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Executive Orders

EXECUTIVE ORDER DCT 81-9

WHEREAS, in order for the Louisiana Housing Finance Agency to be able to issue in excess of One Hundred Million Dollars (\$100,000,000.00) of single family mortgage revenue bonds in calendar year 1981; and

WHEREAS, Section 1102(a) of the Mortgage Subsidy Bond Tax Act of 1980 added Section 103A(g) (6) (B) to the Internal Revenue Code which authorizes the Governor to proclaim a different formula from that contained in the Subsidy Act for allocating the state ceiling among the governmental units having authority to issue qualified mortgage bonds;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana and to the provisions of Section 103A(g) (6) (B) of the Internal Revenue Code of 1954, as amended, proclaim the portion of the state ceiling for the calendar year 1981 for the issuance of tax-exempt mortgage subsidy bonds allocated to governmental units in the State of Louisiana, other than the Louisiana Housing Finance Agency, pursuant to the provisions of Section 103A(g) of the Internal Revenue Code of 1954, shall be allocated to the Louisiana Housing Finance Agency effective December 8, 1981.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 8th day of December, A.D., 1981.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 81-10

WHEREAS, the year 1982 marks the three hundredth anniversary of Rene Robert Cavelier, Sieur de La Salle's exploration of the Mississippi River and the establishment of the Republic of France's claim to Louisiana; and

WHEREAS, the year 1982 has been declared the year of the Tricentennial of La Salle's "Louisiane;" and

WHEREAS, this three hundredth anniversary is a most significant event in the history of the State of Louisiana, the United States of America and the Republic of France; and

WHEREAS, a joint celebration is being conducted in honor of this event with the opening of the exhibition "Musee du Noveau Monde" in La Rochelle, France, on May 5, 1982; and

WHEREAS, the Louisiana State Museum has prepared several exhibits related to Louisiana's French heritage that will be on display in the Republic of France during 1982;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby appoint the following individuals to be the official cultural and historical delegation to the Republic of France for the opening of the Tri-centennial celebration in La Rochelle, France: Mrs. Lawrence H. Fox, Secretary, Louisiana Department of Culture, Recreation and Tourism; Mr. Robert R. Macdonald, Director of the Louisiana State Museum; Mrs. Arthur Q. Davis, Tour Chairman, Friends of the Cabildo; and Registered tour members.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of December, A.D., 1981.

David C. Treen
Governor of Louisiana

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDUM

Office of the Governor
Division of Administration

Fiscal Policy and Procedure
Memorandum No. 63 (Revised)

SUBJECT: Policy for the Use of State Owned Vehicles and Mileage Reimbursement

TO: All Cabinet Secretaries

EFFECTIVE DATE: January 20, 1982

AUTHORIZATION: Title 39, R.S. 1950, Part VI, Section 231.
Title 39, R.S. 1950, Part XIII, Section 361.

1. General Information

1.1 A uniform policy for the use of state owned vehicles is herein revised to provide for the inclusion of more energy efficient vehicles in the state transportation program, the adoption of energy conserving transportation methods, and to require that these measures be promulgated as official policy and procedure effective January 20, 1982.

2. Purpose and Scope

2.1 The purpose of this Policy and Procedure Memorandum is to require the implementation of a uniform policy for the use of state owned vehicles; to provide for the purchase of motor vehicles and to establish intra-department motor pools where feasible.

The policies and procedures contained herein shall apply to all departments of State Government as required by Act 142 of the 1976 Louisiana Legislature.

3. Policy and Procedures

3.1 Policy

3.1.1 State owned vehicles shall be made available on a top priority basis to state employees who travel in excess of 15,000 miles annually in the performance of state business. The state owned vehicle may be stored at the employee's residence when it is determined to be in the best interest of the department. Use of state owned vehicles for other than official state business is strictly prohibited.

3.1.2 Conditions requiring mileage reimbursement for use of a personally-owned vehicle must receive written authorization from the Cabinet Secretaries or their designees. Authorization records should be maintained in the appropriate files for reimbursement records or must be submitted by the employee with his or her expense form according to requirements of the General

Travel Regulations (PPM 49 Revised).

3.1.3 In view of the increasing cost of fuel and vehicles and in view of Louisiana's need to employ the most cost-effective method of transportation, the following rules shall be observed in the acquisition of vehicles.

(1) Large-size vehicles (i.e., Ford LTD, Chevy Impala, Plymouth Fury, etc.) shall henceforth be purchased only for use of elected officials as is presently permitted under Act 327 of 1981.

(2) Mid-size vehicles (i.e., Ford Granada, Dodge Diplomat, Chevy Malibu, etc.) may only be purchased for use by Department Heads at the level of Secretary.

(3) Compact vehicles (i.e., Ford Fairmont, Dodge Aries, Chevy Citation, etc.) may be purchased for usual occupancy by three or more persons or when the major usage will be inter-city mileage.

(4) Subcompact vehicles (i.e., Ford Escort, Dodge Omni, Chevy Chevette, etc.) shall be purchased where usual occupancy is anticipated by one or two persons, or where travel will be limited in the main to intra-city travel, or when mileage is not expected to exceed 15,000 per year.

3.1.4 Cases of special need where the performance of official state business requires deviation from stated policy must receive prior written approval from the Commissioner of Administration. Such cases include:

(1) State owned vehicles used by employees traveling less than 15,000 miles annually.

