loan association chartered by the commissioner.

G. *Investigation*—the commissioner or any examiner or examiners designated by the commissioner shall make such investigations as deemed necessary to assist in the determination of matters pending before the commissioner. The investigation shall include an examination of each of the six factors detailed in §703.C of this rule.

H. *"Phantom" Financial Institution*—a corporation organized as a state, non-deposit taking financial institution, for the purposes of facilitating the organization of a one-bank

holding company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions LR 19: §703. **Application for Certificate of Authority**

A. **Scope.** This rule applies to applications for a certificate of authority under R.S. 6:101, et seq.

B. **Application Filing and Notice.** Applications shall be in such form and contain such information as the commissioner may from time to time prescribe. Application forms may be obtained from the commissioner. The application will contain a public section and a confidential section. The public section in each case shall include comments and information submitted by interested persons in favor of or in opposition to such application.

The original and one copy of the application must be submitted in completed form to the commissioner, along with the required non-refundable fee. Applicants seeking a certificate of authority to operate as a savings bank must also submit a business plan as required by R.S. 6:1125. Any application not substantially complete will not be accepted for filing and returned to the applicant resulting in processing delay.

Within 30 days prior to receipt of application by the commissioner, applicant must publish a one-time notice in a newspaper of general circulation in the community which the institution/branch is to be located. Applications to relocate an institution's main office or branch will require applicant to publish said notice in both locations; if applicable. The published notice will contain such information as deemed necessary by the commissioner. A sample notice will be provided together with the application forms.

Proof of publication must be submitted to the commissioner before processing of the application can be completed. In the case of an acquisition of a failed or failing financial institution, requirement for publishing a notice will be waived.

Upon acceptance of the application for filing, notice in writing will be given to financial institutions in the community in which the institution/branch is to be located. This notice will allow for a reasonable comment period, normally 14 calendar days.

Upon acceptance of the application for filing, the commissioner or any examiner or examiners designated by the commissioner will conduct an investigation. Information not included in the application, which is necessary to determine the six factors described below, will be requested from the applicant. Processing of an application will not be completed until the satisfactory conclusion of the investigation.

C. **Factors to be Considered.** Six factors within the application are to be considered:

1. Financial History and Condition
2. Distribution and Adequacy of Capital
3. Future Earnings Prospects
4. Management
5. Convenience and Needs of the Community
6. Corporate Powers

D. **Acquisition of a Failed or Failing Financial Institution.** The commissioner may waive any provision of this rule which is not required by statute.

A non-refundable processing fee is required for applications submitted in anticipation of acquiring a failed

financial institution, of \$5,000 for a de novo institution, \$500 per branch for existing state-chartered financial institutions, or \$250 for off-site EFT. If applicant is successful acquirer, processing fee will be applied to the application fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19:

§705. Instructions for Application

A. Financial History and Condition

1. a. General. Proposed new financial institutions have no financial history to serve as a basis for determining qualification. Some consideration may be given to the history of financial institutions presently and formerly operating in the area of the proposed financial institution.

b. A branch system must be measured in terms of the whole and not in terms of a part. Consequently, the emphasis is placed upon the financial history and condition of the applicant financial institution, rather than upon the projected financial condition of the subject branch alone.

c. General quality of an applicant's assets must be satisfactory and at least on par with that of average similar state financial institutions. This will, however, have only limited application in the case of a proposed or newly organized financial institution, since the assets will consist largely of cash, balances due from financial institutions, and fixed assets.

2. Premises to be Occupied by the Financial Institutions. (This Section will not be required for applications of "Phantom" financial institutions.)

Applicant's aggregate direct and indirect fixed asset investment, including lease obligations, must be reasonable in relation to its projected earnings capacity, capital, and other pertinent basis for consideration. Investment in fixed assets shall not exceed 45 percent of equity capital and reserves for a new financial institution or 50 percent of equity capital and reserves for an existing financial institution, except with the prior written approval of the commissioner.

a. Description of Premises. Fixed assets are of primary concern in analyzing the asset condition of a proposed or newly organized financial institution. These assets should be listed and described in detail.

b. Premises Leased. If the leasing of premises is contemplated either through a real estate subsidiary of the proposed financial institution or otherwise, the terms of the lease are to be outlined and subject to the approval of the commissioner. A copy of the proposed lease, which shall contain the "Standard Bankruptcy Clause," must accompany the application, along with a statement from a certified public accountant stating whether the lease is to be considered an operating lease or a capitalized lease according to the provisions of the Statement of Financial Accounting Standards #13 - Accounting For Leases. The Standard Bankruptcy Clause reads as follows:

"Notwithstanding any other provision of this lease, in the event LESSEE or its successors or assignees shall become insolvent, bankrupt, or make an assignment for the benefit of creditors, or if it or its interest hereunder shall be levied upon or sold under execution or other legal process, or in the event the financial institution to be operated on the premises is closed, or is taken over by the financial institution regulatory authority, the LESSOR may terminate this lease only with the concurrence of said state regulatory authority or other

financial institution supervisory authority, and any such authority shall in any event have the election to either continue or terminate the lease, provided, that in the event this lease is terminated, the maximum claim of LESSOR for damages or indemnity for injury resulting from the rejection or abandonment of the unexpired lease shall in no event be in an amount exceeding the rent reserved by the lease, without acceleration, for the year next succeeding the date of the surrender of the premises to the landlord, or the date of reentry of the landlord, whichever first occurs, whether before or after the closing of the financial institution, plus an amount equal to the unpaid rent accrued, without acceleration, up to such date."

c. Premises Owned. If the premises is to be owned, the following information is required, if applicable: the original cost of the premises at time of construction with a breakdown between land and building; original cost to applicant; date of construction; reasonableness of purchase price; from whom purchased; insurance to be carried; assessed value; prospective or immediate repairs or alterations; estimated useful life of the building as of the beginning of business.

d. Temporary Quarters. In applications anticipating the use of temporary quarters pending construction or renovation of permanent facilities, details should be provided regarding the location of the site in relation to the exact address of the permanent location.

e. Proposed Investment in and Rental of Furniture, Fixtures, and Equipment. A listing of investment in furniture, fixtures, and equipment should include cost, if owned, or annual rental, if leased; total property and casualty insurance to be carried; and total annual depreciation. If leased, copies of proposed contracts and leases should be submitted for the confidential use of the Office of Financial Institutions.

The new financial institution will provide procedures, security devices, and safeguards which are in compliance with state and federal laws and regulations.

f. Relationships and Associations with Financial Institution. Any sellers or lessors of land, building, or equipment directly or indirectly associated with applicant must be disclosed and the nature of the association identified.

3. Organizational/Application Expenses. Legal fees, professional assistance fees, and organizational expenses are to be supported by a detailed account of the services rendered and subject to approval of the commissioner. All organizational expenses are to be charged off the financial institution's books on the first day of business regardless of Internal Revenue Service regulations. No expenses associated with making application under the provisions of this rule may be capitalized on the institution's financial statements.

4. Predecessor Financial Institution. If the proposed institution is to assume, in whole or in part, the operations of any other financial institution, give a brief history of that financial institution and the assets and liabilities to be assumed.

B. Distribution and Adequacy of the Capital

1. General. Adequacy of the capital shall be determined by the commissioner in light of the location of the proposed financial institution, the projected nature of its business, future growth potential, projected future earnings, and the quality of management.

2. New Financial Institution. Distribution of stock ownership should be broad based and will be subject to the

approval of the commissioner. A paid-in surplus of 50 percent of the capital stock, plus a reasonable undivided profit fund are recommended and deemed advisable.

a. Proposed Paid-in Capital. The number of shares of stock and its par value are to be scheduled. The actual price per share of the stock should be stated; and, in cases where an additional amount per share is assessed to cover organizational and pre-opening expenses, that amount shall also be identified.

b. Stockholders. Applicant shall attach, and make part of the confidential section of the application, a copy of the stock subscription form and prospectus, if any, which will be used in connection with the issuance of capital stock. In addition, a substantially complete list of stock subscribers must be submitted.

c. Authorized but unissued shares of stock - Plans for distribution of any authorized but unissued shares of stock must be included in the application.

3. New Branch. Distribution and adequacy of capital structure should be considered in terms of the financial institution and all of its branches. An existing financial institution should have capital sufficient to support the volume, type and character of the business conducted and projected, as well as, permit the institution to continue to meet the reasonable credit requirements of the community served. If an increase in capital of applicant is proposed prior to the establishment of the branch, details should be included in the application.

4. Estimated Deposits. Adequacy of capital structure and future earnings prospects to support projected growth must be considered. Data and assumptions used to arrive at the estimated deposit growth must be included in the application. In the case of a proposed branch, any deposits to be transferred from the main office or existing branches must be excluded.

C. Future Earnings Prospects. (This Section will not be required for applications of "Phantom" financial institutions.)

1. New Financial Institution. Allowing a new financial institution to commence operation without some indication that it can be operated profitably not only creates a potentially unsatisfactory situation but could also have a detrimental effect on other competing financial institutions. A new financial institution may not be profitable for at least the first year. Applications, therefore, should make estimates of operating income and expenses for the first three years of operation, using among other things, the projection of deposit volume made in connection with the "Distribution and Adequacy of the Capital" factor [B.4.].

In determining future earnings prospects, applicants must estimate the probable income from loans and discounts, bonds and securities, service charges and commissions, and other sources of income. Assistance in this task may be obtained from evaluating proposed lending policies and interest rates; the demand for loans in the area and types thereof; the probable nature of the financial institution's investment policy; the amount of the time and demand deposits likely to be acquired; the probable competitive reaction from existing financial institutions; the economic conditions in the community; the possibility of future development or retrogression in the area, and the apparent business expertise of the financial institution's management. In addition, estimates must be made for expenses such as salaries and other employee benefits; interest; occupancy and equipment outlays; electronic data processing service costs;

cost of fidelity bond coverage; establishment of an adequate loan loss reserve; deposit insurance premiums; state assessments, and other current operating expenses. Assumptions used to calculate income and expenses should be included in the comment section.

2. New Branch. When considering an application for a new branch, the future earnings prospects evaluation is based on income and expenses of the branch, as well as, its influence on the financial institution as a whole.

3. Acquisition of Failed or Failing Financial Institution. When an existing financial institution is making application based on the acquisition of a failed financial institution, applicant must provide pro forma financial statements which include current financial information; proposed assets and liabilities to be acquired, and three years of projected financial data (balance sheet and income statement) resulting from the acquisition. Pro forma should include any assumptions made to arrive at projected financial data.

D. General Character of Management. The quality of a financial institution's management is vital and is perhaps the single most important element in determining the applicant's acceptability. The successful operation of a financial institution requires management's real interest in its welfare, as well as their ability and willingness to devote a substantial amount of time to the affairs of the financial institution.

1. New Financial Institution

a. The management of a proposed or newly organized financial institution may not have an operating record as a functioning unit. The application should, therefore, contain a schedule giving the name, address, date of birth, total assets, liabilities, and net worth of each director, officer, and five percent stockholder, including, with respect to each, the following information:

i. Financial Institution and Business Experience.

Comments should detail present occupation or profession and past experience with financial institutions, business, farming, or other experience. Indicate all firms, companies, corporations, and organizations for which a given director, officer, or five percent stockholder is deemed to have control as defined by Federal Reserve Board's Regulation O and/or §23A of the Federal Reserve Act.

ii. Proposed Duties and Responsibilities in a Financial Institution. Outline the duties and responsibilities, as well as the proposed title of each officer and director. Copies of any proposed or current employment contracts with any director, officer, or five percent stockholders must be attached to the confidential section of the application.

iii. Financial Responsibility. Current financial statements must be furnished for each proposed officer, director, five percent stockholders, and any firms, companies, corporations, and organizations in which a given director, officer, or five percent stockholder is deemed to have control as defined by Federal Reserve Board's Regulation O and/or §23A of the Federal Reserve Act.

b. Integrity of Management. No person shall serve as a director, officer, or employee of a financial institution, or be a five percent or greater stockholder, who has been convicted, or who is hereafter convicted, of any felony or criminal offense involving dishonesty or a breach of trust. If it is found that criminal proceedings have at any time been instituted or fidelity insurance canceled with respect to any officer or director, or if there is any doubt concerning the integrity of any director or officer, a thorough investigation of

all surrounding circumstances shall be conducted and may result in the disapproval of said officer or director.

c. **Ownership.** Control by several individuals or a group of stockholders, as well as any contemplated or existing buy-sell, voting trust, or proxy agreements between various individuals or other entities, such as holding companies, shall be reported. Copies of any such agreements shall be furnished by the applicant or proponents involved.

A list of stock subscribers shall be submitted including therein at least the following: name; address; occupation; the number of shares per individual subscriber; the par value and the purchase price of the stock, and any financing arrangements including the source of financing and the collateral pledged on any loans, the proceeds of which are to be used for the capitalization of the proposed financial institution. Financing arrangements of stock purchased must be approved by the commissioner. Generally, for a new institution, direct or indirect financing by any director, officer or five percent shareholder is limited to 75 percent of the purchase price of the stock subscribed by any one individual or aggregate financing of 50 percent of total capital.

A written statement shall be submitted by proponents that no commissions have been or will be paid in connection with sale of stock. Also required is detailed listing of estimated fees to be paid in connection with organization of the new financial institution, including a breakdown of the names of people or companies to whom said fees are to be paid.

d. **Changes in Management or Ownership.** The commissioner has found that on occasion, subsequent to the approval of an application and prior to the actual opening of a proposed new financial institution, changes have occurred in the management or ownership. The commissioner must approve any such changes in management/ownership. Accordingly, in order to monitor such changes, the commissioner requires that the prospective incorporators advise, in writing, if changes in the directorate, active management, or in the ownership of stock of five percent of the total subscribed capital be made prior to opening. In addition, any employment contracts or other contracts involving directors, officers, or five percent shareholders entered into subsequent to filing of the application must be approved by the commissioner.

2. **New Branch.** The management of a new branch should be fully reported as to qualifications and experience.

Describe the lending or other authority to be exercised by branch officials and supervision to be maintained over branch activities by the main office.

3. **"Phantom" Financial Institution.** Applicant must provide a list of all proposed directors, officers, and five percent shareholders, including name, address, occupation, and title. Any changes in the proposed directorate or active management contemplated or occurring after approval and prior to effective date of the merger with the existing institution must be disclosed and approved by the commissioner.

4. **Financial institutions are required to maintain sufficient fidelity bond coverage.** A binder or commitment letter from an issuer will facilitate processing of the application; however, proof of coverage must be provided prior to opening for business.

E. **Convenience and Needs of the Community to be Served.** (This Section will not be required for applications of "Phantom" financial institutions or in the acquisition of failed

or failing financial institution.)

1. Consideration shall be given to the adequacy of existing financial institutions in the community and in nearby communities. A financial institution is unlikely to fulfill a need if it is unable to command sufficient volume to maintain profitable operations.

2. Consideration will be given to the most recent Community Reinvestment Act (CRA) and compliance examination ratings of applicant, if applicable.

3. A clear definition of the proposed financial institution's trade area is essential in determining convenience and needs. A brief description of the general area in which the proposed financial institution is to be situated and its location in relation to other nearby communities, developments, or other important landmarks should be initially presented. While it is not required, it would be very helpful to have a professional economic survey made to support the need of a new financial institution. Once the trade area has been defined, information regarding the following shall be set forth:

a. **Economic Data.** The principal industrial, trade, or agricultural activities shall be described and annual values of principal products indicated. The presence and source of large payrolls in the area may also be an important consideration. The number and value of residential and commercial building permits can often be of considerable value in determining the vitality of the area. Figures regarding retail sales from public sources or trade organizations are useful. Information regarding medical facilities and other professional services can be a useful indicator of the self-sufficiency of the community or trade area. Statistical information on governmental units—such as assessed valuations, tax levies, bonded indebtedness, and tax delinquencies, and data on the educational environment of the area—are also valuable indicators. The survey, however, should not be filled with pages of statistics unless the figures are relevant to the area and to the application.

b. **Demographic Data.** Population figures within the trade area, as well as the general surrounding areas, are significant determinants in considering convenience and needs. While the population as of the date of application is important, the survey should also present data which establishes population trends and projections for the future.

In some cases it is difficult to obtain accurate population data for a particular trade area, as statistics combine portions of several census tracts. In some instances, data showing the number of household units in the area may be a more appropriate basis for assessing reasonable population estimates.

c. **Competition.** The survey should include a schedule of all financial institutions likely to be affected by the proposed financial institution, including the name, location, total deposits, and the distance and direction from the proposed financial institution site.

While the number of depository financial institutions operating in the city or area to be served are important in determining whether the addition of a new financial institution can be supported by the market, consideration will also be given to possible competitive consequences flowing from the new financial institution proposal, such as increased customer services and financial options to residents of the area.

d. **Other Supporting Data.** The extent of new or proposed residential, commercial and industrial development, and construction is a significant secondary consideration in

resolving the convenience and needs factor. Plans for the development of shopping centers, apartment complexes and other residential subdivisions, factories, or other major facilities near the proposed site, therefore, should be scheduled. In certain instances, the inclusion of maps may be desirable to clarify comments, showing by appropriate identification the name and location of each competing financial institution and the locations of other important buildings, offices, shopping centers, industrial parks, and the like in relation to the financial institution site.

F. Corporate Powers

1. **New Financial Institutions.** The application shall include a copy of the proposed financial institution's articles of incorporation as required by Title 6, §213 of the Louisiana Revised Statutes. Careful attention should be given to see that these articles of incorporation conform to the restrictions contained in Title 6, §213.

R.S. 6:411 provides that financial institutions may only engage in the business of banking to the extent expressly permitted by the laws under which they are organized.

Other restrictions may be imposed through the requirement that the directors pass certain resolutions. These restrictions shall be enumerated in the conditional letter of approval of the application.

2. **New Branch.** This factor will usually have only limited application in connection with branches.

3. **"Phantom" Financial Institutions** shall have only such corporate powers as are necessary to effectuate a merger as provided by R.S. 6:351, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by Department of Economic Development, Office of Financial Institutions LR 19:

§707. Other Matters

A. The following information is required by the commissioner as part of all applications filed for the organization of a new financial institution.

1. A certified copy of a resolution of the board of directors of the proposed financial institution in organization stating:

a. that the financial institution shall not pay cash dividends for the first two years of operation without prior written approval from the commissioner;

b. that the financial institution shall not exercise Trust Powers without prior written approval from the commissioner;

c. the institution shall not apply for a branch office prior to the first regulatory examination without prior written approval by the commissioner;

d. no director shall draw any remuneration other than so stated in the application without prior written approval from the commissioner;

e. that the financial institution will at all times maintain sufficient fidelity bond coverage on its active officers and employees and will at all times maintain an excess employee dishonesty bond in the amount of \$1,000,000 or more;

f. if the sellers or lessors of land, building or equipment are directly or indirectly associated with the proposed financial institution, upon organization, the proposed financial institution will not refinance, directly or indirectly, any loan, advance, or credit extension originally made by any existing financial institution, or others, to any of those individuals for the purpose of obtaining funds to purchase the fixed assets.

2. Any additional requirements that the commissioner

deems necessary or desirable to impose.

B. The conditional letter of approval may include, but is not limited to, the following requirements which must be met prior to the issuance of the certificate of authority for a new financial institution.

1. Appropriate certification from financial institution(s) certifying that the new institution has on deposit to its credit a sum equal to the capital funds.

2. The plan for disposition of the authorized, but unissued stock must be submitted to and approved by the commissioner prior to issuance.

3. Appropriate sworn statement by the president and/or cashier that each stock subscription has been paid in full, in cash.

4. Certified copy of resolution of board of directors showing election of principal officers. (If officers are named in the Articles, not necessary.)

5. Evidence that all officers and employees are bonded, name of bonding company, form and amount of bond.

6. Executed Director's Oath of Office. (Forms to be furnished by the Office of Financial Institutions).

7. The Office of Financial Institutions must be notified in advance of opening, the exact date of opening, and evidence must be furnished that FDIC insurance coverage will be in effect on the first day of operation.

8. The financial institution or branch will be open within 12 months from the date of the conditional approval. If said financial institution cannot be established within the time specified, the organizers shall submit to the Office of Financial Institutions, in writing, a request for an extension of time or a notice that plans have been abandoned. Otherwise the approval will expire and the file marked closed.

9. Until the conditional approval becomes effective, the commissioner shall have the right to alter, suspend or withdraw said conditional approval should any interim development be deemed to warrant such action.

C. **Post Certificate of Authority.** R.S. 6:217 and 6:706 require filing articles of incorporation and certificate of authority with the Secretary of State of Louisiana and the Recorder of Mortgages of the parish of domicile within 30 days of issuance of the certificate of authority. Certified copies of these filings must be furnished to the Office of Financial Institutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions in LR 19:

§709. Application to Relocate a Main Office or Branch

A financial institution desiring to relocate its main office or an existing branch must make application to the commissioner. As a general rule, an application involving a relocation is of less significance than one providing for the establishment of a new branch. However, the six factors to be considered with a new branch will also be considered for a relocation. One exception is the convenience and needs of the community to be served, if the relocation is not more than three miles from the present location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by Department of Economic Development, Office of Financial Institutions LR 19:

§711. Application for Electronic Financial Terminal (EFT)

A. **General.** Financial institutions desiring to operate an

EFT at a location separate from its main office or an existing branch must make application to the commissioner for a certificate of authority.

If the proposed EFT is located on leased premises, a copy of the proposed lease agreement, containing the "Standard Bankruptcy Clause," and a CPA letter certifying the classification of the lease within the framework of FASB 13 must be attached.

Applicant must publish a notice, as required for branch applications. [Refer to §703.B.]