(2) Privately owned vehicles used by employees traveling in excess of 15,000 miles annually.

3.1.5 Cabinet Secretaries shall establish intra-department motor pools for use in the performance of official state business by department personnel who are not assigned a state owned vehicle. Motor pool vehicles shall be designated as such by the use of appropriate letter and/or decals. Motor pool overnight storage sites shall be designated by the Cabinet Secretaries.

3.1.6 The Commissioner of Administration may waive in writing any provision in this Fiscal Policy and Procedure Memorandum when the best interest of the State will be served.

3.2 Procedures

3.2.1 An annual assessment shall be made by all Cabinet Secretaries of the travel requirements for the performance of their departmental business.

3.2.2 An annual assessment shall be made by all Cabinet Secretaries of the conditions influencing the types of vehicles required. Assignments of vehicle types shall correlate to any special transportation requirements (e.g., the use of Cushman Carts for transportation within the confines of an institutional complex).

Transportation type vehicles for assignment to individual employees or to motor pools shall include all automobiles, station wagons, carryalls, trucks and any other vehicle assigned for the purpose of transporting employees. All requests to purchase vehicles, including Purchase Release Orders, shall include a detailed explanation of the purpose and use of each vehicle. The explanation shall include such details as intended use in the motor pool, whether the vehicle will be used mainly in inter-city or intra-city travel, number of expected occupants, anticipated yearly mileage, etc.

3.2.3 An annual assessment shall be made of employee travel requirements and assignment of state owned vehicles will be made to those employees who travel in excess of 15,000 miles annually on state business. Necessary exceptions as provided in Paragraph 3.1.4 must be defined, justified and submitted to the Commissioner of Administration for approval.

3.2.4 State owned vehicles anticipated to be operated less than 15,000 miles annually, which will not be incorporated into intra-department motor pools, shall be turned over to the Division of Administration Property Control.

3.2.5 An assessment shall be made of the feasibility of operating intra-department motor pools. Where a significant number of state employees could benefit from such a pool, one shall be established.

3.2.6 An annual report shall be submitted to the Commissioner of Administration by January 1, 1978, and each succeeding year to include the following:

(1) Total number of state owned vehicles assigned to the department; listing by type of vehicle (sedan, station wagon, ambulance, etc.), year purchased, location of vehicle, category of use (pool, individual, etc.), total mileage on vehicle, and miles driven during the reporting period.

(2) Number of state owned vehicles driven less than 15,000 miles annually.

(3) Number of state owned vehicles driven in excess of 15,000 miles annually.

(4) Total number of miles traveled by employees in privately owned vehicles on State business during the reporting period by office (or domicile) location.

(5) Listing of employees traveling more than 15,000 miles annually in private vehicles, actual miles driven on state business, and the dollar amount of reimbursement.

(6) Exceptions to uniform policy.

(7) Intra-departmental motor pool status.

(8) Number of cars turned over to Division of Administration, Property Control, or otherwise disposed of, during the year reported.

E. L. Henry

Commissioner of Administration

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

NEW RULE ON PRE-RACE TESTING AND OTHER AMENDMENTS TO EXISTING RULES ADOPTED PURSUANT TO R. S. 49:953 B ON 11-20-81 LAC 11-6:53.43

A laboratory testing program for the detection of the presence of prohibited medications or drugs in horses prior to a scheduled racing program may be requested by an Association, and conducted at that track upon designation by the Commission. Such pre-race testing program shall be supervised by the Commission. All provisions of the Rules of Racing, not inconsistent with this section, remain in full force and effect. Should any existing provision conflict herewith, the provisions of this rule shall take precedence and govern; however, all existing rules on post-race testing remain in full force and effect.

A. At any track so requesting and designated, the track operator shall provide such facilities, appurtenances, equipment, and trained personnel for a drug detection program as the Commission may specify.

B. Blood or urine or other samples shall be taken from all horses programmed to race prior to the race in which it is program-

med at a location specified by the track operator and the Commission.

C. Such blood, and/or urine, and/or other samples shall be taken not less than three hours nor more than six hours prior to the approximate post-time of the race. If the horse is to receive bleeder medication (Furosemide) on the day of the race in accordance with the Rules of Racing, the sample shall be taken prior to the administration of that medication.

D. Such blood, urine, or other sample shall be taken by the Commission Veterinarian, or by a licensed veterinarian under his supervision. Professional fees for veterinarians collecting these samples for the pre-race testing program shall be paid by the Association.

E. The trainer or his representative shall accompany the horse at the prescribed time and to the prescribed location, and shall manage the horse as directed. Willful failure to be present at, or refusal to allow, the taking of any such sample, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons therefor to such disciplinary action as the stewards may determine.

F. A horse shall not race if it has not been tested in accordance with the provisions of this section.

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to: specific maximums by quantitative determination of 2.0 micrograms Phenylbutazone/ml. of blood, 2.0 micrograms Oxyphenbutazone /ml. of blood, the stewards shall scratch the horse from the race. On first offense a penalty of not less than \$100 nor more than \$200 shall be assessed the trainer and the horse may not be entered for eight calendar days following such positive test. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate consistent with law and the Rules of Racing.

H. The pre-race testing program so conducted at a designated track shall in no way change or interfere with the post-race testing program of the Commission. In the event of a conflict between pre-race and post-race tests, the post-race test governs and prevails.

I. The laboratory and/or its representatives performing pre-race chemical testing for a designated Association are officials of racing. The laboratory shall:

- 1) be under the direction of and responsible to the stewards;
- 2) be approved by the Commission.

J. The stewards shall deliver all pre-race specimens or samples to the laboratory performing pre-race chemical testing.

Definition of Pre Race Testing: A procedure approved by the Commission, conducted by a qualified testing laboratory, at a race track after the Association operating the track initially makes a written request that such procedure be conducted at its facility, whereby each horse scheduled to run shall have its blood or saliva or urine or other excretions of body fluid analyzed no more than six and no less than three hours before the race in which the horse is scheduled to run in order to determine whether such sample contains any narcotic, stimulant, depressant, local anesthetic, analgesic or drug of any description not permitted by the rules of racing or which could affect the speed of the horse in the race in which the horse was entered to race. Such test shall not be for the purpose of determining whether a horse is physically fit to race and no physical examination of the animal is contemplated by this procedure.

AMENDMENT

LAC 11-6:53.5

Permitted medication may be administered to a horse in training during a race meeting only by a licensed veterinarian or a licensed trainer, or under their personal orders, except that all medication given hypodermically must be done by a licensed veterinarian. The following non-steroidal, anti-inflammatory medications may be used in training; cannot be administered within 24 hours of the race; and the maximum analytical test levels are established as:

	Pre-Race Blood Level	Post-Race Urine Level
Phenylbutazone	2.0 micrograms/ml.	165 micrograms/ml.*
Oxphenbutazone	2.0 micrograms/ml.	165 micrograms/ml.*
		*(combined total of drug and/or metabolite)

These provisions control, other provisions of these rules, to the contrary notwithstanding.

Any test levels in excess of the above maximum analytical test levels shall be considered as prima facie evidence that there has been a violation of the rules dealing with medication.

The stewards shall direct the taking of a blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn as provided pursuant to LAC 11-6:23.35 which shall be delivered to the state chemist for testing.

J. Melton Garrett
Chairman

DECLARATION OF EMERGENCY Department of Health and Human Resources Office of Human Development

In accordance with the provisions of La. R.S. 36:254 the following procedures have been adopted to fund shelter care facilities as authorized by La. R.S. 15:1092. The Office of Human Development shall enter into contractual agreements with approved shelter care facilities and shall reimburse said facilities for the care of juveniles placed therein in accordance with the provisions of the Juvenile Code of Procedures and the Federal Run-away Youth Act as contained in P.L. 93-415. The amount of funds that the Office of Human Development shall expend with regards to a specific shelter shall be determined by the allowable costs specified in a cost report submitted in accordance with the provisions of the current issue of the DHHR Rate Determination Manual for Non-State Operated Facilities, with the exception that provisions of said manual relating to occupancy rates and levels of care shall not be applicable with regards to shelter facilities funded by these regulations. After establishing the actual yearly operational cost of a facility, the Department of Health and Human Resources shall initiate quarterly advances of funds for a facility that is selected to participate in the provisions of this program. The first advance shall be based upon 25 percent of the contractual agreement. In addition to the first year's operational cost, the Department of Health and Human Resources may provide reimbursement for start-up costs incurred by an approved shelter facility if the facility became operational no more than a year prior to its selection as a participant in this program. This one-time reimbursement, however, shall not exceed \$50,000 and shall be based upon the actual costs considered allowable by the Department that were incurred in establishing the shelter facility.

Rules

The actual selection of a shelter facility by the Department of Health and Human Resources for participation in this program shall be based upon the degree to which the facility meets the following criteria:

(1) Submission of a detailed proposal in accordance with a format approved by the Department of Health and Human Resources. Deadline for the submission of proposals for funding for FY 81 is January 15, 1982.

(2) Reasonableness of projected operational costs for the first year.

(3) Ability of the facility to obtain support (firm written commitments) from law enforcement agencies and juvenile courts within the facility's specified catchment area indicating utilization of the facility once it is established.

(4) Location of the facility and the extent to which the facility will serve the total juvenile population without undue travel distances.

(5) Adequacy of written admission criteria to ensure that all youths within the catchment area who are eligible for shelter services are admitted on a space available, first come, first served basis. The extent that this philosophy is translated into a working cooperative agreement with each law enforcement agency and juvenile court within the catchment area will be significant.

(6) The established (documented) need for the facility and the number of beds proposed except that no facility shall be accepted for participation in the program if the bedspace for which reimbursement will be requested exceeds 15.

(7) Written intake procedures that are non-discriminatory with regards to sex, age, race or offense of juveniles with the exception that juveniles charged with certain crimes of violence toward persons and/or property, juveniles whose behavior by reputation or belief of facility staff would be injurious to the safety of other residents or staff, may be excluded if such exclusions are clearly specified in the facility's proposed intake procedures.

(8) Transportation is secured for the facility's operation. Compliance should be in the form of a written cooperative agreement with law enforcement agencies within the catchment area that places the responsibility for the provision of transportation with regards to admission, attendance at court hearings and/or releases with appropriate law enforcement agencies. Additionally, the proposal should also indicate the facility's responsibilities with regards to the provision of transportation for those functions related to the care and supervision of resident youths.