B. Shared EFT. For purposes of this Section, financial institution includes state or federally chartered credit unions, as well as those institutions defined as financial institutions in §701.

1. **Sharing Permitted.** A state-chartered financial institution may share an EFT established and operated by another financial institution. A state-chartered financial institution may share an EFT controlled by a nonfinancial institution only if such institution has agreed, in writing, that the EFT is subject to examination by the commissioner as he deems necessary.

2. **Authorized Functions.** Financial transactions which may be performed by an EFT shall be limited to disbursement of funds under a preauthorized credit agreement; withdrawal of funds from a customer's account; receipt of cash or checks; check verification and/or guarantee; the disbursement of cash; receipt of loan payments; transfer of funds to or from one or more accounts in one or more financial institution(s); and verification of account balances.

3. **Security.** Every financial institution sharing an EFT shall adopt and maintain safeguards to ensure the safety of funds, items, and other information. Safeguards shall include security devices consistent with the appropriate requirements specified by federal law or any alternative security precaution as approved by the commissioner.

4. **Service Charge.** A state-chartered financial institution may impose service charges for shared EFT services.

Application to federal financial institutions. The provisions of this rule as it pertains to an EFT shall apply to federally chartered financial institutions to the extent permitted by federal law.

The above and foregoing rule is intended to repeal in their entirety the rules published in the following editions of the *Louisiana Register*:

1. LR 6:8 (August 20, 1980)
Savings and loans - instructions for new charter
Savings and loans - instructions for branch application
Banks - instructions for new charter and branch application
2. LR 7:8 (August 20, 1981)
Banks - amending instructions for new charter.
(Originally published August 20, 1980)
3. LR 9:2 (February 20, 1983)
Banks - sharing of electronic funds transfer remote facilities
Banks - amending financial statements for a new state-chartered bank (originally published August 20, 1980)

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19:

All interested persons are invited to submit written or oral comments on the proposed regulation. Such comments should be submitted no later than December 11, 1992, at 4:30 p.m. to Gary L. Newport, Senior Attorney, Office of Financial Institutions, Box 94095, Baton Rouge, Louisiana 70804-9095.

Larry L. Murray
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Application to Establish or Relocate a Financial Institution, Branch, or Offsite EFT

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
The estimated implementation cost for this regulation will be initial rule notification and new application printing expenses totaling \$666. It is anticipated that this agency will continue to utilize existing personnel and equipment in the implementation process, and the agency envisions no additional requirements for new equipment, employee costs, or professional services.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
New fees imposed are to be offset by a like reduction in general assessments. Hence, there will be no effect on revenue collections for the state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**
The regulation will not increase current assessments; however, the rule provides a nonrefundable fee clause for all applications received. New costs to directly affected persons or non-governmental groups shall be limited to fees assessed for processing applications related to proposed acquisitions of failed or failing institutions. The fee for proposed de novo (new charter) acquisitions shall be \$5,000. A \$500 fee per branch and \$250 fee per electronic financial terminal will be assessed for proposed acquisitions by an existing state-chartered financial institution.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
No significant change in competition or employment in the public or private sector is anticipated.

Larry L. Murray
Commissioner

John L. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1191-School Transportation Handbook Amendment

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 adopted the following standard for the evaluation and determination of economic hardship for the curtailment of bus transportation as stipulated in R. S. 17:158(H) enacted into law during the 1992 Session of the Legislature, which requires parish or city school boards seeking approval to eliminate or reduce the level of transportation services to students for economically justifiable reasons to submit with these requests certain budgetary information. This standard, which is an amendment to Bulletin 1191, was also adopted as an emergency rule, effective August 20, 1992.

Bulletin 1191, School Transportation Handbook

Certification of economic hardship will be determined by the State Board of Elementary and Secondary Education and the State Department of Education based upon the criteria listed below.

1. No parish or city school board shall eliminate or reduce transportation services provided to students as required by the provisions of this Section except for economically justifiable reasons approved in accordance with the provisions of this Subsection by the State Board of Elementary and Secondary Education.

2. Any parish or city school board seeking approval to eliminate or reduce the level of transportation services to students for economically justifiable reasons shall submit with its request for approval the following information:

a. Figures for the three most recently completed fiscal years showing the board's actual revenues from all sources, including any prior year surpluses, and actual expenditures for operating purposes. These figures shall include detailed information relative to any revenues received specifically for providing transportation services to students and the actual expenditures of the board for providing transportation services to students.

b. Figures for the current fiscal year and for the next fiscal year showing, according to the most recent estimates, the board's anticipated revenues from all sources, including any prior year surpluses, and anticipated expenditures for operating purposes. These figures shall include detailed information relative to any anticipated revenues to be received specifically for providing transportation services to students and the anticipated expenditures of the board for providing transportation services to students.

c. The estimated cost of both a per pupil basis and on a per bus route basis for the current fiscal year and for the next fiscal year for the board to comply with the student transportation requirements of Paragraph A(1) and Subsection F of this Section.

d. A description of the board's proposed reduction in or elimination of student transportation services indicating the number of students involved, any specific routes proposed for reduction or elimination, and the estimated savings to be achieved through the reduction of elimination of transportation services.

e. A written statement attested to by the chief financial officer of the school system, the local

superintendent of schools, and the presiding officer of the school board that sufficient funds are not available or are not expected to be available, regardless of funding source to permit the board to provide the transportation services to students being proposed for reduction or elimination.

f. A written statement attested to by the chief transportation officer of the school system, the local superintendent of schools, and the presiding officer of the school board that the proposed reduction in or elimination of transportation services to students does not have a disparate impact on any group of students by reason of race, creed, sex handicap, residence, or school attended, whether public or approved nonpublic, elementary or secondary.

g. Any additional information deemed necessary by the State Board of Elementary and Secondary Education.

3. The State Board of Elementary and Secondary Education shall take under review and consideration any request by a parish or city school board for approval to reduce or eliminate student transportation services submitted in compliance with the provisions of this Subsection, however, no such approval shall be granted by the board until the state superintendent of education has certified the accuracy and validity of the information submitted by the parish or city school board.

AUTHORITY NOTE: R.S.17:158(H), Regular Session of the 1992 Legislature.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 19:

Interested persons may comment on the proposed rule until 4:30 p.m., January 8, 1993 at the following address: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Bulletin 1191-School Transportation

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
Sufficient data is not available to determine the savings to local governments resulting from implementation of this rule.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There would be no effect on revenue collections for the state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**
Sufficient data is not available to determine costs to non-governmental groups directly affected by this rule.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
This rule could result in the reduction of the number of school bus drivers employed within an affected governmental unit.

John J. Guilbeau
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1525, Personnel Evaluation

In accordance with the R. S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education amended Bulletin 1525, Personnel Evaluation. Revised Bulletin 1525 incorporates pages 13-18 of the Louisiana Components of Effective Teaching (the work of Panel I) and pages 1-22 of the Procedure Manual for the local teacher evaluation program (the work of Panel II).

This bulletin was also adopted as an emergency rule and printed in full in the October, 1992 issue of the Louisiana Register. Bulletin 1525 is referenced in the Administrative Code, Title 28 and will be amended as follows:

Title 28
EDUCATION

Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§917. Personnel Evaluation Standards and Regulations

A. Bulletin 1525

1. Bulletin 1525, Personnel Evaluations, is adopted as revised.

3. Revised Bulletin 1525 incorporates pages 13-18 of the Louisiana Components of Effective Teaching (the work of Panel I) and pages 1-22 of the Procedure Manual for the local teacher evaluation program (the work of Panel II).

Interested persons may comment on the proposed rule until 4:30 p.m., January 8, 1993 at the following address: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.3; R.S. 17:391.5; R.S. 17:391.10.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 19:

Carole Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Rule Title: Bulletin 1525, Personnel Evaluation

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

The estimated costs for FY 92-93 are for printing and mailing to the local education agencies (LEAs) and schools (\$9,500 at the state level and indeterminable at the local level).

The costs for FY 92-93 will be to print copies of the revised Bulletin 1525, Personnel Evaluation, to be used by the LEAs as they revise their teacher assessment/local personnel evaluation programs for the 1992-93 school year. The cost of printing the revised

Bulletin 1525, Personnel Evaluation, is approximately \$5,254. Postage costs to mail each LEA and all public schools in Louisiana two copies and other interested parties of the revised Bulletin 1525, Personnel Evaluation, is estimated at \$4,246.

Estimated Implementation Costs, Personnel Evaluation—FY 92-93

Monitoring of Local Evaluation Programs

Monitoring in 22 LEAs to include on-site visits by four monitors to central office and local schools of the 22 LEAs.

Cost of travel \$25,000

Operating Services

Printing for monitoring materials and staff development modules; related materials for staff development modules, e.g., videos, transparencies

\$27,000

Expenses for training facilities for staff development and state review teams

\$25,000

Professional Services

Consultants to be employed to develop and offer 5-day training for the LEA Core Team, i.e., superintendent, LEA personnel evaluation contact person, principal, teacher, in critical evaluation skills of conferencing, observation, developing professional development programs and personnel self-evaluation.

Consultants and related expenses \$50,000

Consultants to develop model for work of State Review Team \$10,000

Other Charges

Core Team members from 70 city/parish school districts will participate in an intensive 5-day training on critical evaluation skills. Money will be provided to the LEAs for substitute teacher pay for the teacher member on the Core Team. Also, LEAs will be reimbursed for the substitute teacher costs of teacher members on the LEA Steering Committee.

Payments to LEAs for substitute teacher

@ \$900 per LEA \$63,000

The LEAs will be directly affected by the Guidelines for Personnel Evaluation Bulletin 1525, revised 1992. Each LEA will have to revise its present personnel evaluation plan and implement the revised plan in order to comply with the revised personnel evaluation guidelines. However, it is impossible to estimate the actual cost related to the revision/implementation process because we are unable to identify all the resources of the LEAs.

We are unable to identify the LEA funding sources.

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

There is 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)

Any employee evaluated under the Guidelines for Personnel Evaluation, Bulletin 1525, Revised 1992, would be directly affected. The salary and fringe benefits of the employees so evaluated would be positively affected as a result of the evaluation. It is not possible to provide an exact estimate of the economic benefits because of the variability among the LEAs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The printing of the revised *Bulletin 1525, Personnel Evaluation*, does not affect competition.

John J. Guilbeau
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Waiver of Minimum Standards

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education amended the Administrative Code, Title 28, Chapter 3, §313(E) and deleted the word "Pilot" as stated below:

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 3. Rules of Procedure
§313. Waivers of Minimum Standards: Procedures**

* * *

E. Programs in Special Education

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq. and R.S.17:458.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 19:

This amendment was adopted as an emergency rule, effective September 24, 1992 and printed in the October issue of the *Louisiana Register*.

Interested persons may comment on the proposed rule until 4:30 p.m., January 8, 1993 at the following address: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Waiver of Minimum Standards

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

The proposed rule would conform with language in the newly enrolled Act 458 of the 1992 Legislature, and would expedite the approval process of requests from LEAs.

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

There will be no additional estimated effects on revenue collections of state or local governmental units.

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

Estimated costs and/or economic benefits to directly affected persons or non-governmental groups

would be in allowing school systems to maximize educational benefits in least restricted environment and the provision of a free appropriate public education to children who are disabled.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

John J. Guilbeau
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Education
Proprietary School Commission**

Annual Licensure Renewal Fee Amendment (LAC 28:1.1803)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Education intends to amend Bulletin 1443 by amending the Annual Licensure Renewal Fee (PSC-12, Appendix L).

**TITLE 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 18. General Policies
Subchapter A. Proprietary Schools
§1801. Annual Licensure Renewal Fee
PSC-12**

APPENDIX L

**ANNUAL LICENSURE RENEWAL FEE
BASED ON SCHOOL'S PREVIOUS YEAR GROSS
TUITION REVENUE
(R.S. 17:3141.4B)**

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION
PROPRIETARY SCHOOL COMMISSION
POST OFFICE BOX 94064
BATON ROUGE, LOUISIANA 70804-9064

The annual renewal fee for licensed schools shall be based upon each school's previous year gross tuition revenue as follows:

<u>GROSS TUITION</u>	<u>FEE</u>
\$0 - 50,000	\$400
\$50,001 - 100,000	\$600
\$100,001 - 249,999	\$800
\$250,000 - 499,999	\$1,200
\$500,000 - 699,999	\$1,400
\$700,000 - 999,999	\$1,800
\$1,000,000 - 1,499,999	\$1,800
\$1,500,000 - 1,999,999	\$2,000
\$2,000,000 - 2,499,999	\$2,200
\$2,500,000 - AND ABOVE	\$2,500

PLEASE ATTACH:

- (1) This completed PSC-12 form which attests to the gross tuition income of the school, AND,
- (2) FOR THOSE SCHOOLS WHICH PARTICIPATE IN TITLE IV FUNDING, a set of financial statements that have been audited by a Certified Public Accountant, including a current balance sheet and an income statement showing gross tuition receipts for the school's last

fiscal year, and in the case of a corporation, signed by an officer of the corporation, or in the case of a sole proprietorship or partnership, signed by the owner(s) or a duly authorized agent acting on behalf of the owner(s), OR

FOR THOSE SCHOOLS WHICH DO NOT PARTICIPATE IN TITLE IV FUNDING, a set of financial statements that have been reviewed by a Certified Public Accountant, including a current balance sheet and an income statement showing gross tuition receipts for the school's last fiscal year, and in the case of a corporation, signed by an officer of the corporation OR in the case of a sole proprietorship or partnership, signed by the owner(s) or a duly authorized agent acting on behalf of the owner(s).

SEE REVERSE SIDE FOR AFFIDAVIT

AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ of the City of _____, State of _____, collected Gross Tuition in our previous business year (12-month period) from (date) _____ to _____, of \$ _____.

I do solemnly declare and affirm, under penalties of perjury that the information presented on this document is true and correct.

Signature: _____

Title: _____

Name of Institution: _____

Address: _____

Notary Public

Signature and Seal

Interested persons may submit written comments to the following address: Andrew H. Gasperecz, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through November 30, 1992. He is the person responsible for responding to inquiries regarding this proposed rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.4(A) and (B).

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School Commission, LR 19:

Andrew H. Gasperecz
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: **Annual Licensure Renewal Fee
(PSC-12, Appendix L)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
All costs of the Proprietary Schools Bureau are self-generated by license fees paid to the bureau by licensees. There will be an estimated cost of \$50 for printing and mailing of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will amend the annual renewal

fee scale as per Act 935 of 1992. This change will provide for two new categories on the lower end of the fee scale, from the current \$800 for the range \$0 - \$249,999, to \$400, \$600, or \$800. This proposed rule would reduce the annual operational revenue by approximately \$12,000.

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

There may be some proprietary schools that will incur additional costs due to the audit requirement.

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

There will be no effect on competition or employment.

Andrew H. Gasperecz
Executive Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Education
Proprietary School Commission**

Annual Student Protection Fund Fee Assessment (LAC 28.I.1801 Amendment)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Education intends to amend Bulletin 1443 by amending the Annual Student Protection Fee Assessment (PSC-13, Appendix M).

**TITLE 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 18. General Policies**

Subchapter A. Proprietary Schools

**§1801. Annual Student Protection Fee Assessment
PSC-13**

APPENDIX M

**ANNUAL STUDENT PROTECTION FEE ASSESSMENT
BASED ON SCHOOL'S GROSS TUITION REVENUE**

(L.R.S. 17:3141.16)

STATE OF LOUISIANA

DEPARTMENT OF EDUCATION

PROPRIETARY SCHOOL COMMISSION

POST OFFICE BOX 94064

BATON ROUGE, LOUISIANA 70804-9064

Licensed schools pay an annual assessment fee according to a graduated scale based on their gross tuition revenue collected.

The scale is as follows:

Gross Tuition Collected During Assessment Period	Annual Payment
\$1 - 24,999	\$200
\$25,000 - 49,999	\$250
\$50,000 - 99,999	\$300
\$100,000 - 199,999	\$400
\$200,000 - 299,999	\$500
\$300,000 - 399,999	\$600
\$400,000 - 499,999	\$700
\$500,000 - 749,999	\$1,000

\$750,000 - 999,999	\$1,250
\$1,000,000 - 1,499,999	\$1,500
\$1,500,000 - and above	\$2,000

** AS REQUIRED BY STATE STATUTE, PLEASE MAKE ALL CHECKS/MONEY ORDERS PAYABLE TO "STUDENT PROTECTION FUND."

PLEASE COMPLETE AFFIDAVIT ON REVERSE SIDE

AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ of the City of _____, State of _____, collected gross tuition revenue from July 1, 19__ to June 30, 19__ in the amount of \$_____.

I do solemnly declare and affirm, under penalties of perjury that the information presented on this document is true and correct.

Signature: _____

Title: _____

Name of Institution: _____

Address: _____

Notary Public

Signature and Seal

ATTACH A SET OF REVIEWED AND/OR AUDITED FINANCIAL STATEMENTS FROM YOUR CPA INCLUDING A CURRENT BALANCE SHEET AND AN INCOME STATEMENT FOR YOUR SCHOOL'S LAST FISCAL YEAR.

Interested persons may submit written comments to the following address: Andrew H. Gasperecz, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through November 30, 1992. He is the person responsible for responding to inquiries regarding this proposed rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.4(A) and (B).

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School Commission, LR 19:

Andrew H. Gasperecz
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Annual Student Protection Fund
Fee Assessment (PSC-13, Appendix M)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
All costs of the Proprietary Schools Bureau are self-generated by license fees paid to the bureau by licensees. There will be an estimated cost of \$50 for printing and mailing of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.

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

There will be no costs to directly affected persons.

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

There will be no effect on competition or employment.

Andrew H. Gasperecz
Executive Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Louisiana Employment Opportunity (LEO) Loan Program
Lender Selection

The Student Financial Assistance Commission, Office of Student Financial Assistance, advertises its intent to amend the Louisiana Employment Opportunity (LEO) Loan Program Policy and Procedure Manual, the text of which is printed in its entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., January 20, 1993, at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Louisiana Employment Opportunity (LEO) Loan Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs are estimated to enact this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections are estimated to implement this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Lenders who participate in the Louisiana Employment Opportunity (LEO) Loan Program will establish relationships with potential customers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
In-state lenders will gain new guaranteed loan volume. By providing the educational loans the lender

will enable trainees to obtain training leading directly to employment with a large firm located in Louisiana. This will increase employment in Louisiana.

Jack L. Guinn
Executive Director

David W Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Elections and Registration Commissioner of Elections

Voting Equipment Procurement and Certification

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:1353(C), R.S. 18:1361, and R.S. 36:662, notice is hereby given that the commissioner of the Department of Elections and Registration is proposing to adopt the following rule:

Title 31 ELECTIONS

Part III. Procurement

Chapter 9. Procurement and Certification of Voting Equipment

Subchapter A. Competitive Sealed Bidding

§901. Invitation for Bids, Public Notice, and Bid Opening

A. All voting machines used in the state of Louisiana shall be purchased by the commissioner of elections on the basis of public bids and in accordance with the Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1959. All bids will be advertised in the official journal of the state of Louisiana in accordance with all applicable statutes and rules.

B. Machines bid in Louisiana must be certified in accordance with the provisions of R.S. 18:1361(A).

C. In accordance with R.S. 18:1361(B), bids on machines that have been certified for use in Louisiana will be considered for purchase and subsequent use.

D. The bids will be opened in public session on the date announced in the bid offering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1353(C), R.S. 18:1361, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 19: §903. Certification of Voting Equipment

A. All mechanical voting machines currently in use in Louisiana and purchased prior to the adoption of these rules shall be considered certified.

B. Voting equipment offered for sale in Louisiana shall be certified according to procedures established in R.S. 18:1361.

C. The commissioner of the Department of Elections and Registration shall establish policies that shall set standards for all electronic voting equipment to be used in the state of Louisiana.

1. The standards shall conform to the requirements of R.S. 18:1355 and R.S. 18:1399 and the requirements and needs of the Louisiana voting public.

2. All certificates, together with any relevant reports,

drawings, and photographs, for electronic equipment shall be public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1353(C), R.S. 18:1361, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 19:

This rule was adopted as an emergency rule effective October 1, 1992. Interested persons may submit written comments on the proposed amendment until 4:30 pm., December 11, 1992 to: Jerry M. Fowler, Commissioner, Department of Elections and Registration, Box 14170, Baton Rouge, LA 70898-4179. All interested persons will be afforded an opportunity to present their views in writing.

Jerry M. Fowler
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Rule Title: Procurement and Certification of Voting Equipment

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not have any impact on implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not have any impact on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule will not have any fiscal impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will not have any effect on competition and employment.

Carol H. Guidry
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Elections and Registration Commissioner of Elections

Procurement of Voting Machine Storage and Drayage Services

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 18:21, R.S. 18:1371, and R.S. 36:662, notice is hereby given that the commissioner of the Department of Elections and Registration is proposing to amend LAC 31: III.711 as follows:

Title 31
ELECTIONS AND REGISTRATION
Part III. Procurement

Chapter 7. Procurement of Voting Machine Storage and Drayage Services

Subchapter B. Competitive Sealed Bidding

§711. Invitation for Bids, Public Notice, and Bid Opening

A. All contracts for the storage or for the drayage of voting machines shall be awarded by competitive sealed bidding on a parish-by-parish basis.

This amendment was adopted as an emergency rule effective October 1, 1992. Interested persons may submit written comments on the proposed rule amendment until 4:30 p.m., December 11, 1992 to: Jerry M. Fowler, Commissioner, Department of Elections and Registration, Box 14179, Baton Rouge LA 70898-4719. All interested persons will be afforded an opportunity to present their views in writing.

Jerry M. Fowler
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Rule Title: Procurement of Voting Machine Storage and Drayage Services

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not have any impact on implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not have any impact on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule will not have any fiscal impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will not have any effect on competition and employment.

Carol H. Guidry
Assistant Commissioner
of Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection

Emissions and Emission Standards

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2054 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.919 (AQ60).

This rule requires the submittal of emission inventories and the certification of the submittal. The rule defines applicability, minimal data requirements and the requirements for the certification statement.

These proposed regulations are to become effective on February 20, 1993, or upon publication in the *Louisiana Register*.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 9. General Regulations on Control of Emissions and Emission Standards

§919. Emission Inventory

Emission inventory data shall be submitted to the Louisiana Department of Environmental Quality (DEQ) on magnetic media in the format specified by the Air Quality Division. Facilities with less than five point sources, may elect to submit Emission Inventory Coding (EIC) forms in lieu of the magnetic media.

A. Applicability. The owner or operator of the following facilities in the state of Louisiana shall submit emissions inventories to the Louisiana Department of Environmental Quality.

1. Any facility in an attainment area or unclassified area that emits 100 tons per year (TPY) or more of any contaminant [including volatile organic compounds (VOC)] for which a National Ambient Air Quality Standard (NAAQS) has been issued or any facility in an ozone nonattainment area emitting a minimum of 10 tons per year (TPY) volatile organic compounds (VOC), 25 TPY nitrogen oxides (NO_x), or 100 TPY carbon monoxide (CO), or any facility emitting 50 TPY or more of VOC in an area designated as an ozone adjoining area. The designated ozone nonattainment and adjoining parishes are listed in Table 1. If either VOC or NO_x is emitted at or above the minimum required reporting level, the other pollutant must be included even if it is emitted at levels below the specified cutoffs.

2. Any facility defined as a major source of hazardous air pollutants in Section 112(a)(1) of the Federal Clean Air Act (FCAA).

3. In Louisiana, the following facility classes or categories are exempted: None.

TABLE 1	
OZONE NONATTAINMENT AND ADJOINING PARISHES	
NONATTAINMENT	ADJOINING PARISHES
Ascension	Acadia
Beauregard	Allen
Calcasieu	Assumption
East Baton Rouge	Cameron
Grant	East Feliciana
Iberville	Iberia
Jefferson	Jefferson Davis
Lafayette	St. Helena
Lafourche	St. John the Baptist
Livingston	St. Landry
Orleans	St. Martin
Pointe Coupee	Tangipahoa
St. Bernard	Vermilion
St. Charles	Vernon
St. James	West Feliciana
St. Mary	
West Baton Rouge	

B. Types of Inventories

1. Annual Emissions Statement (AES). Stationary sources as identified in Subsection A of this Section, shall submit an Annual Emissions Statement (AES) for all criteria pollutant including VOC or hazardous air pollutants. The AES shall consist an inventory of actual emissions of VOC, NO_x, CO, sulfur dioxide (SO₂), lead (Pb), and particulate matter of less than 10 microns in diameter (PM₁₀) from stationary sources and emissions of all hazardous air pollutants identified in Section 112(b) of the FCAA, and the certifying statement. The emission inventory may be an initial emission inventory (IEI) for facilities submitting their first emission inventory or an annual emission inventory update (AEIU) for facilities which have previously submitted an emission inventory. For purposes of this Section, the term "actual emission" is the actual rate of emissions of a pollutant from an emissions unit for the calendar year or other period of time if requested by the department. Actual emission estimates shall also include fugitive emissions (i.e., waste water treatment; treatment, storage and disposal facilities; etc.) excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime to parallel the documentation of these events in the emission inventory and must follow emission calculations as identified in Subsection C of this Section. Where there is an enforceable document, such as a permit, establishing allowable levels, the AES shall include the allowable emission level as identified in the permit Maximum Allowable Emission Rate Table.

2. Statewide Annual Emission Inventory Update. Sources as identified in Subsection A of this Section shall

submit an Annual Emission Inventory Update (AEIU) which consists of actual and allowable emissions from the source identified in Subsection A.1 of this Section, if any of the following criteria are met:

a. any source that is subject to any regulation of the State Implementation Plan at any time within the inventory reporting period;

b. any change in operating conditions including start-ups, shutdowns, or process changes at the source that results in a 5.0 percent or greater increase or reduction in total annual emissions of VOC, NO_x, CO, SO₂, Pb, or PM₁₀;

c. a cessation of all production processes and termination of operations at the source;

d. if no significant changes in emission rates as defined in Subsection B.2.b of this Section, then only the certifying statement is required for annual submittal.

3. Ozone Nonattainment Area Statement. Stationary sources in ozone nonattainment areas emitting a minimum of 10 TPY of VOC, 25 TPY of NO_x, or 100 TPY of CO shall submit an annual statement. The statement shall consist of annual emissions and typical weekday emissions that occur during the three-month period of greatest or most frequent ozone exceedances as published by the department.

4. Special Inventories. Upon request by the administrative authority's designated representative of the Louisiana Department of Environmental Quality, any person affected by any rule or regulation of the department shall file additional emissions data with the department.

5. Minimum Data Requirements. The minimum data requirements are listed below. Format and submittal requirements will be published annually by the department. Any new or modified data requirements will be included in the annual requests for updates. The minimum data requirements apply to initial submittals only. Data requirements for updates require only those data elements which have changed to be submitted.

a. Certifying Statement. A certifying statement, required by Section 182(a)(3)(B) of the FCAA, is to be signed by the owner(s) or operator(s) and shall accompany each emission inventory to attest that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying official.

b. Source Identification Information.

i. full name, physical location, and mailing address of facility;

ii. latitude and longitude;

iii. SIC code(s).

c. Operating Information.

i. percentage annual throughput by season. The first season (December-February) will actually encompass a two-year period. (e.g., December 1991 through February 1992). The remaining seasons (March-May, June-August, September-November) represent one calendar year (e.g., 1992);

ii. days per week on the normal operating schedule;

iii. hours per day during the normal operating schedule;

iv. hours per year during the normal operating schedule.

d. Process Rate Data.

i. annual process rate (annual throughput). The AIRS facility subsystem (AFS) source classification code table

prescribes the units to be used with each source classification code for annual fuel/process rate reporting;

ii. peak ozone season daily process rate. The AIRS facility subsystem source classification code table prescribes the units to be used with each source classification code for peak ozone season daily process rate reporting.

e. Control Equipment Information.

i. current primary and secondary AFS control equipment identification codes;

ii. current control equipment efficiency (percent). The actual efficiency should reflect the total control efficiency from all control equipment and include downtime and maintenance degradation. If the actual control efficiency is unavailable, the design efficiency or the control efficiency limit imposed by a permit shall be used.

f. Emissions Information.

i. estimated actual VOC and/or NO_x emissions at the segment level, in tons per year for an annual emission rate and pounds per day for a typical ozone season day. Actual emission estimates must include upsets, downtime and fugitive emissions, and must follow an "emission estimation method";

ii. AFS estimated emissions method code;

iii. calendar year for the emissions;

iv. emission factor (if emissions were calculated using an emission factor).

C. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) is the desired method of calculating emissions from a source. Other means for determining actual emissions may be utilized if CEMS data is not available in accordance with detailed instructions of the Emission Inventory Section of the DEQ, Air Quality Division (AQD).

D. After data processing and inventory update, the department will submit the revised inventory to the facility for final verification and signature. The certified inventory shall then be submitted to DEQ/AQD.

E. Reporting Requirements. The AES for the 1992 Ozone Nonattainment Area Inventory shall be submitted to the department no later than March 31, 1993. Subsequent AESs and Ozone Nonattainment Area Inventories shall contain emissions data from the previous calendar year and shall be due on March 31 of each year.

F. Enforcement. Failure to submit emissions data inventories as required in this Section shall result in formal enforcement action under R.S. 30:2025.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:

A public hearing will be held on December 30, 1992, at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Recital Room), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Thursday, December 31, 1992, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth

Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #AQ60.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: General Regulations on Control of
Emissions and Emissions
Standards**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
The estimated implementation costs to the state or local governmental units are none.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be no effect on revenue collections for state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS ON NON-GOVERNMENTAL GROUPS (Summary)**
There will be no costs or economic benefits to directly affected persons or non-governmental groups.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There will be no effect on competition and employment.

Gus Von Bodungen
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Radiation Protection**

**Permit Procedures—Emissions from Nonattainment Areas
AQ-66**

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2054 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.502, 505, and 509, (AQ66).

This proposed rule contains the changes the new sources review permitting procedures as mandated by the 1990 amendments to the Clean Air Act.

These proposed regulations are to become effective on February 20, 1993, or upon publication in the *Louisiana Register*.

A public hearing will be held on December 30, 1992, at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Recital Room), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than December 31, 1992, at

4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log #AQ66. Check or money order is required in advance for each copy of AQ66. This proposed regulation is available for inspection at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804 and at the following locations from 8 a.m. until 4:30 p.m.:

Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101;

Department of Environmental Quality, 3519 Patrick Street, Lake Charles, LA 70605;

Department of Environmental Quality, 3945 North I-10 Service Road West, Metairie, LA 70002;

Department of Environmental Quality, 100 Asma Boulevard, Suite 151, Lafayette LA 70508.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Permit Procedures**

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

There will not be costs (savings) accruing to state or local governments.

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

There isn't any effect on the revenue collections of state or local governmental units.

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

The proposed rule is mandated by the federal Clean Air Act Amendments of 1990. Any costs that might accrue to persons or non-governmental groups would result from the aforementioned amendments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there would not be any effect on competition and employment as all entities will be affected equally by the proposed rule.

Gus Von Bodungen
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste**

Land Ban Petition (HW37)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2080 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Division Regulations, LAC 33:V.Chapter 22, (HW37).

The current language contained within LAC 33:V.2242.W limits the time for departmental review to a one-year variance beyond the statutory deadline of June 1, 1992. Therefore, all exemption petitions must be reviewed, evaluated, and granted or denied by June 1, 1993. This deadline cannot be met so the following proposed rule will extend this deadline to June 1, 1995 to provide the department ample time to make a technically sound decision on all of the exemption petitions.

LAC 33:V.2242.S is being revised to reflect the department's authority to revoke an approved exemption petition if the five-year review of waste reduction analyses or injection alternatives shows that the basis for the initial approval of the petition is no longer valid.

LAC 33:V.2242.U is being corrected to provide clarification and to reflect exemption petition criteria for hazardous waste injection instead of the present language which applies only to surface facilities.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

**Subpart 1. Department of Environmental Quality -
Hazardous Waste**

Chapter 22. Prohibitions on Land Disposal

§2242. Exemptions to Allow Land Disposal of a Prohibited Waste by Deep Well Injections

* * *

S. Termination of an Approved Petition

1. The administrative authority may terminate an exemption granted under this Section for the following causes:

* * *

c. a determination that new information shows that the basis for approval of the petition is no longer valid.

d. should a petition be terminated pursuant to this Section for the reason that it has been determined that a technologically and economically feasible alternative to underground injection exists, the administrative authority may provide for a compliance schedule authorizing continued injection for the amount of time reasonably necessary to construct and/or implement such alternative.

* * *

U. Term of the Exemption

1. The term of an exemption granted under this Section shall be a maximum of five years from the date of approval.

2. The administrative authority may re-issue an exemption every five years after the initial petition approval, based on the submittal and review of all demonstrations

stipulated in LAC 33:V.2242.C and Z.

3. At least once every 10 years, the administrative authority will require re-issuance of the exemptions based on a full technical review of each petition. The department will coordinate the timing of the review with the Department of Natural Resources (DNR) so that the petition review will coincide with DNR's UIC re-permitting review process.

4. The term of the exemption granted shall expire under the following conditions:

- a. upon the revocation or denial of a Department of Natural Resources final permit; or
- b. upon the termination of an EPA exemption; or
- c. when the volume limit of waste to be land disposed during the term of petition is reached.

5. The permittee shall submit a request for reissuance of the exemption at least 180 days prior to the end of the term. If the applicant submits a timely and technically complete application, and the administrative authority, through no fault of the applicant, fails to act on the application for reissuance on or before the expiration date of the existing exemption, the permittee may, with the written approval of the administrative authority, continue to operate under the terms and conditions of the existing exemption which shall remain in effect until final action on the application is taken by the administrative authority.

* * *

W. During the petition review process, the applicant is required to comply with all prohibitions on land disposal under this Chapter, unless a petition for an exemption has been approved by the EPA, and the administrative authority grants an emergency variance. If EPA has approved the exemption, the land disposal of the waste may continue for up to one year under an emergency variance issued by the administrative authority until the administrative authority makes a decision on the petition for exemption. The administrative authority may extend an emergency variance beyond one year; however, such approval is solely based on the agency's inability to review the petition during the first one year variance. The administrative authority shall either grant or deny the petition within the extended emergency variance period, no later than June 1, 1995, for petitions submitted prior to June 1, 1992. After the administrative authority issues a decision on the exemption, the waste may be land disposed only in accordance with the provision of the exemption.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 19:

These proposed regulations are to become effective on February 20, 1993, or upon publication in the *Louisiana Register*.

A public hearing will be held on December 30, 1992, at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Recital Room), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than December 31, 1992, at 4:30 p.m., to David Hughes, Enforcement and Regulatory

Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810. Commentators should reference this proposed regulation by the Log (HW37).

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Land Ban Exemption Petition (HW37)**

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

No additional cost to state or local government is anticipated.

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

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

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

There will be no significant costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no significant effect on competition or employment.

Glenn Miller
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Office of the Governor
Division of Administration**

**Louisiana Community Development Block Grant
LCDBG Program (FY 1993 Final Statement)**

I. PROGRAM GOALS AND OBJECTIVES

The LCDBG Program, as its primary objective, provides grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 70 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons.

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

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

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

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

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

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

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

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

B. benefit low and moderate income persons,

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

II. GENERAL

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

The state shall establish deadlines for submitting applications and notify all eligible applicants through a direct mailing. The applications submitted for FY 1992 funds for housing and public facilities were rated and ranked and funded to the extent that monies were available. The ranking under the FY 1992 program will also be used to determine the grants selected for funding under the FY 1993 LCDBG Program. In other words, the top ranked applications, to the extent that monies were available, were funded under the FY 1992 Program; the next highest ranked applications will be funded under the FY 1993 Program to the extent that monies are available. Only one application for housing or public facilities could be submitted for FY 1992 funds (with the exception noted under II. G.); that same application will be considered for FY 1993 funds. No new applications for housing and public facilities will be accepted in FY 1993. Only new applications for economic development and demonstrated needs funds will be accepted for FY 1993. Economic development applications and demonstrated needs applications will be accepted on a continual basis within the time frames designated by the state.

B. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, that is, municipalities and parishes,

excluding the following areas: Alexandria (depending on eligibility status which will be determined by the U.S. Department of Housing and Urban Development), Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell, and Thibodaux. Each eligible applicant may only submit an application(s) on its own behalf.

In general and in most instances, the applicant for a particular project will be determined by (will be synonymous with) the location of the potential beneficiaries of that project. There may be instances, however, in which the potential beneficiaries reside within the jurisdiction of more than one local governing body. In those circumstances, the following specific rules will apply.

1. If the proposed project will service beneficiaries that reside in two or more units of general local government and more than 51 percent of those beneficiaries are located within the jurisdiction of one of those units, the appropriate applicant would be the unit of government in which more than 51 percent of the beneficiaries reside. Only the applicant, not the other units of government involved, for this type of project will have to meet the threshold criteria to be eligible for funding. The applicant will have to enter into a cooperation agreement with the other unit(s) of government involved.

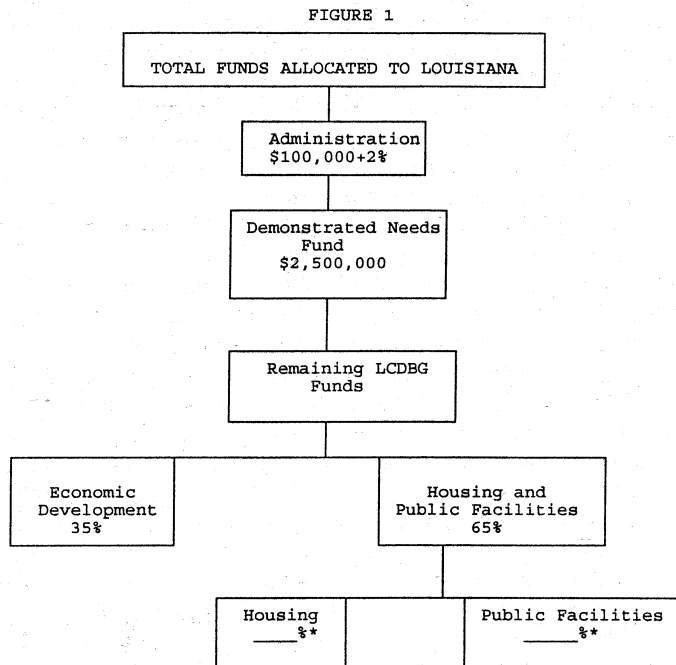
2. If the proposed project will serve beneficiaries that reside in more than one unit of general local government and no more than 51 percent of the beneficiaries are located within the jurisdiction of one of those units, the state will consider this as a joint or multi-jurisdictional application. Such an application will require a meeting with the state's Office of Community Development within the Division of Administration prior to submitting the application. The purpose of that meeting will be to determine the appropriate applicant and to explain all of the steps that must be taken by all units of local government involved in the application. All local governing bodies involved in this application must be eligible according to the threshold criteria. The designated applicant (one unit of government) would apply for the grant and act as the representative for the other participating units. Although each jurisdiction would have to make the required certifications, the designated applicant would be responsible for ensuring that the approved activities would be carried out in accordance with all applicable state and federal requirements. To meet the citizen participation requirements for a multi-jurisdictional application, each unit of government involved would have to hold the public hearings and publish the notices required for an application. The application would also have to contain individual sets of assurances signed by each local governing body involved. The designated applicant would also have to enter into a legally binding cooperation agreement with each local governing body stating that all appropriate requirements of the Housing and Community Development Act of 1974, as amended, will be complied with; those specific requirements will be discussed during the pre-application meeting with the State's Office of Community Development within the Division. A copy of the cooperation agreement must be included in the application.

C. ELIGIBLE ACTIVITIES. An activity may be assisted in whole or in part with LCDBG funds if the activity is defined as eligible under Section 105(a) of Title I of the Housing and Community Development Act of 1974, as amended, and as

provided in Appendix 2. For application purposes, eligible activities are grouped into the program areas of housing, public facilities, economic development or demonstrated needs.

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

E. DISTRIBUTION OF FUNDS. A total of \$27,000,000 (subject to federal allocation) in funds will be available for the FY 1993 LCDBG Program. Figure 1 shows how the total funds will be allocated among the various program categories.



*The percentage distribution between the housing and public facilities program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. However, the dollar amount allocated for housing will be no more than fifteen percent of the total funds available for housing and public facilities. Subcategories will be established under public facilities based upon the program priorities (sewer systems for collection and/or treatment, water systems addressing potable water and water systems primarily for fire protection purposes) and other type projects. The dollar amount for each of these subcategories will be distributed based upon the percentage of applications submitted and amount of funds requested in each subcategory.

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

In addition, \$2,500,000 will be set aside for the

Demonstrated Needs Fund.

Since the creation and retention of permanent jobs is so critical to the economy of the state of Louisiana, up to 35 percent of the remaining LCDBG funds will be allocated specifically for economic development type projects. The 35 percent allocation will be reduced by the amount of funds available for use in the economic development revolving loan fund. That reduction in funds allocated for economic development would then be allocated to the amount provided for housing and public facilities.

Public facilities and housing applications will be funded with the remaining LCDBG funds. 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 1992 LCDBG Program. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category with a maximum of 15 percent of the funds allocated to housing. Within the maximum 15 percent allocated for housing, an award of up to \$500,000 will be made for an "innovative housing" program. The public facilities category will be allocated in the same manner, by number and dollar amount of applications for sewer (collection and/or treatment), water (potable water and fire protection), and other type projects.

Five months following the beginning date of the state's program year with HUD, the status of the monies originally allocated for economic development (35 percent minus the amount of the economic development revolving monies) will be evaluated. At that time, any monies in excess of half of the original allocation which have not yet been applied for under the economic development category will then be transferred to the current program year's public facilities category to fund the project(s) with the highest score that was not initially funded. Ten months following the beginning date of the state's program year with HUD, all monies not yet applied for which remain in the original allocation for economic development will be transferred to the current program year's public facilities category to continue to fund the highest ranked projects(s) not already funded. In this latter instance, if a determination is made that a particular application for economic development funds will not be funded, the funds reserved for that application will be immediately transferred to the current program year's public facilities category.

F. SIZE OF GRANTS

1. Ceilings. The state has established a funding ceiling of \$550,000 for housing grants, \$500,000 for an innovative housing grant, \$600,000 for public facilities grants with the exception of sewer grants which have a funding ceiling of \$750,000, and \$225,000 for demonstrated needs grants. The state has established different and distinct funding ceilings for economic development projects involving the creation of a new business and for economic development projects involving the expansion of an existing business. If the project is requesting funds for the creation of a new business, no more than \$635,000 may be requested for a loan and no more than \$635,000 may be requested for a grant to the local governing body for infrastructure improvements; if the project involves both a loan and a grant, then a combined funding ceiling of \$635,000 will be imposed. If the project is requesting funds for the expansion of an existing business, no specific funding ceiling is imposed for the loan portion of the project; the state, however, reserves the right to exercise its discretion in imposing a funding

ceiling available per project. If the project is requesting funds for the expansion of an existing business, no more than \$1,035,000 may be requested for a grant to the local governing body for infrastructure improvements. There is no combined funding ceiling established for a project for the expansion of an existing business which involves both a loan and a grant. Regardless as to whether or not the project involves a new business or an existing business, no more than \$335,000 may be requested for the acquisition, construction or rehabilitation of buildings and improvements (including parking lots) by the local governing body as a grant; no funding ceiling is imposed when monies are requested as a loan for the acquisition, construction, or rehabilitation of buildings and improvements (including parking lots) if the project involves the expansion of an existing business. No funding ceiling is imposed for economic development projects involving a loan for the expansion of an existing business; however, the state reserves the right to exercise its discretion in imposing funding ceilings available per project.