(9) Written requirements for the filing of petitions and the timely scheduling of hearings as provided by the Juvenile Code of Procedure are prescribed for all youths. Assurances of such should be in the form of a written agreement with each District Attorney within the catchment area indicating the District Attorney's intent to provide such for the youths from his jurisdiction.

A. J. Dixon
Assistant Secretary

RULES

Department of Agriculture Advisory Commission on Pesticides and Commissioner of Agriculture

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:1623 and Notice of Intent published on September 20, 1981, and in accordance with the recommendations of the Advisory Commission on Pesticides as provided by LSA 3:1631, adopted the following Rules governing Aerial Application of Pesticides to Rights-of-Way at a public hearing on October 21, 1981:

General Regulations on Aerial Application of Pesticides To Rights of-Way to Control Woody Vegetation

1. Definitions

A. Public Utility - a business or service which is engaged in regularly supplying the public with a service which is of public consequence and need, such as electricity, gas, water, transportation, or telephone or telegraph service.

2. Applicability of Rules

These rules shall apply only in a parish whose governing authority appears in public hearings before the Advisory Commission on Pesticides and secures the approval of the Commissioner.

3. Public Notification

A. Any commercial or custom applicator intending to apply pesticides aerially on any public utility right-of-way to control woody vegetation must notify the Pesticide Section of the Louisiana Department of Agriculture, in writing, at least 15 days prior to the anticipated date of the application.

B. The notice to the Pesticide Section shall contain:

1. Anticipated dates of spraying.

2. Description of the area(s) to be aerially sprayed.

3. A telephone number and address of the commercial or custom applicator's office to which people can alert the applicator to sensitive areas.

4. The pesticides to be used in the project, i.e., trade name of the product and chemical components.

C. Within five days after receipt of notice from a commercial or custom applicator, the Pesticide Section shall:

1. Notify the governing authority of any parish which elects to be governed by this regulation.

2. Make a news release to the media of said parish.

This notice and news release shall contain all of the information of the scheduled application of pesticides required by Subsection B above and the procedure to be followed in lodging a complaint with the Louisiana Department of Agriculture.

D. The governing authority may make publication of the notice by whatever means considered appropriate by the governing authority. The governing authority shall notify the Pesticide Section of the media utilized for notice to the public of the intended application of pesticides.

4. Procedural Prohibitions and Restrictions

A. Commercial or custom applicators shall not make an aerial application of pesticides to control woody vegetation to a utility right-of-way inconsistent with the label of the pesticide being applied.

B. Before pesticides are applied to rights-of-way to control woody vegetation, the applicator shall fly a reconnaissance flight over the right-of-way to be sprayed.

Bob Odom
Commissioner of Agriculture

RULES

Department of Agriculture Family Farm Council

The Louisiana Department of Agriculture, Family Farm Council, pursuant to the authority contained in LSA 3:251, et seq., and in accordance with Notice of Intent published on November 20, 1981, adopted the following amendments to the Rules and Regulations for the Administration of the Family Farm Security Loan Program at a public hearing on December 8, 1981:

Rule 1.8 was amended and reenacted to read as follows:

"Family Farm Loan Guarantee" or "Family Farm Loan Guarantee Agreement" means an agreement between the Council and a lender which obligates the State to pay a specified portion of the sums due and payable under a Family Farm Security Loan in the event the borrower defaults.

Rule 1.9 was amended and reenacted to read as follows:

"Payment Adjustment" or "Interest Payment Adjustment" means an amount of money equal to one-half (1/2) of the amount of the current interest rate on the principal balance of a Family Farm Security Loan, but shall not exceed one-half (1/2) of the interest which would be due at the initial interest rate on the loan.

A new Rule 1.13, reading as follows, was adopted:

"Restrictive covenant" means a provision inserted in an Act of Conveyance which limits the use of the land.

A new Rule 1.14, reading as follows, was adopted:

"Agricultural purposes" means the tillage of the soil; dairy farming; ranching; production or raising of crops, poultry or livestock; and production of poultry or livestock products in an unmanufactured state.

A new Rule 1.15, reading as follows, was adopted:

When used in these regulations, the term "loan," may also mean "loan guarantee".

Rule 3.3 was amended and reenacted to read as follows:

The guarantee is made on property secured by a first mortgage on immovable property.

Rule 3.4 was amended and reenacted to read as follows:

The guarantee shall not exceed ninety percent of the purchase price of the farmland, or ninety percent of the appraised value of the farmland, whichever is less.

Rule 3.5 was amended and reenacted to read as follows:

The maximum amount, in principal and interest, of the Council's liability under the loan guarantee agreement shall not exceed two hundred fifty thousand (\$250,000) dollars.

Rule 3.6 was amended and reenacted to read as follows:

The Council may, at its discretion, require additional endorsers, in addition to the applicant, on the note.

Rule 3.7 was amended and reenacted to read as follows:

The Council shall require that each Act of Conveyance shall contain a restrictive covenant, in a form acceptable to the Council, requiring that any land shall be restricted to agricultural purposes for twenty years from the date of the Act of Conveyance.

A new Rule 3.8, reading as follows, was adopted:

The applicant does not hold title to the land to be purchased prior to the approval of the loan guarantee.