Within the ceiling amounts the state allows applicants to request funds for administrative costs with the following limitations. Administrative funds for housing programs cannot exceed 13 percent of the estimated housing costs. Each local governing body will be allowed a maximum of \$35,000 in LCDBG funds for administrative costs on public facilities, demonstrated needs, and economic development projects. The local governing body may use no more than 90 percent of the monies allowed for administration for administrative consulting services. In all instances, the local governing body must retain at least 10 percent of the funds allowed for administration to cover its costs of administering the LCDBG Program; such costs on the local governmental level include but are not limited to audit fees, advertising and publication fees, staff time, workshop expenses, et cetera. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for administrative costs; this determination will be made on a case-by-case basis.

Engineering fees may also be requested within the ceiling amounts; the funds allowed by the state will not exceed those established by the American Society of Civil Engineers and/or Farmer's Home Administration. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for engineering costs; this determination will be made on a case-by-case basis.

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

G. RESTRICTIONS ON APPLYING FOR GRANTS

1. With the exception of parishes which have an unincorporated population of more than 25,000, each eligible applicant could apply for one housing or public facilities grant under the FY 1992 LCDBG Program; that application will also be considered for funding under the FY 1993 LCDBG Program. Those parishes which had an unincorporated population of more than 25,000 could submit a maximum of two single purpose applications for housing or public facilities with a combined maximum request of \$1.2 million; the individual amounts requested per application could not exceed the funding ceiling amount for that particular type of application as identified in Section II. F. 1. According to information obtained from the

Louisiana Census Data Center as provided by the U.S. Bureau of the Census, those parishes included: Acadia, Ascension, Bossier, Caddo, Calcasieu, Iberia, Lafayette, Lafourche, Livingston, Ouachita, Plaquemines, Rapides, St. Bernard, St. Charles, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, and Vernon.

Any eligible applicant may apply for an economic development project, demonstrated needs grant, or innovative housing grant, even those applicants previously funded under the housing and public facilities components. The number of demonstrated needs grants which an eligible applicant may receive during each program year is limited to one.

2. Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have previously participated in the Community Development Block Grant Program must have performed adequately. Performance and capacity determinations for FY 1993 will be made as of the date the state receives its executed FY 1993 grant agreement from HUD. 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 1993, the following thresholds must have been met:

(a) Units of general local government will not be eligible to receive funding unless past LCDBG programs (FY 1984, FY 1985, FY 1986, FY 1987, FY 1988, FY 1989, FY 1990, FY 1991, and FY 1992) awarded by the state have been conditionally closed-out with the following exceptions.

For recipients of economic development awards under the FY 1989, FY 1990, and FY 1991 LCDBG Programs and for recipients of demonstrated needs awards under the FY 1992 LCDBG Program, the state will, at its own discretion on a case-by-case basis, make a determination on the recipient's performance. If the state makes the determination that the recipient has performed adequately, the state may deem that recipient also eligible for FY 1993 funding.

Those parishes with an unincorporated population of more than 25,000 (identified in Section II. G. 1) that may have received a grant award under the FY 1992 LCDBG Program will also be eligible for an FY 1993 award if the state makes the determination that the recipient has thus far performed adequately.

(b) Audit and monitoring findings made by the state or HUD have been cleared.

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

(d) Any funds due to HUD or the state have been repaid or a satisfactory arrangement for repayment of the debt has been made and payments are current.

All applications were rated upon receipt. Any applications that were determined to be ineligible for FY 1992 funding will be re-evaluated for eligibility for FY 1993 funding.

The state is not responsible for notifying applicants as to their performance status.

The capacity and performance thresholds do not apply to applicants for economic development, demonstrated needs, and innovative housing funds with the exception that no award will be made to a previous recipient who owes money to the state unless an 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* – any municipal or parish government of the state of Louisiana.

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

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

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

5. *Division* – refers to the Division of Administration which is the administering agency for the LCDBG Program for the state.

III. METHOD OF SELECTING GRANTEEES

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

A. DATA

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

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

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

(b) *Local Survey.* If the applicant chooses to conduct a local survey, the survey sheet in the FY 1992 - FY 1993 application package must be used. Local surveys must be conducted for all housing activities.

When conducting a local survey rather than using 1980 census data, an applicant in a non-metropolitan area will determine the low and moderate income level based on the higher of either 80 percent of the median income of the parish or 80 percent of the median income of the entire non-metropolitan area of the state. The annual income limits for low/moderate income persons for each parish are provided in Appendix 3. The FY 1992 median income for non-metropolitan

area of the state. The annual income limits for low/moderate income persons for each parish are provided in Appendix 3. The FY 1992 median income for non-metropolitan Louisiana was \$26,100; therefore, the non-metropolitan state low/moderate income level would amount to \$20,900 and the low income limit would be \$13,050. The low and moderate income levels for applicants in Metropolitan Statistical Areas (MSAs) will be determined on the basis of the entire MSA.

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

# OF PERSONS IN HOUSEHOLD	% OF PARISH/MSA* MEDIAN INCOME
1	70
2	80
3	90
4	100
5	108
6	116
7	124
8	132
9	140
10	148

For each person in excess of 10, add an additional eight percent.

*MSA = Metropolitan Statistical Area

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

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

Where n = required number of households in sample

Where N = total number of occupied households in target area

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

B. *PROGRAM OBJECTIVES.* Each activity must address one of the two national objectives previously identified under Section I. Program Goals and Objectives.

C. *RATING SYSTEMS.* All applications submitted for housing, public facilities, and economic development projects were or will be rated according to the following criteria established for each program category.

Each housing and public facilities application was rated/ranked against all similar activities in the appropriate program category/subcategory.

1. HOUSING (Total of 100 points)

All housing activities which are funded under the LCDBG Program must be consistent with the state's Comprehensive Housing Affordability Strategy (CHAS), as required in the Cranston-Gonzalez National Affordable Housing Act.

All units which will be rehabilitated or replaced must be

occupied by low/moderate income persons. Proof of ownership for owner occupied substandard units targeted for housing assistance must be verified by the applicant through the local Clerk of Court's office or another method which has been approved by the state prior to the submittal of the application. Also, the number of housing target areas may not exceed two. In delineating the target areas, it must be kept in mind that the boundaries must be coincident with visually recognized boundaries such as streets, streams, canals, et cetera; property lines cannot be used unless they are also coincident with visually recognized boundaries. All houses rehabilitated within the FEMA 100-year floodplain must comply with the community's adopted flood damage prevention ordinance, where applicable.

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

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

of owner occupied units to be rehabilitated and replaced + # of vacant units to be demolished inside the target area = 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 were arrayed and the top ranked applicant(s) received 25 points. All other applicants received points based on how they scored relative to that high score:

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

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

Rental units which are occupied by low/moderate income persons are eligible as long as the number of rental units to be treated does not exceed 10 percent of the total owner occupied units proposed for rehab; the rehab of rental units will not affect the impact score in any way. All units must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards.

(b) NEEDS ASSESSMENT (Maximum Possible Points-25)

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

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

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

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

(c) PROJECT FEASIBILITY (Maximum Possible Points-50)

This was rated based upon the project's cost effectiveness and overall needs of the area including housing as well as infrastructure.

2. INNOVATIVE HOUSING

The state will develop the criteria for evaluating applications for innovative housing and will notify all eligible applicants of such through a direct mailing. These applications will be accepted at a different and separate time from the regular housing applications.

3. PUBLIC FACILITIES (Total of 81 Points)

For the purpose of ranking public facilities projects, subcategories were established (sewer systems for collection and/or treatment, water systems addressing potable water, water systems primarily for fire protection and other).

Any public facilities project that is funded must completely remedy existing conditions that violate a state or federal standard established to protect public health and safety.

(a) BENEFIT TO LOW/MODERATE INCOME PERSONS (Maximum Possible Points - 10)

Projects consisting of more than one activity which involve different numbers and percentages of beneficiaries for each activity must specifically identify the numbers and percentages for each activity.

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

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

- 90% or more - 5 points
- at least 80% but less than 90% -4 points
- at least 70% but less than 80% -3 points
- at least 60% but less than 70% -2 points
- less than 60% - 0 points

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

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

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

(b) COST EFFECTIVENESS (Maximum Possible Points - 20)

Cost estimates per person benefitting were carefully evaluated. The cost per person benefitting was calculated for all projects. All applicants for the same type project (sewer systems for collection and/or treatment, potable water, water for fire protection, and other) were grouped and each of these groups was then grouped by whether the project is for a new system, improvements to an existing system, or both. Once all of these separate groups were established, they were separated into categories based on the number of persons benefitted. An average cost per person benefitting was then determined for each of these categories. Each applicant in a given category was scored relative to the average cost per person figure determined for that given category. An average cost project received 10 points, a project with a lower than average cost per person benefitting received more than 10 points (a maximum of 20), and a project with a higher than average cost per person received fewer than 10 points. The following formula was used to determine the cost effectiveness points for each applicant in each grouping:

$$\text{CE Points} = \frac{\text{Average Cost per Person Benefitted}}{\text{Applicant Cost per Person Benefitted}} \times 10$$

If the calculation yielded more than 20, it was revised downward to the 20 point maximum. This allowed all applications for new sewer systems, sewer system repairs, new water systems, water system repairs, et cetera to be rated against similar type projects. It also allowed those projects benefitting many people and those benefitting few people to be rated against other projects helping a similar number of persons.

(c) 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 systems for collection and/or treatment and water systems addressing potable water and fire protection.

In assigning points for project severity, the following general criteria was critiqued by the cognizant review agency as determined by the Division for the type of project proposed.

Water systems primarily for fire protection purposes - well capacity, reliability of supply, amount of water stored, extent of hydrant coverage or spacing, and water pressure and volume for fire fighting. A comprehensive approach must be taken for the target area as all factors relating to the remedy of fire protection problems will be assessed. If funds were requested for a fire truck, the service area of that truck was also evaluated for availability of water, size of lines, hydrant spacing, et cetera. For example, if a community applied for a fire truck which would serve an area having water lines of an inadequate size, a lower overall rating would be assigned.

Water systems addressing potable water and sewer systems - the existence of conditions in violation of those provisions of the State Sanitary Code that most directly safeguard public health and the adequacy of the proposed improvements to eliminate such conditions. Compliance with the Environmental Quality Act, size of facility, uses of receiving stream, environmental impact upon receiving stream, and human health impact were also taken into consideration for all projects involving sewerage treatment facilities. The assessment was based upon the problem as documented by DHH and DEQ records, the relative degree of risks to human health posed and the number of persons most directly affected.

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

The specific details of the existing problems and proposed project had to be provided so that the reviewing agency could accurately assess the project. A lower assessment of the project could have resulted due to the submittal of incomplete information; in those instances, the reviewing agency will not re-evaluate its assigned score. The re-evaluation of assigned scores will only be allowed in those cases where a mathematical error occurred or when the reviewing agency determines that it made an error in assigning the score.

(d) USE OF LOCAL FUNDS (Maximum Possible Points-1)

Those applicants which injected local funds into project construction received one bonus point. This point was only assigned when the amount of local funds met or exceeded 10 percent of the total construction costs (including contingencies and acquisition but excluding administrative and engineering services costs). The 10 percent calculation did not include any local funds which would be used to pay for any engineering and/or administrative services but did include any local funds which would be used to pay off loans received from other state, federal, or private sources.

To substantiate the availability of local funds, one of the following items was required as a part of the application: a letter from the local governing body stating the specific source and amount of local cash, a line of credit letter from a financial institution such as a bank stating the amount available as a loan, specific evidence of funds to be received from a tax or

bond election that was or will be held, or a letter from another funding agency stating that an application for a loan has been received and is currently being considered for funding. Any funds for which the one point was credited must be available for commitment to the project at the time of grant award or the one point will be eliminated from the total score.

4. ECONOMIC DEVELOPMENT

The economic development program category involves two types of projects: loans to a business/developer and grants to the local governing body. The specific requirements of each type are identified herein and must be adhered to according to type. Although most economic development awards will involve only one type, both types (loan and grant) may be involved in one award.

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

An application for LCDBG economic development funds may be submitted at any time during the year.

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

The state will recoup 100 percent of the payback of LCDBG economic development loans (program income to the state) unless the local governing body will utilize the payback for expansion of the originally funded development. These program income funds received by the state will be placed in an Economic Development Revolving Loan Fund which will be used to supplement funding for economic development projects. These funds will be subject to the federal regulations regarding use of program income. The interest rate charged on the LCDBG economic development loan depends on the financial and cash flow projections of the applicant business. This rate will be determined in the application review.

In some instances it may be necessary and appropriate for a local unit of government to receive a grant for infrastructure improvements or the acquisition, construction, or rehabilitation of a building needed by a specific developer before his proposed job creation project can be fully implemented. (The term "specific developer" herein relates to a single private business entity that possesses a federal tax identification number.) This economic development grant could be used by the local unit of government to provide sewer, water, and street/road access on public property to the industrial/business site. It cannot be used to acquire, construct, or rehabilitate a building or to create a general industrial park project with the hope that a business client will then be attracted. It must be tied to a specific developer creating a specific number of jobs for low to moderate

income people. Although the grant will be tied to a specific developer, all/any other developments that occur within the life of the program as a result of the infrastructure improvements must also be considered to fall under LCDBG requirements. Therefore, when preparing the closeout documents, the job creation/retention and low/moderate income figures would be the total of all of the benefitting businesses in aggregate.

It must be a "but for" situation, where the business cannot locate or expand at that site unless the particular infrastructure is provided. The developer must show why this location, which lacks proper infrastructure, must be used instead of another site which already has proper infrastructure. The developer must provide sufficient financial and other statements, projections, et cetera to establish that the business is likely to be successful, and will create the appropriate number of jobs at the site in a specified time frame.

Certain assurances by the developer, related to the timing of his development on the site, will be required. Other agreements between the local governing body and the developer/property holder, relative to public rights of way, et cetera will be required as needed on an individual project basis.

The maximum amount available to the local governing body for an infrastructure or building acquisition, construction, or rehabilitation type project grant is \$10,000 per job created or retained, with a \$1,035,000 limit for infrastructure improvements on any single project (including a building and improvements) or a \$335,000 limit for the acquisition, construction, or rehabilitation of a building and improvements, including parking lots. In those instances where a local governing body has received a grant for the acquisition, construction, or rehabilitation of a building and improvements and the building is sold within 10 years of the purchase date, an amount equal to the sales price (excluding any lease payments previously made to the state) shall be returned to the state. The sales procedure to be followed by the local governing body must be approved in writing by the Division prior to the sale.

The following five requirements must be met by all economic development applicants:

A. A firm financial commitment from the private sector will be required upon submission of the application.

For a loan, the private funds/public funds ratio must not be less than 1:1 for manufacturing firms with Standard Industrial Code classifications of 20-39. A private to public ratio for non-manufacturing firms must have a ratio of 2.5:1.

For a grant to the local governing body for infrastructure improvements and/or for the acquisition, construction, or rehabilitation of a building and improvements for economic development, the private funds/public funds ratio for grant funds less than \$500,000 must be 1:1 and for grant funds in excess of \$500,000 must be 2:1. For example, if a local governing body requests \$700,000 as a grant for infrastructure improvements, the private funds/public funds ratio would have to be 1:1 for the first \$500,000 and 2:1 for the remaining \$200,000 requested.

In addition, the state must be assured that non-manufacturing projects will have a net job creation impact on the community and not simply redistribute jobs around the community.

Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the terms of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs, nor any recaptured funds. The value of land,

buildings, equipment, et cetera, already owned by the developer and which will be used in the new or expanded operation, will not be considered as private match.

Personal endorsement from all principals of corporations, partnerships, or sole proprietorships shall be required on the LCDBG loan documents. The principals shall: 1) endorse the LCDBG loan to the corporation and 2) guarantee the payment and fulfillment of any obligation of the corporation. These endorsements will be made jointly to the local government and state of Louisiana. Normally, a principal is defined as owning five percent or more of the business.

B. If cost per job created or retained exceeds \$15,000 for a loan to a developer or \$10,000 for a grant to the local governing body, the application will not be considered for funding.

C. A minimum of 10 jobs created or retained is required for LCDBG economic development assistance.

D. A minimum of 60 percent of the employment will be made available to people who at the time of their employment have a family income that is below the low to moderate income limit for the parish where the development occurs (see Appendix 3).

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

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

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

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

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

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

D. DEMONSTRATED NEEDS FUND

A \$2.5 million reserve fund will be established to alleviate critical/urgent community needs. The ceiling amount for demonstrated needs projects is \$225,000.

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

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

1. GENERAL ELIGIBILITY

Proposed activities must be eligible under Section 105 (a) of the Housing and Community Development Act of 1974, as amended (see Appendix 2). These funds will only be awarded, however, to projects involving improvements to existing water, sewer, and gas systems. Fire trucks and firefighting equipment are not eligible for funding under the Demonstrated Needs Fund.

Each proposed activity must address one of the two national objectives.

2. CRITICAL/URGENT NEED - PROJECT SEVERITY

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

The project evaluation request will be submitted to the appropriate cognizant agency by the applicant. In addition to the stipulation that the critical/urgent need must have developed within six months prior to submittal, the cognizant agency will rate the severity or urgency of the project on a scale of 1 to 10 based upon the same criteria established by the cognizant agency for determining program severity for public facilities projects. Only those projects receiving a rating of nine or ten from the cognizant agency will be fundable.

3. APPLICATION REQUIREMENTS

All items and forms necessary for a regular public facilities application will also be required for demonstrated needs. An application will not be considered unless all items, including the completed evaluation form from the cognizant agency, are included in the application package.

E. SUBMISSION REQUIREMENTS

Applications shall be submitted to the Division on forms provided by the Division and shall include the following:

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

i. Identification of the national objective(s) that the activity will address.

ii. A detailed description of each activity to be carried out with LCDBG assistance. The description of each activity must clearly identify the target area or areas by street names, highway names or numbers for each street serving as a boundary of the target area. The written description must clearly and exactly conform to the designated area or areas on the map(s). A detailed cost estimate is also required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated. If the applicant is applying

for a public facilities project, the description must specifically describe what means will be taken by the applicant to ensure that adequate revenues will be available to operate and maintain the proposed project; the description must identify the source of and estimated amount of funds that will be generated for this purpose.

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

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.

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

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

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

iii. location of concentrations of 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.

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

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

(5) Certification of Assurances. The certificate of assurances required by the state, relative to federal and state statutory requirements, shall be submitted by all applicants; this certificate includes, but is not limited to, Title VI, Title VIII, Section 109, and affirmatively furthering fair housing. In addition, each recipient should target at least 15 percent of all grant monies for minority enterprises. All assurances must be strictly adhered to; otherwise, the grant award will be subject to penalty.

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

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

(8) Certification to Promote Fair Housing Opportunities.

Applicants are required to certify that they will make every effort to further fair housing opportunities in their respective jurisdictions.

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

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

- i. The amount of funds available for proposed community development and housing activities;
- ii. 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;
- iii. 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.
- iv. If applicable, the applicant must provide citizens with information regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published after the first public hearing has been held but before the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities, and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the proposed submittal date of the application. In order to provide a forum for citizen participation relative to the proposed activities, a second hearing must be held to receive comments and discuss the proposed application. The details on this second hearing must be included in the second public notice. The notice must inform the citizens that accommodations will be made for individuals with handicaps and non-English speaking persons. The second public hearing must also be held prior to the submittal of the application.

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

Each applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The applicant shall provide adequate information to citizens, hold public hearings at the initial stage of the planning process to obtain views and proposals of citizens, and provide opportunity to comment on the applicant's community development performance. In order to

achieve these goals each applicant shall prepare and follow a written citizen participation plan that incorporates procedures for complying with the following regulations (a-f). The plan must be made available to the public at the beginning of the planning stage, i.e., the first public hearing.

The written plan must:

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

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

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

(d) provide for public hearings to obtain citizens' views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped and non-English speaking persons.

(e) provide for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

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

(11) Certification Regarding Lead-Based Paint. The applicant must certify that its notification, inspection, testing, and abatement procedures concerning lead-based paint are in compliance with Community Development Block Grant regulations.

(12) Certification on Excessive Use of Force. This certification requires each unit of general local government to be distributed Title I funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent Civil Rights demonstrations in accordance with Section 104(l) of Title I of the Housing and Community Development Act of 1974, as amended.

(13) Certification Regarding Government-Wide Restrictions on Lobbying. The applicant must certify that no federally appropriated funds have been paid for any lobbying purposes regardless of the level of government.

(14) Certification Prohibiting Discrimination of Handicapped Individuals. Applicants shall provide written certification that as a recipient of LCDBG funds, and subject to Section 504 of the Rehabilitation Act of 1973, as amended, they will prohibit discrimination based on handicap under any program or activity, in whole or in part, receiving federal financial assistance from the Department of Housing and Urban Development. This certification guarantees that the recipient will complete a self-evaluation and transition plan, if applicable, and actively pursue remedying discrimination based on handicap as required by Section 504. This certification further obligates the recipient for the period during which federal financial assistance

is extended.

(15) Section 102 Disclosures and Certifications. In accordance with Section 102 of the United States Department of Housing and Urban Development Reform Act of 1989, all applicants for Community Development Block Grant funds will be required to make certain disclosures pertaining to assistance from other government sources in connection with the project, the financial interests of persons in the project, the sources of funds to be made available for the project, and the uses to which the funds are to be put.

(16) The state may require additional certifications from applicants/recipients whenever so required by federal regulations.

(17) 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.

(18) 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 by the state. Material received after the deadline will not be considered as part of the application, unless requested by the state.

F. APPLICATION REVIEW PROCEDURE

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

(2) The application submission requirements must be complete.

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

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

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

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;

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

(6) Criteria for disapproval of an application. The Division may disapprove an application for any of the following reasons:

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

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

iii. 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.

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

v. The proposed activity is not eligible for funding or one of the two national objectives is not being met.

G. PROGRAM AMENDMENTS FOR LCDBG PROGRAM

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

A. 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.

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

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

IV. ADMINISTRATION

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

V. REDISTRIBUTION OF FUNDS

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

With the following exceptions and the stipulations identified in Section II.E., the monies as defined above will be placed in the current program year's public facilities category and will be used to fund the project(s) with the highest score that was not initially funded. This policy will govern all such monies as defined herein from the FY 1984, FY 1985, FY 1986, FY 1987, FY 1988, FY 1989, FY 1990, FY 1991, FY 1992, and FY 1993 LCDBG Program years as well as subsequent funding cycles, until later amended. One exception to this rule is that funds recaptured from economic development grants/loans which were not spent by the grant recipients will initially be transferred to the current economic development program category. Those monies remaining in the economic development program category at the end of the FY 1993 program year will be transferred to the public facilities category for distribution as described in Section II. E. Another exception is that all funds recaptured by the state from the payback of economic development loans will be placed in an economic development revolving loan fund which will be used to supplement funding for economic development projects. These funds will be subject to

the federal regulations regarding use of program income.

These regulations are to become effective upon publication as a rule in the *Louisiana Register* and are to remain in force until they are amended or rescinded. Anyone having any comments should submit them in writing by January 15, 1993, to Susan Elkins, Policy and Programs Director, Office of Community Development, Division of Administration, Box 94095, Baton Rouge, LA 70804-9095.

APPENDIX 1

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 3

1991 Median Family Income
By Parish and MSA

Parish	1991 Median Family Income	Low/Mod Income* Limit	Low Income* Limit
Acadia	\$ 23,200	\$ 20,900	\$ 13,050
Allen	26,900	20,900	13,050
Ascension	See MSA - Baton Rouge		
Assumption	28,000	22,400	13,850
Avoyelles	20,700	20,900	13,050
Beauregard	29,900	21,900	13,050
Bienville	25,200	20,900	13,050
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	22,900	20,900	13,050
Cameron	35,300	25,900	13,900
Catahoula	22,000	20,900	13,050
Claiborne	26,500	21,200	13,250
Concordia	26,300	21,050	13,150
Desoto	27,100	21,700	13,550
E. Baton Rouge	See MSA - Baton Rouge		
East Carroll	18,800	20,900	13,050
East Feliciana	33,800	25,300	13,350
Evangeline	21,300	20,900	13,050
Franklin	21,600	20,900	13,050
Grant	23,800	20,900	13,050
Iberia	31,000	24,800	15,500
Iberville	36,200	27,050	13,350
Jackson	25,200	20,900	13,050
Jefferson	See MSA - New Orleans		

1991 Median Family Income
By Parish and MSA
(Continued)

Parish	1991 Median Family Income	Low/Mod Income* Limit	Low Income* Limit
Jefferson Davis	30,300	22,250	13,050
Lafayette	See MSA - Lafayette		
Lafourche	See MSA - Houma-Thibodaux		
LaSalle	26,300	21,050	13,150
Lincoln	30,400	24,300	15,200
Livingston	See MSA - Baton Rouge		
Madison	19,300	20,900	13,050
Morehouse	23,500	20,900	13,050
Natchitoches	24,300	20,900	13,050
Ouachita	See MSA - Monroe		
Plaquemines	34,800	27,850	17,400
Pointe Coupee	31,100	23,300	13,350
Rapides	See MSA - Alexandria		
Red River	22,800	20,900	13,050
Richland	21,900	20,900	13,050
Sabine	\$ 24,600	\$ 20,900	\$ 13,050
St. Bernard	See MSA - New Orleans		
St. Charles	See MSA - New Orleans		
St. Helena	23,700	20,900	13,050
St. James	34,000	27,200	15,600
St. John the Baptist	See MSA - New Orleans		
St. Landry	23,600	20,900	13,050
St. Martin	See MSA - Lafayette		
St. Mary	33,200	26,550	16,600
St. Tammany	See MSA - New Orleans		
Tangipahoa	25,100	20,900	13,050
Tensas	18,900	20,900	13,050
Terrebonne	See MSA Houma - Thibodaux		
Union	25,400	20,900	13,050
Vermilion	25,400	20,900	13,050
Vernon	21,200	20,900	13,050
Washington	23,900	20,900	13,050
Webster	25,900	20,900	13,050
W. Baton Rouge	See MSA - Baton Rouge		
West Carroll	19,600	20,900	13,050
West Feliciana	29,800	22,300	13,350
Winn	21,500	20,900	13,050

*For those parishes which have a median family income less than the State nonmetropolitan median family income (\$26,100), the low/mod income and the low income limits were based on the State nonmetropolitan median family income.

MSA-Metropolitan
Statistical Areas

MSA Alexandria, LA1	29,800	23,850	14,900
MSA Baton Rouge, LA2	36,800	29,450	18,400
MSA Houma-Thibodaux, LA3	32,700	26,150	16,350
MSA Lafayette, LA4	36,300	29,050	18,150
MSA Lake Charles, LA5	36,500	29,200	18,250
MSA Monroe, LA6	28,900	23,100	14,450
MSA New Orleans, LA7	35,100	28,100	17,550
MSA Shreveport, LA8	34,400	27,500	17,200

Footnotes:

- 1 Includes Rapides Parish only.
- 2 Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.

APPENDIX 4

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Acadia	\$ 15,792	\$12,634	\$ 8,844	\$ 7,896	\$ 5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA - Shreveport				
Caddo	See MSA - Shreveport				
Calcasieu	See MSA - Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
Desoto	14,887	11,910	8,337	7,444	5,211
E. Baton Rouge	See MSA - Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA - New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,829	6,180
Lafayette	See MSA - Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,650	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

1980 Median Family Income
By Parish and MSA
(Continued)

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Sabine	\$ 13,519	\$ 10,815	\$ 7,571	\$ 6,760	\$ 4,732
St. Bernard	See MSA - New Orleans				
St. Charles	23,223	18,578	13,005	11,612	8,128
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John the Baptist	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA - New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermilion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,641	10,913	7,639	6,821	4,775
Webster	See MSA - Shreveport				
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

Alexandria, LA1	\$15,741	\$12,593	\$ 8,815	\$ 7,871	\$5,510
Baton Rouge, LA2	21,301	17,041	11,929	10,651	7,456
Lafayette, LA3	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA4	21,316	17,053	11,937	10,658	7,461
Monroe, LA5	17,140	13,712	9,598	8,570	5,999
New Orleans, LA6	19,196	15,357	10,750	9,598	6,719
Shreveport, LA7	18,158	14,526	10,168	9,079	6,355

Footnotes:

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

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

Raymond Laborde
Commissioner

used to benefit local governing bodies in the areas of housing, public facilities, and economic development.

To ensure that the local units of government do not have to expend local funds to administer these grants, administrative funds are provided in the grant to cover the cost of program implementation.

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

The LCDBG Program basically benefits persons of low/moderate income throughout the state. Persons will be directly affected by this program through improved housing conditions and infrastructure improvements (water and sewer systems) and the creation of jobs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Raymond J. Laborde
Commissioner of Administration

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor
Patient's Compensation Fund Oversight Board

Actuarial Study; Annual Report

The Patient's Compensation Fund Oversight Board (the board), under authority of the Louisiana Medical Malpractice Act, R.S. 40:1299.41, et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., advertises its intent to amend LAC 37:III. Chapter 7 pertaining to the date which the actuarial study and application for surcharge rates or rate changes must be completed, and to amend LAC 37:III. Chapter 13 pertaining to the date which the annual statement of the financial condition of the Patient's Compensation Fund at December 31 of the preceding year must be prepared.

Title 37
INSURANCE

Part III. Patient's Compensation Fund Oversight Board
Chapter 7. Surcharges

§703. Annual Actuarial Study

A. An actuarial study of the fund and the surcharge rate structure necessary and appropriate to ensure that it is and remains financially and actuarially sound shall be performed annually by the PCF's consulting actuary on the basis of actuarial analysis of all relevant claims experience data collected and maintained by the fund. In conjunction with the executive director, the consulting actuary shall, on behalf of the board, develop and prepare for submission to the LIRC an application for surcharge rates or rate changes. The actuarial study and application for surcharge rates or rate changes shall be completed each year on or before April 15.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:175 (February 1992), amended LR 19:

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Rule Title: La Community Development Block Grant (LCDBG) Program (FY 1993 Final Statement)

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

Approximately \$640,000 in federal funds will be provided to administer the FY 1993 LCDBG Program; a state match of \$540,000 required and will be allocated in the Division's budget over a six-year period. As in the past, the state will maximize the use of in kind services to match the federal funds.

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

The state anticipates receiving approximately \$27,000,000 in federal funds of which \$26,360,000 will be

Chapter 13. Fund Data Collection, Maintenance; Accounting and Reporting

§1311. Annual Report

On or before July 1 of each year, the executive director shall cause to be prepared an annual statement of the financial condition of the fund at December 31 of the preceding year, which statement shall be substantially in the form of the annual report required to be filed by liability insurance companies authorized to do business in this state, and which statement shall have been audited or reviewed by the legislative auditor or by an independent certified public accountant. Such statement shall be submitted to the governor, the board, and the legislature on or before July 1 of each year, and shall be a public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), amended LR 19:

Interested parties may submit inquiries and written comments on the proposed amendment until 4:30 p.m., December 20, 1992, to Suanne Grosskopf, Executive Director, Patient's Compensation Fund Oversight Board, 200 Lafayette Street, Suite 600, Baton Rouge, LA 70801 and/or Larry M. Roedel, General Counsel, Patient's Compensation Fund Oversight Board, 2237 S. Acadian, Suite 504, Baton Rouge, LA 70808.

Suanne Grosskopf
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Rule Title: Actuarial Study; Annual Report

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

There will be no costs (savings) to other state or local governmental units as a result of this proposed rule amendment. The costs to implement the amendment will include printing, copy charges, and associated costs of publication, administrative overhead expenses, and legal fees, all of which should not exceed \$1,500. This amount will be paid by the Patient's Compensation Fund, R.S. 40:1299.44 et seq., from statutory dedications, i.e., absorbed/paid from available monies in the budget FY 92-93. There is no need at this time to increase staff to handle the implementation of this amended rule.

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

There is no material effect on the revenue collections of state or local governmental units from implementation of this amended rule.

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

The proposed amendment will have no costs or economic benefits to directly affected persons or non-governmental groups. The proposed amendment sets forth the date which the actuarial study and application for surcharge rates or rate changes must be completed and the date which the annual statement of the

financial condition of the fund at December 31 of the preceding year must be prepared.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition and employment from implementation of this amendment.

Suanne Grosskopf
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

Complaints-Informal Dispositions (LAC 46:XXXIII.1101)

In accordance with the provisions of the Administrative Procedure Act, R.S.49:950 et seq., and the Dental Practice Act, R.S.37:751 et seq., and R.S.37:760 (8), notice is hereby given that the Board of Dentistry intends to amend the following rule:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 11. Provisions for Informal Disposition of Complaints

§1101. Implementation of the Dental Practice Act to the extent that it affects administrative procedures of the State Board of Dentistry pertaining to 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.

Informal resolution procedures may be used in lieu of formal adjudication hearings at the election and discretion of the president of the board and with a majority concurrence of the Disciplinary Oversight Committee comprised of three members of the board, none of whom are to reside within the same board electoral district as the licensee subject to the investigation.

After receiving and reviewing the initial complaint against the dentist or dental hygienist the board president is to determine the desirability of informal disposition of that complaint. The board president may select informal as opposed to formal adjudication of the complaint. The complaint may include any grounds recited in LSA R.S.37:776 and 37:777 or other section of the Dental Practice Act, as amended. The president may elect among the following informal resolution procedures:

A. Informal Disposition number one (Correspondence between board and licensee):

1. A letter is mailed to the licensee from the board,

through its president, outlining the nature of the complaint and inviting the licensee's response. Upon evaluation of that response, the board, through its president and one other board member, may thereafter investigate the matter further or consider the matter unworthy of further investigation; however, the board is at no time prohibited by these rules from taking, at any time, whatever additional actions it deems appropriate.

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

B. Informal Disposition number two (Conference between board members and licensee on a "dentist-to-dentist" basis):

1. The president of the board sends correspondence to the licensee outlining the nature of the complaint. The letter will inform the licensee that there is to be a conference, conducted informally, on a personal "dentist-to-dentist" basis. The correspondence will inform the licensee that his appearance is voluntary, that no record will be made of the conference, and will also inform the licensee of the date, time, and location of the conference.

2. Thereafter, the president of the board will instruct the executive director to contact the licensee to confirm the licensee's voluntary attendance at the informal "dentist-to-dentist" conference, and will further advise the licensee which records, if any, he is to produce for the conference.

3. If the matter is not resolved to the satisfaction of all parties, then, after the board member (s) assigned to conduct the conference have reported to the president of the board, the latter may then recommend whatever further action, if any, he deems necessary.

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

C. Informal Disposition number three (When required by statute, rule or court order to allow opportunity to demonstrate compliance with Act):

1. When required by statute, rule or order of a court of competent jurisdiction to allow a licensee an opportunity to demonstrate compliance with this Act before formal charges are brought against the licensee, a meeting shall be offered to the licensee and shall be conducted in a manner consistent with informal disposition number two of this rule. Notice of this offer shall also inform the licensee that he may request a record be made, at his expense, of the meeting to show his compliance with the Act. The licensee shall have three working days from receipt of notice to advise the board whether he wishes to participate in such a meeting, and whether he wishes a record be made of such meeting.

After the commencement of informal resolution proceedings or formal adjudication proceedings, at any time, the board and the licensee may agree to settle or dispose of the matter by way of consent decree, evidenced by a document which shall be reduced to writing, signed by the licensee, before two witnesses, and thereafter submitted to the board president for his signature. The approval of the agreement shall thereafter be placed on the agenda of the next board meeting, considered for ratification, and, if so ratified, be given full force and effect and become a final action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:760 (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 13:178 (March 1987), amended LR 19:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S.49:953 (A) (2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Rule Title: Complaints-Informal Dispositions

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be no effect on revenue collections by the Louisiana State Board of Dentistry or any other state or local governmental unit.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Dental Assistants (LAC 46:XXXIII.Chapter 5)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Board of Dentistry intends to amend the following rules:

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Professions

Chapter 5. Dental Assistants

§501. Authorized Duties

A. A dental assistant is one who is employed by and works in the office of a licensed, practicing dentist and performs the duties authorized by the Louisiana State Board of Dentistry under the direct on-premises supervision, direction and responsibility of the dentist.

B. A dental assistant may only perform the following under the direct on-premises supervision of the dentist who employs her or him as directly ordered by the dentist.

1. Serve as the dentist's chairside assistant.
2. Take and develop dental radiographs and intra-oral photographs.
3. Take and record pulse, blood pressure and temperature.
4. Apply:
 - a. non-aerosol topical anesthetics;
 - b. topical fluorides following prophylaxis by a dentist or dental hygienist;
 - c. desensitizing agents;
 - d. non-endodontic oxygenating agents.
5. Chart existing restorations and missing teeth, floss teeth and make preliminary inspections of the mouth and teeth with a mouth mirror and floss only.
6. Give intra-oral instructions and demonstrations on oral hygiene procedures.
7. Receive removable prostheses for cleaning or repair work.
8. Remove cement from dental restorations and appliances, with hand instruments, limited to the clinical crown.
9. Make dental plaque smears.
10. Place or remove pre-formed crowns or bands for determining size only when recommended by the dentist and only under his or her supervision.
11. Place or remove ligatures, cut and tuck ligatures, remove tension devices and any loose or broken bands or arch wires.
12. Place a removable retaining device in the mouth of a patient.
13. Remove final impressions.
14. Apply and remove rubber dams.
15. Make preliminary study model impressions and opposing model impressions.
16. Fabricate and remove interim crowns or bridges (interim meaning temporary while permanent restoration is being fabricated).
17. Condition teeth prior to placement of orthodontics bands or brackets.
18. Place or remove temporary orthodontic separating devices.
19. Remove sutures, post-extraction dressing and surgical ligature ties.

Exception: A dental assistant who has been employed by a licensed, practicing dentist and has worked as a dental assistant prior to July 30, 1992, may continue performing the following duties without registering as an expanded duty dental assistant. These duties must also be performed under the direct, on-premises supervision of the dentist.

- a. Apply cavity liners, excluding capping of exposed pulpal tissue.
- b. Place, wedge or remove matrices for restoration by the dentist.
- c. Place and remove periodontal dressings, except for

the placement of the initial dressing.

- d. Place and remove retraction cords.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry (October 1970), amended LR 2:186 (June 1976), LR 7:586 (November 1981), LR 15:965 (November 1989), LR 16:505 (June 1990), LR 19:

§502. Expanded Duty Dental Assistants General Provisions

A. Expanded duty dental assistants shall be those dental assistants who have a minimum of six months experience as a chairside dental assistant. Experience as a chairside assistant should not be less than six months in one dental practice. In order to become certified by the Louisiana State Board of Dentistry as an Expanded Duty Dental Assistant, one must have met one of the following requirements:

1. graduate from a dental assistant program accredited by the Commission on Dental Accreditation of the American Dental Association;
2. successfully pass a Dental Assisting National Board; or
3. successfully pass a course, no less than 30 hours of instruction, approved by the Louisiana State Board of Dentistry (See Guide to Curriculum Development).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

§503. Authorized Duties of Expanded Duty Dental Assistants

An expanded duty dental assistant may perform the following duties:

1. all duties contained in Chapter 5, Authorized Duties of Dental Assistants;
2. apply acid-etch liquids and gels; apply cavity liners, excluding capping of exposed pulpal tissue;
3. place, wedge or remove matrices for restorations by the dentist;
4. coronal polishing prior to or after the placement or removal of bands, crowns, and restorations or after the removal of dressings or packs, excluding periodontal dressings and packs, or after scaling by a dentist or hygienist, or prior to rubber dam placement, fluoride application or acid-etch procedures;
5. place or remove temporary separating devices;
6. place and remove periodontal dressings, except for the initial dressing;
7. place and remove retraction cords.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

§504. Guide to Curriculum Development for Expanded Duty Dental Assistants

Cognitive Objectives

Before becoming registered to perform expanded duty dental assistant functions, dental assistants should be tested on the reasons for doing these procedures, the criteria for correct performance of these procedures, and the effects of improper performance of these procedures. The dental assistant shall be familiar with the State Dental Practice Act and the rules and regulations governing dental auxiliaries.

This testing shall be included within 30 hours of instruction as stated in Section (B)(3) of the rule.

The following is a model outline for the expanded duty dental assistant course. The hours are to be allocated by the instructor in accordance with current law.

A. Introduction: What is an expanded duty dental assistant?

B. Jurisprudence: Legal duties of auxiliaries, limitation of auxiliary services, responsibility of dentists for all services provided under dentist's supervision, responsibility of auxiliaries to perform only those functions that are legally delegated, penalties for violation of dental practice act, mechanism to report to the board violations of dentists and/or auxiliaries.

C. Infection control and prevention of disease transmission, dental assistants' responsibilities in upholding universal barrier techniques and OSHA rules.

D. Handling dental emergencies.

E. Charting.

F. Oral Anatomy, Morphology of the Teeth, Medical and Dental History for the Dentist's Review (vital signs, drug evaluation, medical laboratory reports, ascertaining the patient's chief dental problem).

G. Overview of Dental Materials: Cavity liners, temporary restorations, temporary crown materials, periodontal dressings, post-surgical packs, acid-etch materials.

H. Coronal Polishing-Rationale, Materials, Techniques, Contraindications.

I. Lab on Coronal Polishing and Performance Evaluation: Half of lab period shall be spent practicing on typodonts while second half shall be spent practicing on partners.

J. Lecture on use of gingival retraction cords, types of cords, placement, and removal of cords.

K. Lab on placement and removal of retraction cords and performance evaluation—lab period shall be spent practicing on mannequins.

L. Lab on placement of cavity liners, placement of temporary restorations, fabrication and placement of temporary crowns, placement of periodontal dressings, placement of post-surgical packs, performance of acid-etch technique, placement and removal of wedges and matrices, performance evaluation.

M. CPR course C.

N. Clinical exam instructions.

O. Clinical and written exams.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

§505. Authorized Providers of Instruction for Expanded Duty Dental Assistant Courses

1. Louisiana State University School of Dentistry; or
2. Louisiana state schools of allied health including vocational technical schools; or

3. designated dentists, and/or dental hygienists, and/or EDDAs under the direction of the institutions listed in 1 and 2 provided they have been legally trained to serve as instructors and have had a minimum of five years experience as a dental assistant; or

4. other entities as may be designated by the board.

5. The board reserves the right to randomly monitor any and all courses given under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

§506. Expanded Duty Dental Assistant Certificate Confirmation Fee and Re-Confirmations

Expanded duty dental assistants shall be charged an initial certification confirmation fee. A certificate re-confirmation fee shall be renewed no more than once in every three calendar years. Said fees shall be determined according to Chapter 4 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the Board within 60 days of this notice. A request pursuant to R. S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Dental Assistants

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

There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry or any other state or local governmental units.