Rule 4.5 was amended and reenacted to read as follows:

The interest payment adjustment to be paid by the Council shall not exceed one-half of the interest which would be due at the

initial rate on the loan.

Rule 4.6 was amended and reenacted to read as follows:

The lender must agree to notify the Council of all amounts of interest due prior to the due date.

Rule 4.7 was amended and reenacted to read as follows:

Applicant must execute a note, secured by a first or second mortgage, as required by Rule 12.0, payable to the Council in an amount up to one-half of the maximum interest due during the term of the Interest Payment Adjustment Agreement. Both the note and the first or second mortgage shall provide, however, that the obligation of the applicant shall not exceed the amount actually paid by the Council under the Interest Payment Adjustment Agreement.

Rule 4.8 was deleted in its entirety.

Rule 7.1 (f) was amended and reenacted to read as follows:

Pending development of a comprehensive Listing of Approved Appraisers, the Council may approve appraisers on an individual basis, but the Council shall not approve appraisers in the absence of all information required under Rule 7.1 after December 31, 1982.

Rule 7.1 (h) was amended and reenacted to read as follows:

The Council may at time remove from the Listing of Approved Appraisers the name of any appraiser who, in their judgment, should be removed.

Rule 8.7 was amended and reenacted to read as follows:

Pending development of a comprehensive Listing of Approved Attorneys, the Council may approve attorneys on an individual basis, but the Council shall not approve attorneys for title opinions in the absence of all information required under Rule 8.2 after December 31, 1982.

Rule 8.11 was amended and reenacted to read as follows:

The Council may at any time remove from the Listing of Approved Attorneys the name of any attorney who, in their judgment, should be removed.

Rule 11.8 was amended and reenacted to read as follows:

Lender must hold a first mortgage on the farmland purchased with the Family Farm Security Loan.

Rule 11.12 was amended and reenacted to read as follows:

The maximum obligation of the State in the guarantee agreement shall be limited as follows:

a) In principal, ninety (90%) percent of the outstanding balance, or ninety (90%) percent of the purchase price, or ninety (90%) percent of the appraised value, whichever is the lesser.

b) In interest, ninety (90%) percent of the interest due on the lesser principal amount specified in Item (a) above, with the interest calculated on the basis of the initially approved interest rate.

Rule 11.14 was amended and reenacted to read as follows:

The term of the loan shall not exceed forty years.

Rule 11.15 was amended and reenacted to read as follows:

The Commissioner, as authorized by the Council, shall execute the agreement on behalf of the Council.

Rule 11.16 was deleted in its entirety.

Rule 12.5 was amended and reenacted to read as follows:

The Agreement shall provide that the Council will annually pay one-half of the interest due, but not more than one-half of the interest due when calculated on the basis of the initial interest rate.

A new Rule 12.6, reading as follows, was adopted:

The Agreement shall be for a period not to exceed ten years.

A new Rule 12.7, reading as follows, was adopted:

The term of the loan for which the Interest Payment Adjustment Agreement is made does not exceed twenty years.

A new Rule 12.8, reading as follows, was adopted:

The Commissioner, as authorized by the Council, shall execute the agreement on behalf of the Council.

Rule 14.1 was amended and reenacted to read as follows:
An applicant shall reimburse the Council for all sums paid as interest payment adjustments during the initial ten years of the agreement prior to the eleventh (11th) anniversary of the execution of the Interest Payment Adjustment if the Agreement is not renewed.

Rule 14.6 was amended and reenacted to read as follows:
When an Interest Payment Adjustment Agreement is renewed for an additional ten-year period, the applicant shall reimburse the Council for all sums paid as Interest Payment Adjustments during the twenty (20) years of the agreements prior to the twenty-first (21st) anniversary of the execution of the Interest Payment Adjustment Agreement.

Rule 14.9 was amended and reenacted to read as follows:
Any applicant may reimburse the Council for sums paid as interest payment adjustments in his behalf prior to the expiration of the initial ten years or the renewal period, provided that in the event the applicant pays such sums prior to the due date, the note required under Rule 12.3 shall be cancelled and, if requested by the applicant, re-negotiated for the period remaining in the Interest Payment Adjustment Agreement. The mortgage securing the note shall be cancelled or reinscribed for the balance of the period.

Rule 18.4 was amended and reenacted to read as follows:
The Council shall not approve any loan for any person when the interest rate of the loan exceeds the prime rate at the time the loan is given.

Rule 18.5 was amended and reenacted to read as follows:
The terms and conditions imposed and made part of any Family Farm Loan Guarantee Agreement or any Interest Payment Adjustment Agreement shall not be amended or altered by any member of the Council or employee of the Department except by subsequent or prior vote of approval of the Council in open session with full explanation for such action.

Rule 18.6 was deleted in its entirety.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture State Market Commission

The Louisiana Department of Agriculture, State Market Commission, pursuant to the authority granted in LSA 3:405 and in accordance with Notice of Intent published November 20, 1981, repealed Rule 7.4 of the Commission's Rules and Regulations Governing the Certification of Meat and Meat Products at a public hearing on December 9, 1981.

Bob Odom
Commissioner of Agriculture

RULES

Department of Agriculture Market Commission

The Louisiana Department of Agriculture, State Market Commission, pursuant to the authority contained in LSA 3:543 B and in accordance with Notice of Intent published November 20, 1981, adopted the following amendments to the Procedures for

Authorization and Administration of Farm Youth Loans and Loan Guarantees at a public hearing conducted on December 9, 1981:

Rule 4.7 was deleted in its entirety.

Rule 5.5 was deleted in its entirety and Rules 5.6 and 5.7 were re-numbered as Rules 5.5 and 5.6, respectively.

A new Rule 8.6 was adopted, reading as follows:

8.6 No loan for the purchase of livestock shall be funded until issuance of a health certificate from a licensed veterinarian certifying that the livestock to be purchased is sound, healthy, and free from all diseases.

Bob Odom
Commissioner of Agriculture

RULES

Department of Agriculture Market Commission

The Louisiana Department of Agriculture, State Market Commission, pursuant to the authority granted by LSA 3:405 and in accordance with Notice of Intent published on November 20, 1981, adopted the following Rules and Regulations Governing Certification of Official State Grades of Poultry, Poultry Products, and Shell Eggs at a public hearing on December 9, 1981:

Regulations Governing the Certification of Official State Grades of Poultry, Poultry Products, and Shell Eggs

- 1.0 Establishment of Official State Grades of Poultry, Poultry Products, and Shell Eggs
- 2.0 Requirements for Certification of Poultry, Poultry Products, and Shell Eggs
- 3.0 Time Limitation for Issuance of Certificate
- 4.0 Waiver of Specification Requirements
- 5.0 Final Delivery of Product
- 6.0 Vendor's Obligations

1.0 Establishment of Official State Grades of Poultry, Poultry Products, and Shell Eggs

1.1 Standards established in "Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and U.S. Classes, Standards, and Grades with Respect Thereto" (7 CFR Part 2870) shall apply to all Louisiana State grades for poultry and poultry products.

1.2 Standards established in "Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs" (7 CFR Part 2856) shall apply to all Louisiana grades for shell eggs.

2.0 Requirements for Certification of Poultry, Poultry Products, and Shell Eggs

2.1 The examination, acceptance and certification of poultry, poultry products, and shell eggs shall be in accordance with U. S. Department of Agriculture, AMS, Poultry Grading Branch poultry and egg grading and inspection requirements.

2.2 Each master or shipping container of poultry and egg products shall be legibly labeled to show the contract number, net weight, U. S. grade, inspection mark, plant name and address, kind, class and weight range.

2.3 An official U. S. Poultry Products Grading Certificate (PY-210) certifying compliance with specifications must accompany each delivery of product. A PY-210 covering poultry products must be issued no more than five days prior to delivery and a PY-210 covering shell eggs must be issued no more than 72 hours prior to delivery. The certificate, on both poultry and eggs,

must contain the purchase order number of the purchasing agency.

2.4 A Louisiana certificate of condition examination and origin must accompany each delivery of product to a State agency or political subdivision of the State. The certificate of condition examination and origin must contain:

a) the origin of the product, except as provided in Rule 2.5 below

b) the purchase order number of the purchasing agency

c) verification of (i) wholesomeness of the product, i.e., no change in the product since initial inspection, and (ii) compliance with the specifications of the purchase order

2.5 The purchase order of the purchasing agency must indicate whether or not the vendor has claimed a preference based on provision of Louisiana agricultural products. When the purchase order of the purchasing agency does not indicate that the vendor has claimed a Louisiana agricultural products preference, no certification as to origin of the product will be made.

2.6 Each master or shipping container of poultry, poultry products, and shell eggs meeting the specifications of the purchase order shall be stripped on the outside of the container with non glossy filament tape or equivalent. All tape used for sealing purposes must be approved by the State Department of Agriculture. The tape shall be placed so that it must be torn to open the container.

2.7 Each master or shipping container must be stamped with the USDA contract compliance stamp and certificate number. The stamp imprint must be legible and placed partially on the container and partially on the tape on the end of the container.

2.8 All containers of Louisiana agricultural products must be stamped with a Louisiana agricultural products stamp.

3.0 Time Limitation for Issuance of Certificate

3.1 A State of Louisiana condition examination and origin certificate must be issued not more than 72 hours prior to the scheduled delivery of the product to the purchasing agency.

4.0 Waiver of Specification Requirements

The purchasing agency may waive the requirements for sealing of the container when the contents are icepacked rather than frozen, but may do so only at purchasing agency's risk. When the purchasing agency waives the requirement for sealing of the container, a written statement of waiver must be provided to the Department of Agriculture.

4.2 Waivers and amendments to specification requirements may be made only with concurrence of the purchasing agency and the vendor.

4.3 A written statement of the precise nature of the changes in the specifications must be provided to the Louisiana Department of Agriculture representative prior to any examination of the product.

4.4 Failure to include information concerning the Louisiana agricultural products preference of the vendor on the purchase order shall constitute a waiver of the vendor's right for a certificate of origin.

5.0 Final Delivery of Product

5.1 Final acceptance of the product will be the responsibility of the purchasing agency.

5.2 Products may be rejected for the following reasons:

a) No certificate affixed;

b) Sealing tape on container broken;

c) No official stamp affixed;

d) Obvious deviations from specification requirements without appropriate written notice of changes in specification requirements

5.3 Purchasing agency may accept product with minor deviations from specification requirements without written statement of agreed-upon changes, but shall do so at purchasing

agency's risk.