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

There will be no effect on revenue collections by the Louisiana State Board of Dentistry or any other state or local governmental unit. A minimal certificate confirmation fee of \$25 which could be renewed no more than once every three years will be collected by the Louisiana State Board of Dentistry. However, printing and administrative costs will neutralize this charge.

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

There will be no costs and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Dental Hygienists Authorized Duties

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq, and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Board of Dentistry intends to adopt the following rules:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 7. Dental Hygienists

§701. Authorized Duties

A. A dental hygienist is defined as a graduate of a training school for dental hygienists, which is approved by the Louisiana State Board of Dentistry, who is licensed by this board and requested to practice as such in the state of Louisiana.

B. A dental hygienist may only perform the following under the direct on-premises supervision of the dentist who employs her or him, or under the direct on-premises supervision of a dentist who assumes responsibility for the treatment of that patient.

1. Operate in the office of a licensed dentist only under his direct on-premises supervision.
2. Operate in any public institution or school but at all such times under the general direction and supervision of a licensed dentist.
3. Perform all of the specific duties listed in R.S. 37:766 and those authorized for dental assistants.
4. Remove socket dressings, irrigate oral wounds and remove sutures.
5. Perform oral prophylaxis.
6. Apply topical medicaments.
7. Polish fillings including the polishing to smooth any overhanging margins of fillings or uneven surface or the enamel.
8. Insert and remove temporary fillings.
9. Place and remove rubber dam.
10. Perform deep scaling, root planing, polishing with hand or mechanical instruments.
11. Prepare and place initial periodontal packs, remove, and prepare subsequent periodontal packs.
12. Take impression for study models.
13. Acid-etch and placement of fissure sealant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:791 (November 1988), amended LR 19:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be

made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Rule Title: Dental Hygienists Authorized Duties

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections by the Louisiana State Board of Dentistry or any other state or local governmental unit.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefit to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Dentistry-Lasers (LAC 46:XXXIII.Chapter 13)

In accordance with the provisions of the Administrative Procedure Act, R.S.49:950 et seq., and the Dental Practice Act, R.S.37:751 et seq., and R.S.37:760 (8), notice is hereby given that the Board of Dentistry intends to adopt the following rule.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 13. Dental Laser Use

§1301. Requirements

A laser may be employed in the treatment of a dental patient only by a licensed dentist. A dentist may not delegate to dental auxiliaries any laser procedure or treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

§1302. Procedures

A. Patients, dental assistants, dental hygienists,

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

Fees and Costs

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and the Dental Practice Act R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Board of Dentistry intends to amend the following rule:

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIII. Dental Health Professions**

Chapter 4. Fees and Costs

Subchapter B. General Fees and Costs

§411. Miscellaneous Fees and Costs

For providing the services indicated, the following fees shall be payable in advance to the board:

* * *

H. Up to one-half of an official list of all licensed dentists or all licensed dental hygienists \$250

I. Handling and mailing costs, per page . . \$1

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8)

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 14:791 (November, 1988), LR 19:

* * *

Subchapter F. Fees for Expanded Duty Dental Assistant

For processing applications for certificate confirmations, the following fees shall be payable in advance to the board:

§420. Certificate Confirmation and Re-Confirmation Fees

A. Initial certificate confirmation fee \$25

B. Certificate re-confirmation fee (not more than once every three calendar years) \$25

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
Rule Title: Fees and Costs**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.

dentists, and all other office personnel in the vicinity of the laser operatory must wear protective glasses appropriate to filter out the working and/or aiming beam wavelengths. Each patient must be adequately protected for the specific wavelength(s) being used.

B. Laser operators shall have a sign placed just outside the door indicating that a laser device is in use. This sign must detail the potential danger of walking into a laser operatory without proper eye protection.

AUTHORITY: Promulgated in accordance with R.S.37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

§1303. Approval of Training

Prior to commencing use of a laser for dental purposes, a dentist must provide proof to the board for each laser type to be used that at least eight hours of training in the use of each type has been completed. Training shall be performed by a person(s) qualified to do so on the particular type of laser to be used.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S.49:953 (A) (2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
Rule Title: Dentistry-Lasers**

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

There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.

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

There will be no effect on revenue collections by the Louisiana State Board of Dentistry or any other state or local governmental unit.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

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

There will be minimal effect on revenue collections by the Louisiana State Board of Dentistry which will be offset by administrative costs.

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

There will be minimal cost and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

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

It is not anticipated that the proposed rules will have any effect on the board's revenue collections.

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

It is not anticipated that the proposed rules will have any impact on receipts and/or income of persons who may be indirectly affected by adoption of the proposed rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Delmar Rorison
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Medical Examiners**

Acupuncturists and Acupuncturists' Assistants

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by R.S. 37:1360 and 37:1270(B)(6), and the provisions of the Administrative Procedure Act, intends to adopt rules governing the certification and practice of acupuncturists and acupuncturists' assistants. (LAC 46:XLV, Subpart 2, Chapter 21, §§2101-2129; Subpart 3, Chapter 51, §§5101-5113.)

Copies of this proposed rule are available from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA and from the Board of Medical Examiners at the address below.

Interested persons may direct inquiries or submit data, views, arguments, information or comments on the proposed amendments, in writing, to Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Written comments must be submitted to and received by the board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Delmar Rorison
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**Rule Title: Certification and Practice of Acupuncturists
and Acupuncturists' Assistants**

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

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

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Medical Examiners**

**Occupational Therapy; Permits; Home Health Setting
Supervision**

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by R.S. 37:3001-3014, 37:1270(B)(6), and the provisions of the Administrative Procedure Act, intends to amend its rules governing the licensure and practice of occupational therapists and occupational therapy assistants, to provide for a temporary permit pending an applicant's personal appearance before the board and to provide for the supervision of occupational therapy assistants to practice in home health settings. (LAC 46:XLV, Subpart 2, §1942, and Subpart 3, §4925) The rules as they are proposed to be amended are set forth below.

Title 46

**Professional and Occupational Standards
Part XLV. Medical Profession**

Subpart 2. Licensure and Certification

**Chapter 19. Occupational Therapists and Occupational
Therapy Assistants**

Subchapter E. Temporary License

§1942. Permit Pending Appearance Before Board

The board may issue a temporary permit to an applicant for licensure as an occupational therapist or occupational therapy assistant who possesses and meets, and has evidenced satisfaction of, all of the qualifications and requirements for licensure provided by this Chapter save for having made a personal appearance before the board, or its designee, as provided by §1913 of this Chapter. A temporary permit issued under this Section shall be valid and effective for not longer than 60 days from the date on which it is issued and shall expire, and thereby become null, void and to no effect, on the date that the

board takes formal action to grant or deny the applicant's application for permanent licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:

Subpart 3. Practice

Chapter 49. Occupational Therapists and Occupational Therapy Assistants

Subchapter B. Standards of Practice

§4925. Supervision of Occupational Therapy Assistant in Home Health Setting

A. An occupational therapy assistant may administer occupational therapy in the home health setting under the supervision of a licensed occupational therapist, without the necessity of the continuous physical presence of the supervising occupational therapist, provided that the following conditions and restrictions are strictly observed and complied with:

1. The occupational therapy assistant shall have had not less than two years experience in providing occupational therapy in a physical disability setting prior to assuming responsibility for the provision of occupational therapy in a home health environment.

2. Before the occupational therapy assistant undertakes to provide occupational therapy to or for a client in a home health setting, the licensed occupational therapist under whose supervision the occupational therapy assistant may provide services shall have conducted an assessment of the client and have established the goals and treatment plan for the client.

3. Each client in a home health setting to whom an occupational therapy assistant administers occupational therapy shall be visited jointly by the occupational therapy assistant and the supervising licensed occupational therapist not less frequently than once every two weeks or every fifth treatment session.

4. All therapy administered by an occupational therapy assistant in a home health setting shall be promptly, accurately and completely documented by the occupational therapy assistant and, within 72 hours of the completion of such documentation, countersigned by the supervising occupational therapist.

B. The administration of occupational therapy in a home health setting by an occupational therapy assistant other than in accordance with the provisions of this Section shall be deemed a violation of these rules, subjecting the occupational therapy assistant to suspension or revocation of licensure pursuant to §4921(A)(18).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:

Interested persons may direct inquiries or submit data, views, arguments, information or comments on the proposed amendments, in writing, to Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at Suite 100, 830 Union Street, New Orleans, Louisiana 70112-1499. Written comments must be submitted to and received by the board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Delmar Rorison
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Occupational Therapy; Permits; Home Health Setting Supervision

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is not anticipated that the proposed rules will result in any additional costs to the board of Medical Examiners.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is not anticipated that the proposed rules will have any effect on the board's revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It is not anticipated that the proposed rules will have any impact on receipts and/or income of persons who may be indirectly affected by adoption of the proposed rules.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is not anticipated that the proposed rules will have any material impact on competition or employment in either the public or private sector.

Delmar Rorison
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Physical Therapy**

Physical Therapist Assistant

In accordance with the Louisiana Administrative Procedure Act, R.S.49:950 et seq., notice is hereby give that the Louisiana Board of Physical Therapy Examiners intends to amend LAC 46:LIV Chapters 1 and 3.

These proposed rules and regulations clarify the licensure, practice, and supervision of physical therapist assistants. Slight changes and clarifications were made regarding the reporting of continuing education hours.

Copies of the proposed rules may be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804 and the office of the Louisiana State Board of Physical Therapy Examiners, 120 Representative Row, Lafayette, LA 70508-3834.

A public hearing on these proposed rules will be held on Monday, December 28, 1992, at 9:30 a.m. at the office of the Louisiana State Board of Physical Therapy Examiners , 120 Representative Row, Lafayette, LA 70508-3834. Please contact the board office at (318) 235-1462 to confirm whether or not the public hearing will be conducted.

Written comments concerning the proposed rules may be directed to Paul A. Lambothe, Jr. Chairman. Such comments should be submitted no later than Friday, December 11, 1992.

Rebecca Lege'
Board Member

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Physical Therapist Assistant

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

The board will incur an implementation cost for 92/93 of \$25,000 for beginning the process of licensing physical therapy assistants. The major part of that cost is for the purchase of nationally standardized licensing examinations for testing qualified applicants. There will be a small increase in secretarial time spent on application processing, printing, and paper supplies. Estimated costs for 93/94 are \$9,250 and for 94/95, estimated costs are \$12,420. These costs will be covered by board self-generated funds.

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

The board anticipates an increase in revenue from license application fees for 92/93 of \$48,000. This first year's revenue will be much higher than succeeding years because the first year provides for grandfathering of P. T. aides who have at least two years experience in a P.T. Clinic and who can pass the licensing examination. In 1993/94 and 94/95, etc., the number of applications will depend upon the number of graduates produced by associate degree granting programs. Revenue will also be collected from reciprocity candidates from other states and license renewal fees each year.

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

Individuals applying for licensure as physical therapist assistants after graduation from an approved associate degree program or under the grandfather clause will have to pay the licensure examination fee of \$225. Those who become licensed in 1993, must pay a renewal fee of \$5 each year to maintain a license to practice. Benefits to these individuals will be high job demand and security as well as increased salaries.

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

Since there is a critical shortage of physical therapists nationwide as well as in Louisiana, licensed physical therapist assistants will be in high demand. Hiring PTA's to assist P.T. with patient treatment is a more attractive option to hospitals, rehab centers, public school systems, nursing homes and private P.T. clinics than paying enormous recruitment fees to find and hire foreign trained physical therapists.

Rebecca Lege'
Board Member

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Veterinary Medicine**

Preceptorship Requirements

In accordance with the applicable provisions of the Administrative Procedure Act, R.S.49:950 et seq., and the Louisiana Veterinary Practice Act, R.S.37:1518 and 37:1523 et seq., notice is hereby given that the Louisiana Board of Veterinary Medicine intends to amend Rule 1103 as follows:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 11. Intern Program

§1103. Definitions

*** * ***

A.1. Repealed as of March 20, 1993.

2. On and after July 1, 1992, the program shall consist of:

a. Not less than five weeks in training in an approved private clinical practice situation under the direct supervision of a practicing licensed veterinarian.

b. Repealed as of March 20, 1993

B.-C...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 16:232 (March 1990), amended by the Department of Health and Hospitals, Board of Veterinary Medicine LR 19:

Interested persons may submit written comments on the proposed rule to the board offices by contacting: Vikki Riggle, Executive Director, Louisiana Board of Veterinary Medicine 200 Lafayette Street, Suite 604 Baton Rouge, LA 70801-1203, until December 9, 1992 12 noon.

A public hearing on this matter will be held at the offices of the Louisiana Board of Veterinary Medicine at 10 a.m. on Wednesday, December 30, 1992.

Vikki Riggle
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Preceptorship Requirements

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

It is not anticipated that the proposed rule amendment will result in any additional costs to the State Board of Veterinary Medicine.

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

No effect on revenue collections of any state or local government is anticipated.

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

No change in costs and/or economic benefits is expected for any non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change should have no effect whatsoever on competition or employment.

Vikki Riggle
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

HIV Reporting

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, proposes to amend the Sanitary Code, State of Louisiana, Chapter II, Section 2:003 to read as follows:
2:003 The following diseases are hereby declared reportable:

- | | |
|---|---|
| Acquired Immune Deficiency Syndrome | Malaria |
| Amebiasis | Measles (rubeola)* |
| Anthrax | Meningitis (Haemophilus) |
| Aseptic meningitis | Meningococcal infection (including meningitis)* |
| Blastomycosis | Mumps |
| Botulism* | Mycobacteriosis, atypical*** |
| Brucellosis | Ophthalmia neonatorum** |
| Campylobacteriosis | Pertussis (whooping cough) |
| Chancroid** | Plague* |
| Cholera* | Poliomyelitis |
| Chlamydial infection** | Psittacosis |
| Diphtheria* | Rabies (animal and human) |
| Encephalitis (specify primary or post-infectious) | Rocky Mountain Spotted Fever |
| Erythema infectiosum (Fifth Disease) | Rubella (German measles)* |
| Foodborne illness* | Rubella (congenital syndrome) |
| Genital warts** | Salmonellosis |
| Granuloma Inguinale** | Shigellosis |
| Gonorrhea** | Syphilis** |
| Hepatitis, Viral (specify type) | Tetanus |
| Herpes (genitalis/neonatal)** | Trichinosis |
| Human Immunodeficiency Virus (HIV) infection**** | Tuberculosis*** |
| Legionellosis | Tularemia |
| Leprosy | Typhoid fever |
| Leptospirosis | Typhus, murine (fleaborne, endemic) |
| Lyme Disease | Vibrio infections (excluding cholera) |
| Lymphogranuloma Venereum** | Yellow fever* |

Report cases on green EPI-2430 card unless indicated otherwise below.

*Report suspected cases immediately by telephone. In addition, all cases of rare or exotic communicable diseases and all outbreaks shall be reported.

**Report on STD-43 form. Report cases of syphilis with active lesions by telephone.

***Report on CDC 72.5 (f. 5.2431) card.

****Report on Lab 94 form (Retrovirus). Name and street address are optional but city and ZIP code must be recorded.

All reportable diseases and conditions other than the venereal diseases, tuberculosis and those conditions followed by asterisks should be reported on an EPI-2430 card and forwarded to the local parish health unit or the Epidemiology Section, Box 60630, New Orleans, Louisiana 70160, phone (504) 568-5005.

Other Reportable Conditions

- | | |
|-----------------------------------|---|
| Cancer | Severe under-nutrition (severe anemia, failure to thrive) |
| Complications of abortion | Sickle Cell Disease (newborns) |
| Congenital Hypothyroidism | Spinal cord injury***** |
| Lead poisoning | Sudden Infant Death Syndrome (SIDS) |
| Phenylketonuria | |
| Reye Syndrome | |
| Severe traumatic head injury***** | |

*****Report on DPP-3 form; preliminary telephone report from emergency room encouraged {(504) 568-2509}.

A public hearing will be held on December 29, 1992 at 11 a.m. at the Department of Social Services, Office of Family Support, 2601 Tulane Avenue, New Orleans, in the second floor auditorium.

Interested persons may submit written comments on the proposed rule until January 5, 1993 at the following address: Meg Lawrence, M.D., Medical Director, Office of Public Health, HIV/AIDS Services, Box 60630, New Orleans, LA 70160.

J. Christopher Pillely
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
Rule Title: HIV Reporting**

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

There are no estimated implementation costs to the state or local government units. The expansion of the AIDS Surveillance System to accept HIV reporting will be 100 percent federally funded. The estimated cost is \$84,026 for FY 92-93. (This program will not begin before March 1, 1993.)

FY 92-93	FY 93-94	FY 94-95
\$84,026	\$237,718	\$247,118
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collection of state or local governments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is expected that federal funding will be tied in the future total HIV-infected individuals, rather than AIDS cases. HIV-reporting would then be the method

by which those funds for care of infected individuals would be apportioned to the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action would increase the number of individuals employed by the Office of Public Health by six. It will have no other effect on competition or employment.

Larry Hebert, M.D.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

Tanning Facilities and Equipment

The Department of Health and Hospitals, Office of Public Health, Environmental Health Division, Sanitarian Services Section, Food and Drug Unit, proposes to amend the following rules pertaining to the regulation of tanning facilities and equipment. This rule is being proposed in response to Act 432 of 1992 which amended the Tanning Facility Regulation Act of 1990 and amendments to the tanning facility regulation final rule which were submitted by the department during a public hearing on January 28, 1992.

The text below represents amended sections of the current tanning facilities and equipment regulations which were promulgated and became effective March 20, 1992.

§49:8.0020 Definitions

Authorized agent— an employee of the department designated by the state health officer to enforce the provisions of the Act. The responsibility for implementing the provisions of the Act has been assigned to the Food and Drug Unit of the Office of Public Health of the Department of Health and Hospitals.

Consumer — any individual who is provided access to a tanning facility which is required to be registered pursuant to provisions of these regulations.

Act—Tanning Facility Regulation Act unless the text clearly indicates a different meaning. All definitions and interpretations of terms given in the Act shall be applicable also to such terms when used in these regulations.

Department—the Department of Health and Hospitals and **Secretary**—a course of instruction approved by the department and presented under formal classroom conditions by a qualified expert possessing adequate knowledge and experience to offer a curriculum, associated training, and certification testing pertaining to and associated with the correct use of tanning equipment.

Individual—any human being.

Operator—any individual designated by the registrant to operate or to assist and instruct the consumer in the operation and use of the tanning facility or tanning equipment.

Persons—any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency thereof, and any legal successor, representative, agent, or agency of these entities.

Phototherapy device—a piece of equipment that emits ultraviolet radiation and is used by a health care professional in the treatment of disease.

Registrant—any person who has filed for and received a certificate of registration-permit issued by the department as required by provisions of these regulations.

State Health Officer—the employee of the department who is the chief health care official of the state as provided for in R.S. 40:2.

Tanning equipment—ultraviolet or other lamps and equipment containing such lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

Tanning facility—any location, place, area structure, or business which provides consumers access to tanning equipment. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at separate locations, shall constitute separate tanning facilities.

Tutor—a person appointed to have the care of the person of a minor and the administration of his or her estate.

Ultraviolet radiation—electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nonometers.

§49:8.0030 Exemptions

* * *

3. Any individual is exempt from the provisions of these regulations to the extent that such individual owns tanning equipment exclusively for non-commercial use.

* * *

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:

§49:8.0040 Certificate of Registration - Permit

* * *

4. A fee of \$50 shall accompany each initial application for a certificate of registration - permit. Make check or money orders payable to the Food and Drug Unit/Department of Health and Hospitals.

5. Each tanning facility operating within the state for which an application for registration - permit and fee has been received by the department shall be issued a temporary registration - permit until such time that an inspection of the tanning facility and equipment can be made and it is determined that a permanent registration - permit to operate can be issued.

* * *

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:

§ 49:8.0060 Renewal of Certificate of Registration - Permit

* * *

2. An annual renewal fee of \$25 shall accompany each annual renewal. Make check or money order payable to the Food and Drug Unit/Department of Health and Hospitals.

* * *

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:
§49:8.0090 Prohibited Acts; Advertisement

* * *

3. No person or tanning facility may claim health benefits from the use of a tanning device unless such claims have been approved in advance by the state health officer.

* * *

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:
§49:8.0100 Denial, Suspension, or Revocation of a Certificate of Registration - Permit

* * *

(4) For failure to allow authorized representatives of the department to enter the tanning facility during normal business hours for the purpose of determining compliance with the provisions of these regulations, the Tanning Facility Regulation Act, conditions of the certificate of registration - permit, or an order of the department.

* * *

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:
§49:8.0120 Warning Signs Required

* * *

2. The sign required by this Section shall be printed in upper and lower case letters which are at least one-half inch and one-quarter inch in height, respectively, and shall contain the following warnings:

"DANGER - ULTRAVIOLET RADIATION"

- Follow instruction.

- Avoid overexposure. As with natural sunlight, repeated exposure to ultraviolet radiation can cause chronic sun damage characterized by premature aging of the skin, wrinkling, dryness, fragility and bruising of the skin, and skin cancer.

- Wear protective eyewear.

"FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR PERMANENT INJURY TO THE EYES"

- Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe that you are especially sensitive to sunlight. Pregnant women or women taking oral contraceptives who use this product may develop discolored skin.

"IF YOU DO NOT TAN IN THE SUN YOU ARE UNLIKELY TO TAN FROM THE USE OF ULTRAVIOLET RADIATION OF TANNING EQUIPMENT"

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:
§49:8.0170 Operational Requirements

A. Each tanning facility must be operated under the requirements set forth by R.S. 40:2713.

B. Each tanning facility shall establish and adhere to

effective procedures for cleaning and sanitizing each tanning bed or booth as well as goggles before and after use of such equipment by each consumer.