6.0 Contractor's Obligations

6.1 Vendors requesting certification services under these regulations must provide such assistance as may be necessary to expedite the examination and certification of products and the taping of contractors, including provision of the necessary tape.

6.2 Vendors desiring certification services must notify the Department of Agriculture at least 24 hours in advance of need. Vendors who fail to give at least 24 hours advance notice of need will be subject to a penalty of \$50, regardless of the time required for the services or the fees assessed.

6.3 The costs of all examination and certification services shall be paid by the vendor at the rate of \$18.96 per hour (\$4.74 per quarter hour) required to conduct the examination, provided that no specific charge shall be made for the certification of product when inspection is simultaneously performed.

6.4 Vendor must reimburse the Department of Agriculture for travel expenses of the inspector providing services, at the rate specified in State Travel Regulations.

Bob Odom
Commissioner of Agriculture

RULES

Department of Culture, Recreation & Tourism Office of Program Development Division of the Arts

The Department of Culture, Recreation and Tourism, Office of Program Development, Division of the Arts, and Louisiana State Arts Council, pursuant to the authority in LRS 49:951, et seq., Act 265 of 1977, and in accordance with the Notice of Intent published on October 20, 1981, adopted the program guidelines for the funding and administration of the State's arts grant program at the public meeting of the State Arts Council held on December 8, 1981.

Copies of the complete set of program guidelines are available from the Division of the Arts, 666 North Foster, Baton Rouge, Louisiana. These program guidelines contain information on the goals and objectives of the Division of the Arts and Louisiana State Arts Council, the application review process, funding philosophy and restrictions, definition and description of grant programs, application deadlines, request limitations, evaluation criteria to be used in reviewing applications, and legal requirements, including eligibility requirements, matching requirements, compliance with state and federal laws, financial management stipulations, grant conditions, and final reporting requirements.

Interested persons may obtain a copy of the program guidelines by written request from the Division of the Arts, Box 44247, Baton Rouge, Louisiana 70804.

Mrs. Lawrence H. Fox
Secretary

RULES

Board of Elementary and Secondary Education

Rule 3.02

The Board adopted the *Common Policy Manual for Special School District No. 1 and BESE Special Schools*.

Rule 3.01.64

The Board adopted Bulletin 1640, *Separate Minimum*

The Board adopted Criteria for Establishment and Operation of a Paraprofessional Training Unit as follows:

Criteria for Establishment
and Operation of a Paraprofessional
Training Unit

A Paraprofessional Training Unit is a setting that may be used for the training of severely and profoundly handicapped students addressing *Separate Minimum Standards for Moderately, Severely and Profoundly Handicapped Students*. The setting may also be used for the self-help skill training (toilet training, dressing skills, grooming skills, feeding skills and preacademic readiness activities) for preschool handicapped students. The unit, made up of no more than six paraprofessionals and a unit attendant, must be supervised directly by a certified special education teacher. Each paraprofessional employed must have a full quota of three students. A paraprofessional training unit must be approved by the Office of Special Educational Services for the Department of Education in accordance with operational standards established by the Board (754 Regulations, Section 910-E).

According to 754 Regulations, Appendix I, Part B, a Paraprofessional Training Unit may be used with handicapped children in the following classifications: deaf-blind, severely mentally retarded, profoundly mentally retarded, multi-handicapped, non-categorical preschool, orthopedically handicapped, and severe/profound (generic).

School systems shall have the 1982-83 school year to achieve full compliance with these criteria by submitting a plan of compliance acceptable to the Office.

I. CRITERIA FOR UNIT TEACHER

1. The unit teacher must be certified (categorically or generically) in the area of special education for the students being served.

2. The unit teacher must have two years of teaching experience working with an aide.

NOTE: Preferably in a severe/profound handicap classroom or a non-categorical preschool class (depending on the area for which unit application is being submitted).

If the teacher does not have experience and/or competencies to work with the population of the unit for which application is being submitted, the LEA must submit an outline of the plans for inservice training for this teacher to develop the instructional skills necessary for serving the specific population.

3. Documentation that the unit teacher possesses supervision, administration and organizational skills must be submitted through one of the following:

a. The LEA must submit an outline of the plans for inservice/technical assistance for the unit teacher to develop the supervision, administration and organizational skills necessary for the implementation of the Paraprofessional Training Unit.

b. Supervision experience more extensive than supervision of one aide.

c. A minimum of three hours of graduate work in supervision/administration in one of the following:

1. Principles of Instructional Supervision
2. Elementary/Secondary School Principalship
3. School Personnel Administration
4. Supervision of Student Training
5. Foundations of Educational Administration
6. Theory of Educational Administration

4. A unit may be established only if the unit teacher's position is filled by a qualified person. Permanent substitutes will not be allowed.

II. CRITERIA FOR UNIT
PARAPROFESSIONALS

5. Unit paraprofessionals must have a Level III Permit; however, one paraprofessional with a Level II Permit will be allowed per unit if the Level III Permit is obtained by the end of the school year in which employed.

6. Unit paraprofessionals must have a minimum of one year of experience working with exceptional students.

NOTE: Preferably severely/profoundly handicapped students or non-categorical preschoolers (depending on the area for which application is being submitted).