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:
§ 49:8.0180 Information Provided to Consumers, Warnings

A. Each tanning facility operator shall provide each consumer, prior to initial exposure, a written warning statement as required by R.S. 40:2714 (A). Such warning statements shall be signed by each consumer and maintained permanently on file at the tanning facility. A copy of the signed warning statement shall be given to each consumer. Copies of such warning statements shall be available for review during inspections by duly authorized agents of the state health officer.

The written warning statement shall warn that:

1. failure to use eye protection provided to the customer by the tanning facility may result in damage to the eyes;

2. overexposure to ultraviolet light causes burns;

3. repeated exposure may result in premature aging of the skin and skin cancer;

4. abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain:

a. foods;

b. cosmetics;

c. medications, including tranquilizers, diuretics, antibiotics, high blood pressure medicines, and oral contraceptives;

d. any person taking prescription or over-the-counter drugs should consult a physician before using a tanning device.

5. a person should not sunbathe before or after exposure to ultraviolet radiation from sunlamps.

B. Consumer warning statements acknowledged by each consumer by signature prior to initial exposure shall be maintained on file within the tanning facility and shall be made readily available for review by authorized agents of the Department of Health and Hospitals, Office of Public Health.

C. The registrant shall maintain for six years a record of each consumer's total number of tanning visits, dates, and duration of tanning exposures.

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:
§49:8.0200 Provisions for Minors

Before any person between 14 and 18 years of age uses a tanning device, the tanning facility shall secure a statement signed at the tanning facility by the person's parent or tutor stating that the parent or tutor has read and understood the warnings given by the tanning facility, consents to the minor's use of a tanning device, and agrees that the minor will use the protective eyewear that the tanning facility provides. A person 14 years of age shall be accompanied by a parent or tutor when using a tanning device.

AUTHORITY NOTE: R.S. 40:2701-40:2719
Tanning Facility Regulation Act.

HISTORICAL NOTE: Adopted and promulgated by the Department of Health and Hospitals - Office of Public Health, Food and Drug Unit, March, 1992, amended LR 19:

A public hearing on the proposed rule has been scheduled for 10 a.m. Tuesday, December 29, 1992. The public hearing will take place at the Department of Social Services, Office of Family Support, second floor auditorium, 2601 Tulane Ave., New Orleans, LA 70119.

Interested persons may submit written comments on the proposed rule to the following address: Tony J. Vaccarella, Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, Box 60630, New Orleans, LA 70160. Written comments must be received by the Department of Health and Hospitals on or before January 5, 1993 in order to be considered.

J. Christopher Pilley
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
Rule Title: Tanning Facility**

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

There should be no implementation costs or savings to state or local governments as a result of passage of this action.

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

It is estimated that self-generated revenues will be reduced by as much as \$10,000 for fiscal years 1992-93 and 1993-94 and \$13,000 for fiscal year 1994-95.

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

Tanning Facility Registrants should spend less money to provide consumer warning signs inside tanning facility units or booths.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No apparent effect on competition and employment.

Larry J. Hebert
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Personal Care Attendant Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule in the Medicaid Program.

Medicaid of Louisiana proposes to operate a home and community-based services waiver to provide Personal Care Attendant services to individuals in the community who meet

the qualifications set forth below. The waiver has been approved by the Department of Health and Human Services, Health Care Financing Administration under the provisions of Section 1915(c) of the Social Security Act for services beginning July 1, 1992. Individuals eligible to participate in the waiver are also eligible for all services available under the State Plan.

Under the waiver, personal care attendant services are available to a maximum of 20 individuals who meet certain medical and financial criteria during the first waiver year, 22 the second waiver year, and 24 the third waiver year. Financial eligibility is established according to existing Long Term Care criteria, including deeming of income, spousal impoverishment, and resource limits. The maximum income available to the individual is three times the Supplemental Security Income (SSI) amount. Personal Needs Allowance for waiver applicants is also three times the SSI amount.

Services under the waiver are restricted to individuals who:

1. are disabled according to Medicaid criteria. If the client is SSI-eligible, he/she is deemed to have met this requirement. If not SSI-eligible, a disability determination must be made as part of the financial eligibility process;
2. meet level of care criteria for nursing facility level of institutional care;
3. are between 18 and 55 years of age when admitted to the waiver. Those attaining higher ages will be permitted to continue in the waiver as long as continuous certification is maintained;
4. have lost sensory or motor functions to such an extent that they require assistance with personal care needs, domestic or cleaning needs, dressing and undressing, moving into and out of bed, ambulation, and related services;
5. require at least 14 hours a week of personal assistance, which services are necessary and sufficient to prevent or remove the client from placement in an institutional setting;
6. are capable of directing the activities of the person providing the services;
7. have gross income less than 300 percent of the SSI amount;
8. meet other income and resource limitations applicable to individuals institutionalized in a nursing facility.

Only individuals meeting these criteria will be considered for personal care attendant waiver services. Applicants in each service area who meet all the criteria above shall be ranked by degree of need using the Degree of Need formula. Those with the highest scores fill the slots allocated to the provider in their area in that order. Subsequent new or vacated slots will be filled by applicants having the highest scores in that service area at the time the unoccupied slot becomes available.

Special benefits available to waiver recipients which are not available to other Medicaid recipients are limited to personal care attendant services. Services are provided by licensed Personal Care Attendant (PCA) agencies who choose to enroll specifically to be providers for this waiver. In addition to licensing requirements for PCA services, providers of waiver services are required to conform to regulations contained in the Personal Care Attendant Waiver Provider Manual. Those provisions expressly provide for a strong case management component comprised of formulation of a comprehensive plan of care, and continuing case management responsibilities on the part of the agency.

PROPOSED RULE

Personal Care Attendant waiver services are provided under the provisions of the approved waiver document, and requirements and guidelines contained in the Personal Care Attendant Waiver Provider Manual.

Interested persons may submit written comments to the following address: John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on Monday, December 28, 1992 in the Department of Transportation and Development auditorium, 1201 Capitol Access Road, Baton Rouge, LA 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.

J. Christopher Pilley
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Personal Care Attendant Services

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

Implementation of this rule is projected to increase state expenditures by \$62,0261 in SFY 1992-93; \$73,001 in SFY 1993-94; and \$85,198 in 1994-95.

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

Implementation of this rule is projected to increase federal revenue by \$177,927 in SFY 1992-93; \$209,293 in SFY 1993-94; and \$244,262 in SFY 1994-95.

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

Personal care attendant providers who provide services to Medicaid recipients will be directly impacted as will Title XIX eligible recipients who receive the services. Total expenditures are \$239,988 in SFY 92-93; \$282,293 in SFY 93-94; and \$329,460 in SFY 94-95.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no known impact on competition or employment.

John Futrell
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Labor
Office of Workers' Compensation**

Workers' Compensation Hearing Officer Procedures

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 23:1310.1, the Department of Labor, Office of Workers' Compensation is hereby giving notice of its intent to amend and adopt rules and regulations in regard to the hearing officers process. The rules and regulations shall provide and govern the procedures for the Office of Workers' Compensation administrative hearing officers process and the individuals appearing before the hearing officers and dispute resolution mediators.

Comments should be forwarded to Alvin J. Walsh, Director, Office of Workers' Compensation, Box 94040, Baton Rouge LA 70804-9040. Written comments will be accepted through the close of business at 4:15 p.m. on December 29, 1992.

A copy of the full text of this proposed rule may be obtained at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804, telephone (504) 342-5015. (Please refer to Log 9211#078 when inquiring about this proposed rule.) A copy may also be obtained from Alvin J. Walsh, Office of Workers' Compensation, at the above address or by calling 1-800-824-4592.

Alvin J. Walsh
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Hearing Officer Procedures

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

These rule changes are designed to simplify and expedite those hearing officer rules and procedures already in effect and will require no further implementation costs.

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

Implementing this rule should not effect revenue collections of state or local governmental units.

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

The expedited and simplified procedures implemented by these amendments should provide a savings to employers, self-insured, insurance carriers and the more timely payment of benefits to employees. Additionally, we anticipate a non adjudatory resolution of 60 percent of all disputed claims through the mediation procedure with a greater reduction in attendant costs to all parties.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These provisions should have a beneficial effect on competition and employment, because of the

provision for more standardized and expedited hearing procedures and lower "legal friction" costs as a result of the mediation of disputes. Also, the mediation procedures offer employees and employers a mandatory face to face mediation procedure prior to service of process pursuant to recent legislation. While the process will lessen and reduce the number of lawyers needed to adjudicate a claim, it opens new opportunities for non legal individuals to be employed and represent corporations (insurance companies, etc.) before the hearing officers.

Gayle F. Truly
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Revenue and Taxation Tax Commission

Ad Valorem Tax

In accordance with Provisions of the Administrative Procedure Act R.S.49:950 et seq., and in compliance with statutory law administered by this agency as set forth in R.S.47:1837, notice is hereby given that the Tax Commission intends to adopt and/or amend sections of the Louisiana Tax Commission Real/Personal Property rules and regulations for use in the 1993 (1994 Orleans Parish) tax year.

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

Interested persons may submit written comments on the proposed rules until 4 p.m., December 7, 1992, at the following address: E. W. "Ed" Leffel, Property Tax Specialist, Louisiana Tax Commission, Box 66788, Baton Rouge, LA 70896.

Malcolm B. Price Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES Rule Title: Ad Valorem Tax

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to the agency are the costs of preparation, reproduction and distribution of updated regulations. These costs are estimated at \$11,250 for the 1992/93 fiscal year. These costs, which were previously absorbed by the agency's budget, are being reimbursed through a user service fee of \$15 per set.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Local Governmental Units-these revisions will generally slightly decrease 1993 personal property assessments for property of similar age and condition in comparison with equivalent assessments in 1992. Composite multiplier tables for assessment of most personal property decreased by an average of three percent. Specific valuation tables for assessment of oil and gas properties will generally increase by an

estimated 8 percent on wells and 21.5 percent on surface equipment. The net effect of these revisions is estimated to produce a negligible decrease of .01 percent or \$250,000 in 1993 assessments.

State Governmental Units-under authority granted by R.S.47:1838, the Tax Commission will increase state revenue collections generated by assessment service fees estimated to be \$208,000 from public service companies, \$27,000 from financial institutions and \$5,000 from insurance companies all of which are assessed by the Tax Commission.

In addition, user service fees adopted are estimated to increase revenue collections of \$2,000 (50 @ \$40) for rules and regulations manuals, \$9,000 (600 @ \$15) for annual manual updates and \$15,000 (750 @ \$20) for processing late LAT renditions for an assessment reduction.

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

The affects of these new rules on assessments of individual items of equivalent personal property will generally be slightly lower in 1993 than in 1992. However, oil and gas properties will be generally higher. Specific assessments will depend on the age and condition of the property subject to assessment.

The estimated costs that will be paid by affected persons as a result of the assessment and user service fees as itemized above total \$240,000 to be paid by public service property owners, financial institutions and insurance companies for 1992/93. User service fees to be paid by persons being provided such services are estimated at \$26,000 for the 1992/93 fiscal year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. Inasmuch as the proposed changes in assessments and charges are relatively small, the impact is thought to be minimal.

Ann R. Laurence
Executive Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Timber Stumpage Values

TITLE 7 AGRICULTURE AND ANIMALS Part XXXIX. Forestry

Chapter 201. Timber Stumpage §20101. Stumpage Values

The Office of Forestry and the Tax Commission, as required by R.S. 3:4343, adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1993:

- | | |
|----------------------|------------------------|
| 1. Pine Sawtimber | \$212.03 per M bd. ft. |
| 2. All Hardwoods | \$104.32 per M bd. ft. |
| 3. Pine Pulpwood | \$26.85 per Cord |
| 4. Hardwood Pulpwood | \$8.27 per Cord |

Paul D. Frey, State Forester
Office of Forestry

Malcolm B. Price, Chairman
Tax Commission

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Timber Stumpage Values

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

There are no additional implementation costs or savings to state or local units as a result of this rule change.

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

Estimated revenue for calendar year 1992 for timber severance taxes should be approximately \$9.5 million. For calendar year 1993, pine sawtimber will be assessed at \$212.03/MBF, pine pulpwood assessed at \$26.85/Cd., hardwood sawtimber will be assessed at \$104.32/MBF, and hardwood pulpwood assessed at \$8.27/Cd. Assuming production levels during 1993 will increase roughly one percent, expected revenue from timber severance should increase to approximately \$10.5 million. The State Treasury receives 25 percent of this tax and the parish from which the timber is severed receives 75 percent.

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

Purchasers of timber will be affected. However, the exact dollar amount is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The requirement of this office to assess market value of severed forest products and timber, with the approval of the parish governing authority and the Tax Commission, has been in effect for many years. The prevailing rate at which these values will be taxed has not changed. There should be negligible, if any, effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Rehabilitation Services**

Supported Employment Program

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Social Services, Louisiana Rehabilitation Services (LRS), hereby serves notice

of its intent to amend policy modifications to its Supported Employment Program as follows:

LRS Policy, Section XI

(A) (1). The client must meet LRS's eligibility criteria for severely disabled (Order of Selection Category I); and

(A) (2). The client must have an employment history which indicates that traditional competitive employment has not occurred or has been interrupted or intermittent as a result of substantial vocational handicaps; and

(A) (3). The client must be reasonably expected to achieve competitive employment through the supported employment program; and

* * *

(A) (5). The client must continue to need on-the-job monitoring by a job coach/trainer at frequent intervals in order to maintain employment (at least two visits per month at the jobsite or, if off-site monitoring is more appropriate, off-site monitoring of two off-site meetings with the individual and one employer contact per month is allowable).

* * *

(B) (2). Supported Employment services will be recorded on the LRS client's Individualized Written Rehabilitation Program (IWRP).

(B) (3). The Supported Employment provider will be responsible for providing the LRS counselor with a monthly progress report.

* * *

(C) (4). Transitional employment is an authorized supported employment option for individuals with chronic mental illness.

* * *

(D) (2). The time frame for this LRS service is not to exceed 18 months, unless a longer period to achieve job stabilization has been established in the IWRP before the individual with severe handicaps makes the transition to extended follow-up services.

(D) (3). Discrete post-employment services can be provided following transition to extend follow-along if they are unavailable from the extended follow-along services provider and are necessary to maintain employment. Examples of allowable services are:

- a. job station redesign;
- b. repair and maintenance of assistive technology;
- c. replacement of orthotic or prosthetic devices.

Copies of the Louisiana Rehabilitation Services (LRS) Policy Manual are available for review at the Office of State Register, 1051 North Third Street, Baton Rouge, LA 70804, and at the Louisiana Rehabilitation Office, 8225 Florida Boulevard, Baton Rouge, LA 70806, or at any LRS's nine regional offices throughout the state.

Public hearings beginning at 10 a.m. will be held on December 28, 29, and 30, 1992 in Shreveport, Alexandria, and New Orleans, respectively. The hearing locations are as follows:

Shreveport	1525 Fairfield Avenue	LRS Regional Office
Alexandria	900 Murray Street	LRS Regional Office
New Orleans	2026 St. Charles Avenue	LRS Regional Office.

All interested persons will be afforded an opportunity to express issues, views, or concerns at the hearings. Written commentary will also be accepted by LRS prior to the hearings, during the hearings, and up through January 13, 1993, after the hearings.

Gloria Bryant-Banks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Supported Employment Program

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will not be any implementation cost as this is an ongoing program within Louisiana Rehabilitation Service's.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no anticipated increase or decrease in revenue.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**
There is no anticipated impact.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There is no proposed change in competition and employment in the public and private sectors.

May Nelson
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Rehabilitation Services**

Supported Living Program

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., the Department of Social Services, Louisiana Rehabilitation Services, hereby serves notice of its intent to implement policy on the Supported Living Program.

Supported Living will provide the necessary support to allow eligible individuals to reside in an individualized community living arrangement.

The support provided will be based on identified needs, and can cover the following areas:

1. rent or living expense subsidy;
2. resource information and referral;
3. transportation;
4. homemaker services;
5. counseling;
6. in-home nursing and attendant care;
7. social and recreational;
8. medical support;
9. independent living and social skill training;
10. specialized equipment and supplies;
11. vehicle modification;
12. architectural modification to a home;

The purpose of this program will be to provide support and coordinate services to enable adults with severe physical and/or cognitive disabilities to live independently in small dispersed settings.

Copies of the Louisiana Rehabilitation Services (LRS) Policy Manual are available for review by the public at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804; at the LRS central office, 8225 Florida Boulevard, Baton Rouge, LA 70806; and at LRS's nine regional offices throughout the state.

Public hearings beginning at 10 a.m. will be held on December 28, 29, and 30, 1992 in Shreveport, Alexandria, and New Orleans, respectively. The hearing locations are as follows:

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New Orleans 2026 St. Charles Avenue LRS Regional Office

All interested persons will be afforded an opportunity to express issues, views, or concerns at the hearings. Written commentary will also be accepted by LRS prior to the hearings, during the hearings, and up through January 13, 1993, after the hearings.

Gloria Bryant-Banks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Supported Living Program

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will not be any implementation cost as this is an ongoing program within Louisiana Rehabilitation Services.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no anticipated increase or decrease in revenue.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**
There is no anticipated impact.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There is no proposed change in competition and employment in the public and private sectors.

May Nelson
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Treasury
Board of Trustees of the State Employees Group Benefits Program**

Act 601 of 1992

Pursuant to the authority granted by R.S. 42:871(c) and 874, and in accordance with R.S. 42:881 (added by Act 1992, No. 601), the Board of Trustees of the State Employees Group Benefits Program proposes to implement the following rule relative to groups which become participant employers in the State Employees Group Benefits Program with an effective date of coverage on or after July 1, 1993.

The following rules shall apply to any entity which initially becomes a participant employer in the State Employees Group Benefits Program (the program) with an effective date of coverage on or after July 1, 1993.

1. No entity authorized by law to participate in the program shall become a participant employer until such entity shall execute and deliver to the executive director an adoption

instrument, which shall include all terms and conditions required by the Board of Trustees, including, but not limited to the following:

a. a list of all active employees and another list of all retired employees receiving retirement income under an approved state retirement system, indicating for each such active and retired employee the name, social security number, sex, date of birth, date of employment, salary, prior coverage status and dependency class;

b. a statement of experience on the form provided by the program;

c. a certified copy of the board resolution or authority for participation in the program;

d. agreement to pay the program any terminal reserves and/or refunds available or which become available from the prior plan;

e. acknowledgement that coverage will not become effective and benefits will not be payable by the program until such time as the enrollment of employees has been completed with an initial enrollment of not less than the greater of (1) 85 percent of the number of employees participating in the prior plan and (2) 50 percent of the total number of eligible employees;

f. acknowledgement that should its participation level at any time following the initial enrollment fall below 50 percent of the total number of eligible employees, the Board of Trustees may, at its sole discretion, discontinue coverage for the group; and

g. acceptance of the whole plan of benefits, including the health and accident coverage and the full schedule of life insurance benefits.

2. For the purpose of establishing rates and premiums for the program's self insured indemnity plan, the Board of Trustees may group risks into one or more classifications. The rates and premiums for each classification shall take into consideration the loss experience in the classification, as well as other relevant factors.

a. For any entity which initially becomes a participant employer in the program with an effective date of coverage on or after July 1, 1993, if, on the initial effective date of coverage, or on any subsequent July 1, the number of employees of such entity who elect to participate in a health maintenance organization licensed to transact business in this state exceeds the number of employees who elect to participate in the program's self insured indemnity plan, the latter shall be grouped in a separate classification for the purpose of establishing rates and premiums.

b. The initial rates and premiums for such classification shall be based upon the loss experience of the classification during the previous year under prior plan.

c. For any subsequent fiscal year (July 1 - June 30), the rates and premiums for such classification shall be based upon the loss experience of the classification during the previous fiscal year, or portion thereof, in which they were members of the program.

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 December 18, 1992, at the following address: James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA. 70804.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
Rule Title: Act 601 of 1992**

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

There will be no measurable costs associated with the implementation of this rule change according to the Program's consulting actuary, the Martin E. Segal Company.

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

There will be no effect in revenue collections of state and local government units.

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

A key provision of the proposed rule states that an entity which joins the State Employees Group Benefits Program on or after July 1, 1993 will be risk-rated as of the July 1 on which HMO participation exceeds enrollment in the State Employees Group Benefits Program indemnity plan.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James R. Plaisance
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Treasury
Board of Trustees of the State Employees Group Benefits Program**

Fee Schedule Modifications

In accordance with the applicable provisions of the Administrative Procedure Act, R.S.49:953 (B), notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program intends to amend the fee schedule, effective October 8, 1992.

Adoption of the fee schedule is mandated by R.S.42:851.5. This adoption is necessary in order to adjust the amounts payable for those fee schedule codes that were identified as incorrect. Failure to adjust these codes to adequately reimburse medical providers could result in services being denied to members of the State Employees Group Benefits Program, resulting in imminent peril to the public health, safety, and welfare.

Written comments on the proposed fee schedule will be accepted until 4:30 p.m. on December 21, 1992. Please send comments to James R. Plaisance, State Employees Group Benefits Program, 5825 Florida Boulevard, Baton Rouge, LA 70806.

A copy of the proposed fee schedule can be viewed at the office of State Employees Group Benefits Program, 5825 Florida Boulevard, Baton Rouge, LA.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Fee Schedule Modification

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
According to the program's consulting actuary, the Martin E. Segal Company, any fiscal impact of this rule change will be negligible.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state and local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The directly affected persons of the rule change are the plan members of the State Employees Group Benefits Program. The new fee schedule codes mostly re-categorize existing procedures of which the program was already paying.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be affected.

James R. Plaisance
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Treasury
Board of Trustees of the State Employees Group
Benefits Program**

Plan Document

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program is amending the Plan Document. These changes affect the eligibility and benefits sections of the plan document.

This is necessary to incorporate the changes imposed by the Board of Trustees and the changes mandated by the legislature in the current plan document of benefits. Failure to do so will affect payment of health care benefits for employees of state government and participating school boards and state political subdivisions, and the dependents of such employees, who are covered by the State Employees Group Benefits Program.

Interested persons may contact James R. Plaisance, Executive Director, State Employees Group Benefits Program, 5825 Florida Boulevard, Baton Rouge, LA 70806. Written comments will be accepted through December 21, 1992.

Copies of this proposed rule can be obtained from the Office of the State Register, 1051 N. Third St., Room 512, Baton Rouge, LA 70804 and from the State Employees Group Benefits Program, 5825 Florida Boulevard, Baton Rouge, LA 70806.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Rule Title: Plan Document

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
According to the program's consulting actuary, the Martin E. Segal Company, this rule change will have no fiscal impact on the State Employees Group Benefits Program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state and local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None of the amendments are substantive with respect to eligibility or benefits; rather, they are clarifications of previous board action and administrative policy.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be affected.

James R. Plaisance
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

Freshwater Mussel

The secretary of the Department of Wildlife and Fisheries does hereby give notice of its intent to promulgate a rule to establish freshwater mussel harvest regulations.

TITLE 76

WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§161. Freshwater Mussel Harvest

A. Commercial Harvest

1. Permits

a. In addition to a commercial fishing license, all mussel harvesters must obtain a mussel harvester's permit issued by the department prior to initiation of commercial harvesting.

b. The secretary of the department shall have the authority to limit the number of mussel harvester permits, cease issuance of new permits, or close the season entirely if it is deemed necessary to protect the mussel resource.

c. In addition to a wholesale/retail dealer's license, all mussel buyers must obtain a mussel buyer's permit issued by the department.

2. Fees

a. An annual permit fee of \$100 for resident mussel fishermen and \$400 for non-resident mussel fishermen will accompany the permit application. This fee will be applicable for one calendar year. If the permit application is disapproved, the fee will be refunded to the applicant.

b. An annual permit fee of \$150 for resident mussel buyers and \$600 for non-resident mussel buyers will

accompany the permit application. This fee will be applicable for one calendar year. If the permit application is approved, the fee will be refunded to the applicant.

3. Gear. Mussels shall be harvested by hand only, with or without underwater breathing apparatus.

4. Species for Commercial Harvest

a. Only the following taxa may be legally harvested:

washboard	<i>Megaoloniais nervosa</i>
pimpleback	<i>Quadrula spp.</i>
three ridge	<i>Amblema plicata</i>
ebony shell	<i>Fusconaia ebena</i>
bluefer	<i>Potamilus (Proptera) purpuratus</i>
Asian clam	<i>Corbicula fluminea</i>

b. Only specimens larger than the following minimum sizes shall be harvested:

washboard	4 inches
three ridge and bluefer	3 inches
pimpleback and ebony shell	2 3/4 inches
Asian clam	no size limit

Minimum size will be measured by passing the specimen through a ring with the inside diameter equivalent to the minimum size given for each taxa. Only those individuals that will not pass through the ring (from any angle) may be retained. Any individuals that pass through the rings must be immediately returned to the original mussel bed unharmed.

5. Timing of Harvest. Mussels may be harvested year-round between official sunrise and official sunset; except that, commercial harvest of mussels will be closed on Saturdays and Sundays of each week.

6. Areas Open to Harvest

a. Unless otherwise stated, all publicly owned water bottoms in Louisiana outside of officially recognized saltwater areas (R.S. 56:322A and 322B) are open to harvest.

b. Because of the presence of threatened or endangered species of mussels, commercial mussel harvest is prohibited in the following areas:

i. Amite River from the junction with Bayou Manchac to the Mississippi state line.

ii. All of Rapides and Grant Parishes except the main channel of the Red River.

c. Additional areas may be closed by the secretary of the department if deemed necessary to protect local mussel populations.

7. Reporting

a. Commercial mussel harvesters and mussel buyers must file reports to the department of harvesting or buying activities conducted under their mussel permit on forms furnished by the department. Time and frequency of filing reports shall be specified on the permit and shall be subject to change by the department upon written notification to the commercial harvester or buyer. Written notification of changes and reporting requirements sent by the department to commercial harvesters or buyers at the address on permittee's most recent application or permit shall become part of the harvester's permit and must be maintained by the permittee along with the permit.

b. Commercial harvesters must contact the department and provide information on harvesting location at least 24 hours prior to the first day of harvesting activities on that location. The harvester must also notify the department within 24 hours when harvesting at that location has been completed. Information on harvesting locations will be given to the department but will be kept confidential.

8. Special Restrictions

a. Meats shall not be used or sold for human consumption.

b. Mussels shall be transferred whole (unopened with meat) from the collection site directly to an in-state buyer for processing.

c. Buyer must render meats unsuitable for human consumption then dispose of meats, as per Department of Environmental Quality regulations for disposal of solid waste.

d. If the mussel harvester prefers to personally process the mussels rather than sell whole mussels to a buyer, approval must be first obtained from the department. Meat disposal requirements will be the same for buyers under special restrictions as in Section C.

9. Penalties. Failure to abide by the above rules shall result in revocation of permit and forfeiture of future permits for a three-year period after which issuance or denial of a permit will be at the discretion of the secretary of the department.

B. Recreational Harvest

1. General Harvest Restrictions

a. Freshwater mussels may be taken year-round between official sunrise and official sunset for recreational purposes with a basic recreational fishing license. The daily possession limit is 50 whole mussels, or 100 separate valves, of one species or in aggregate.

b. Mussels shall be harvested by hand only; no diving with underwater breathing apparatus will be permitted.

c. No size limits will apply to recreational harvest.

d. All species of freshwater mussels may be harvested for recreational purposes except that no live or dead specimens of inflated heelsplitter (*Potamilus [Proptera] inflatus*) or Louisiana pearlshell (*Margaritifera hembeli*) may be harvested or intentionally disturbed.

2. Areas Open to Harvest

a. Unless otherwise stated, all public water bottoms in Louisiana outside of officially recognized saltwater areas (R.S. 56:322A and 322B) are open to harvest.

b. Because of the presence of threatened or endangered species of mussels, recreational mussel harvest is prohibited in the following areas:

i. Amite River from the junction with Bayou Manchac to the Mississippi state line.

ii. All of Rapides and Grant Parishes except the main channel of the Red River.

c. Additional areas may be closed by the secretary of the department if deemed necessary to protect local mussel populations.

3. Special Restrictions. Meats shall not be used for human consumption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:450.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 19:

Interested persons may submit written comments on the proposed rule to Bennie Fontenot, Jr., Administrator, Inland Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, January 6, 1993.

Joe L. Herring
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Freshwater Mussel Harvest Regulations

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

The proposed rule will have no implementation costs. Enforcement of the proposed rule and administration of permits will be carried out using existing staff.

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

Since this is the initiation of a new fishery, it is very difficult to estimate the number of freshwater musselers that will partake in the new fishery. However, it is felt that at least 25 residents and 50 non-residents can be conservatively estimated for a first year total of \$43,875 in purchases of commercial fishing licenses and permits. A conservative estimate of four resident and four non-resident buyers would expend a total of \$5,040 for the first year in purchases of wholesale/retail dealer's licenses and permit fees. The grand total is estimated to be \$48,915.

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

The freshwater mussel industry will increase employment and provide additional monetary benefits to all persons directly and indirectly involved as a result of this new industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employment will increase as a result of this proposed rule.

Frederick J. Prejean, Sr.
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

Wild Louisiana Stamp (LAC 76:1.Chapter 3)

The secretary of the Department of Wildlife and Fisheries does hereby give notice of its intent to establish the rules and regulations governing the Wild Louisiana Stamp and Print Program. These rules and regulations are as follows:

Title 76

WILDLIFE AND FISHERIES

**Part I. Wildlife and Fisheries Commission and Agencies
Thereunder**

Chapter 3. Special Powers and Duties

Subchapter G. Wild Louisiana

§323. Wild Louisiana Stamp and Print Program

A. Background. In 1992, Act 193 of the Louisiana State Legislature authorized the Wild Louisiana Stamp program to generate revenues to support the functions of the Louisiana Natural Heritage Program. Income is derived from

the sale of state Wild Louisiana Stamps to anyone ages 16-59 inclusive, as well as from the sale of limited-edition art reproductions of the design. A Wild Louisiana Stamp is required of anyone not in possession of a hunting or fishing license and utilizing department-administered lands. Stamps and prints are sold to collectors via normal retail sales outlets. The state will receive royalties from the sale of prints and revenue from the sale of Wild Louisiana Stamps.

B. Purpose. The primary purpose of the Wild Louisiana Stamp program is to produce revenue for the implementation and administration of Parts I, II, III, and IV of Chapter 8 of Title 56 and the natural heritage and non-game programs within the Department of Wildlife and Fisheries. Additionally, up to 25 percent of the revenue from the sale of the stamps may be used for maintenance and stewardship of department-administered lands.

C. Objectives

1. Obtain the highest quality work of art that will most accurately and eminently portray a Louisiana non-game species or natural habitat and will have broad appeal to art collectors.

2. Provide an opportunity for art collectors and users of lands managed by the Louisiana Department of Wildlife and Fisheries to contribute financial support to non-game wildlife projects in Louisiana.

D. General Guidelines

1. By tradition, most non-game conservation stamp art is highly realistic in style, exhibiting extensive detail in anatomy, and the natural setting. Although artists are free to submit any composition that they desire, highly stylized or unusual designs may be viewed as too incongruous by series collectors or may limit the breadth of appeal among print buyers.

2. A key aspect of non-game stamp art is the strength of the composition and dominance of the featured animal or natural habitat. Because the final image will be 6½" x 9" on the print and only 1¾" x 2" on the stamp, lighting, spatial arrangement and colors should provide a clean, attractive composition at both scales.

E. Specific Requirements

1. The subject of the Wild Louisiana Stamp and Print will be determined annually by the secretary of the Louisiana Department of Wildlife and Fisheries.

2. The design must be a full-color, realistic rendering of the subject. The setting must be appropriate to the natural habitat of the species.

3. The image must be horizontal, 13" x 18" and bear no signature or other marks that would identify the artist.

4. The design must be original, never have been published, and not have been entered in competition for any federal or state non-game stamp program. The department reserves the right to reject any and all images deemed to be copied from previously published work.

5. There is no restriction on media or substrate, but the department will not be responsible for damage or deterioration of pastels or other sensitive, unstable materials.

6. Each artist may enter only one design in the stamp competition.

7. Works must be matted in white to outside dimensions of 18½" x 23" and should be loosely covered with acetate or other protective overleaf, but must not be framed or covered with glass.

8. A card on the back of each entry must list the artist's name, mailing address and phone number. A brief

summary of the artist's background and credit should be enclosed.

9. All entries must be shipped in sturdy reusable containers bearing a legible return address, at the expense of the sender. Return shipping will be to the point of origin, unless requested otherwise, at the department's expense. The department will be held harmless for loss or damage during shipment.

10. All entries must be available for inclusion in public exhibits for one year from the close of competition. Entries not judged to be in the top selections may be returned sooner. The department reserves the right to photograph all entries for purposes of documentation, promotion, and education. Except for the 1992-93 original artwork, the winning entry will remain the property of the artist. The first of state original artwork will remain the property of the department.

F. Judging Criteria and Selection Procedures

The winning design will be selected by a panel of five judges who have expertise in biology or artistic methods and expression. At least one judge will be a Louisiana resident. Judges will be selected by the Louisiana Department of Wildlife and Fisheries. Judging will be done in three stages as follows: (1) the panel will screen and evaluate all entries and will select the top entries, (2) the panel will reevaluate the top entries in detail. A numerical value from 1-10 will be assigned each entry by individual judges. Total points will be tallied and the highest three scores will become finalists, (3) the final designs will again be evaluated by the panel and a numerical value assigned to each print. Each judge will be instructed to assign a value comparable to what he believes to be the order of finish. These numbers will be tallied and the design with the lowest score shall be declared the winner. Should a tie exist, step 3 will be repeated. All artworks will be scored on the following criteria:

1. accuracy of the form, size, proportion, posture, and colors of the species;
2. appropriateness, accuracy, and detail in depiction of the habitat;
3. attractiveness and creativity of the composition, regarding spatial balance, lighting, and harmony of subject and background;
4. visual appeal and suitability for reproduction at both the print and stamp scales.

G. Eligibility. This art competition is open to all artists who are 18 years of age or older and domiciled in or native to Louisiana, except employees of the Louisiana Department of Wildlife and Fisheries and members of their immediate families.

H. Entry Procedures and Deadlines

1. Entries must be prepared and shipped according to the specific requirements listed above. The department will establish deadlines for entries to be received.

2. Entries will not be considered complete without a signed and notarized artist agreement and a \$50 entrance fee received by the deadline.

3. Entries may be hand-delivered, sent via U.S. Mail, or by express parcel service. Senders are advised to obtain adequate shipping insurance on their entries. Mailed entries must be sent to: Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, Louisiana, 70898-9000, ATTN: Gary Lester, Wild Louisiana Stamp Program.

I. Additional Information. For more information on the Wild Louisiana Stamp program and the art competition,

contact the following office: Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, Louisiana, 70898-9000, ATTN: Gary Lester, (504) 765-2821.

J. Production and Marketing Plan. The department will utilize the original winning design to produce the Wild Louisiana Stamp. Upon completion, the winning design will be returned to the artist for print production. The winning artist will be responsible for reproduction, marketing, and distribution of the prints. Prints shall be accompanied by a Louisiana Wild Stamp purchased from the department by the artist. Prints only in the following editions will be allowed, and it is the option of the artist to determine which of the following he or she will produce, but a minimum of one edition shall be produced:

1. Regular Edition—numbered, signed by artist. Minimum Royalty to department per print sold—15 percent retail price.

2. Medallion Edition—numbered, signed by artist, with gold-plated medallion. Minimum Royalty to department per print sold—15 percent retail price.

3. Executive Edition—numbered, signed by artist, artist remarque, with gold-plated medallion. Minimum Royalty to department per print sold—10 percent retail price.

4. Conservation Edition/Posters—numbered separately, signed by artist, labeled as "Conservation Edition." This edition will be provided at no cost to the department for promotional purposes.

AUTHORITY NOTE: Promulgated in accordance with Act 193 of the 1992 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Wildlife, LR 19:

§325. Wild Louisiana Stamp Artist Agreement

A. I hereby agree to the following terms and conditions if my original design is selected for the Wild Louisiana Stamp and Art Print.

1. Upon selection of my original design as the winning entry, the department will use the design to produce the Wild Louisiana Stamp. The department reserves the sole right to stamp production.

2. Except for the 1992-93 stamp program, the department will return my original artwork after completing the stamp production. At that time the original artwork and any and all reproduction rights to the design, excluding stamp production, will become the property of the artist. The 1992-93 winning artwork will remain the property of the department.

3. I hereby agree that sole responsibility of the reproduction, distribution and marketing of the print shall be the responsibility of the artist. All prints sold shall be accompanied by a stamp purchased from the department by the artist.

4. I hereby affirm that my original design of my own creation, has not been copied in whole or part from any published works of art, has not been previously entered in any federal or state non-game conservation stamp competition, and has not been published. The department reserves the right to disqualify any and all designs that the department believes are copied from previously published work. I understand that all compensation may be forfeited if these conditions are not met.

5. I affirm that I am an artist legally domiciled in or native of Louisiana.

6. I have enclosed a non-refundable entrance fee of

\$50 paid by cashier's check, certified check or money order made payable to: Louisiana Department of Wildlife and Fisheries—Natural Heritage Account.

B. I have read and agree to the terms and conditions of this Artist Agreement.

Artist's Name (Please print) _____
Signature _____ Date _____
Mailing Address _____ Telephone _____
Subscribed and sworn to before me this ____ day of _____,
nineteen hundred and _____.

Notary Public

AUTHORITY NOTE: Promulgated in accordance with Act 193 of the 1992 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Wildlife, LR 19:

Interested persons may submit written comments on the proposed rule to Wild Louisiana Stamp, ATTN: Gary Lester, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, no later than 4:30 p.m., Wednesday, January 6, 1993.

Joe L. Herring
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Wild Louisiana Stamp**

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

Implementation of this rule will cost an estimated \$18,000 in the first year to the state for initial printing and production of stamp and costs involved with the art contest. Costs will be \$10,000 per year for subsequent years. No general fund expenditure is anticipated. Implementation costs will be from dedicated funds derived from a state income tax checkoff for non-game wildlife.

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

The expected revenue for state government is \$142,875, and \$22,500 for local governments (sheriff).

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

Act 193 of the 1992 Regular Session requires all persons (except those under 16 or those 60 or older) to have in their possession a valid Louisiana hunting or fishing license or a Wild Louisiana Stamp in order to use department-administered lands. Other exemptions are provided in the act. The cost of each stamp will be \$10. The artist who submits the winning design will receive compensation through the sale of limited-edition art prints. The publisher will profit from sales of prints and publishing the stamp.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no realistic method by which this department can estimate the effect on employment or competition.

Frederick J. Prejean, Sr.
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Black Bass (LAC 76:VII.165)

The Wildlife and Fisheries Commission hereby advertises its intent to promulgate a rule to establish black bass regulations in the Atchafalaya Basin - Lake Verret area.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 1. Freshwater Sport and Commercial Fishing
§165. Black Bass Regulations—Atchafalaya Basin—Lake Verret Area**

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 14 inches in total length in the area south of U.S. 190 from the West Atchafalaya Basin Protection Levee to the intersection of LA 1 and U.S. 190 due north of Port Allen, east of the West Atchafalaya Basin Protection Levee from U.S. 190 to U.S. 90, north of U.S. 90 from the West Atchafalaya Basin Protection Levee to LA 20, north and west of LA 20 from U.S. 90 to LA 1 in Thibodaux, south and west of LA 1 from LA 20 to U.S. 190. This rule will expire at midnight September 30, 1995.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:

Interested persons may submit written comments on the proposed rule to Bennie J. Fontenot, Jr., Administrator, Inland Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, no later than 4:30 p.m., Wednesday, January 6, 1993.

James H. Jenkins, Jr.
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Black Bass Minimum Size Regulations**

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

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using existing staff.

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

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

The proposed rule should accelerate the recovery of black bass populations devastated by Hurricane Andrew, resulting in increased fishing-related expenditures at marinas and other establishments. Increased visits from fishermen is anticipated. Increased employment in areas adjacent to the affected rule area is expected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Needs, services, materials and equipment commensurate with an expanded fisheries will boost employment and have both a direct and indirect economic benefit to the state.

Joe L. Herring
Secretary

David W. Hood
Senior Fiscal Analyst

POTPOURRI

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Department of Agriculture and Forestry
Horticulture Commission

Retail Floristry Examinations

The next retail floristry examinations will be given at 9:30 a.m. daily at the 4-H Mini Farm Building, LSU Campus, Baton Rouge, LA. The exam will be given in Baton Rouge permanently. The deadline for getting in application and fee is December 16, 1992. All applications and fees must be in the Horticulture Commission office no later than 4:30 p.m. on the deadline date. The test dates will be January 19-22, 1992.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 3118, Baton Rouge, LA 70821-3118, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Supplement to the 1992 Quarantine Listing for Pine Shoot Beetle

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and by the authority of the state entomologist under the provisions of R.S. 3:1652 notice is hereby given that the state entomologist has established an emergency quarantine for the pine shoot beetle. The 1992 Supplement to the Quarantine Listing for Pine Shoot Beetle can be viewed in its entirety in the emergency rule section of this issue of the *Louisiana Register*.

Matthew J. Keppinger, III
Assistance Commissioner and
State Entomologist

Bob Odom
Commissioner

POTPOURRI

Governor's Office
Office of the Oil Spill Coordinator

Oil Spill Interagency Council Meeting

In accordance with R.S. 30:2458(A), notice is hereby given that the Oil Spill Interagency Council will meet on November 23, 1992, at the Louisiana Public Facilities Authority (LPFA) Board Room, 8555 United Plaza Boulevard, Baton Rouge, LA at 10 a.m. All interested persons are cordially invited to attend.

If you should need further information, please call (504) 922-3230.

Roland J. Guidry
Oil Spill Coordinator

POTPOURRI

**Department of Health and Hospitals
Office of the Secretary
HIV Program Office**

HIV Care and Support—Title II Comprehensive Plan

Notice is hereby given that the Department of Health and Hospitals will conduct a public hearing in order to solicit public input on the Title II Comprehensive Plan and the organization and delivery of HIV health care and support services. Copies of the draft plan are available for review by contacting the HIV Program Office at (504) 568-7474. The hearing will be conducted on Tuesday, December 3, 1992 at the Louisiana Public Facilities Authority building, located on 8555 United Plaza Boulevard, in Suite 100, Baton Rouge, LA.

Interested persons are invited to attend and submit oral and written comments on the Title II Comprehensive Plan and the organization and delivery of HIV health care and support services.

In addition to this public hearing, all interested persons are invited to submit written comments on Ryan White Title II funds. Such comments should be received at the HIV Program Office by December 31, 1992. All written comments should be directed to Patrick A. Grusenmeyer, Director, HIV Program Office, Department of Health and Hospitals, 1542 Tulane Avenue, New Orleans, LA 70112. Commentors should reference their comments, Ryan White Title II funds.

J. Christopher Pilley
Secretary

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R—Rule



1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial data and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools.

3. The final part of the document provides a summary of the findings and conclusions drawn from the study. It highlights the key areas where improvements can be made and offers recommendations for future research.