7. A unit may be established only if all needed paraprofessional positions are filled by qualified personnel.

8. A current list of qualified teachers and paraprofessionals to be used as substitutes must be on file.

9. Substitute paraprofessionals must have a minimum of a Level I Permit.

III. CRITERIA FOR UNIT
ORGANIZATION AND ADMINISTRATION

1. The instructional/training area for the unit teacher and all paraprofessionals shall be located within immediate physical access of each other.

NOTE: the facility housing the unit must be such that the unit teacher is available to assist all paraprofessionals when needed (example, emergency situations, demonstration and supervision). One unit housed on separate campuses shall not be approved.

2. A unit operational must be submitted which describes the student's assignment to paraprofessionals. Possible options include rotating learning centers, having one paraprofessional assigned to the same three students for the entire school day, etc. NOTE: Should it be necessary to change the operational plan at any time, the new plan, plus rationale for changes, must be maintained on file at the school where the paraprofessional training unit is located.

3. The procedure or procedures used to collect data on a daily basis must be stated.

4. A daily schedule must be submitted listing all activities including planning time for paraprofessionals and teacher, staffing time, etc. Daily staffings must be documented and each student must be staffed at least once a month. Discussions of daily data collected must take place. This staffing must include the teacher and all paraprofessionals.

NOTE: An invitation should be extended to related service personnel and other individuals delivering services to a particular child; i.e., parents, administrators, etc., periodically.

5. Documentation must be maintained that the unit curricula address separate minimum performance standards when this program is approved by the Board of Elementary and Secondary Education; until such time local school systems may apply to the Office of Special Educational Services for approval of the unit course of study if this has not been specifically named within the approved Pupil Progression Plan.

6. A list must be submitted of the curriculum skill areas for which instruction is provided. These areas must include at a minimum those listed in the 754 Regulations, self-help (toilet training, dressing skills, grooming skills, feeding skills and preacademic readiness activities).

NOTE: Additional curriculum skill areas which would be considered appropriate for severely and profoundly handicapped include, but are not limited to, communication, motor, social and prevocational.

7. Pupil-staff ratios must meet 754 Regulations: One teacher, unit attendant and two paraprofessionals for the initial six severely or profoundly handicapped children, including preschool children, provided that after the initial six there shall be one

additional paraprofessional for each additional group of three, not to exceed four additional groups of such children.

NOTE: Paraprofessionals assigned to a paraprofessional training unit are expected to accompany and assist students within the unit throughout the school day (i.e., lunch, toileting, adapted physical education and other appropriate related services).

8. If educational services are being provided by a school system within a private or DHHR facility or if services are being provided by more than one agency, an interagency agreement must be developed and approved by the Office.

9. The application must describe the classroom assessment procedures to be completed at a minimum of twice a year. These procedures must include systemic observations and a behavior checklist or assessment instrument designed to be used with the severely/profoundly or preschool handicapped student. The assessment must be appropriate for evaluating the IEP goals and objectives.

10. The application must provide assurance that all policies and procedures as outlined in the Board Approved Special Education Behavior Management Guidelines (when these become effective) are to be followed.

11. Job descriptions for unit paraprofessionals and unit teachers must be on file with assurances that these have been explained and signed by the personnel involved.

12. It must be indicated on the IEP of each student within the unit that a paraprofessional training unit is the placement. The parent(s) of all students within the unit shall give formal parental approval for their children to participate in the paraprofessional training unit.

13. The unit shall be located within an approved school.

IV. PUPIL-STAFF RATIOS FOR STUDENTS IN HOSPITAL SETTINGS WITHIN DHHR FACILITIES SERVED BY SSD NO. 1 STAFF

1. Pupil-staff ratios for training units established to serve students in hospital settings within DHHR facilities will be allowed the ratio of 5 to 10 exceptional students per educational paraprofessional and will be operated in accordance with all other criteria. NOTE: The 5 to 10 students per paraprofessional ratio shall decrease as the amount of instructional time per student increases. The ratio would be such that each educational paraprofessional serving students in a hospital setting would provide a minimum of five hours of one-to-one "hands-on" instructional time.

2. Each student in a unit within a hospital setting must receive a minimum of 30 minutes of educational instruction time per day.

3. Documentation must be on file for each student served by a unit within a hospital setting that the student, due to medical concerns/treatment and certified in the individual evaluation report or as prescribed by a licensed medical professional (doctor, nurse, etc.), is able to receive no more than one hour and 15 minutes of educational instructional time per day.

4. Each educational paraprofessional in a hospital setting serving students receiving 30 minutes of instruction will be assigned a maximum of 10 students.

5. Each educational paraprofessional in a hospital setting serving students receiving one hour and 15 minutes of instructional time shall be assigned a maximum of five students. As each individual student's tolerance for instructional time increases beyond one hour and 15 minutes, the student will be assigned to a regular paraprofessional training unit and assignments will adhere to the pupil-staff ratios as established in 754 Regulations of three students per paraprofessional and a maximum of six paraprofessionals, 18 students, unit attendant and a certified teacher per unit.

6. A training unit with a pupil-staff ratio of 5 to 10 students

per paraprofessional will be allowed a maximum of five paraprofessionals per unit within the hospital setting.

Rule 7.02.05

The Board adopted the leave policy for Louisiana Special Education Center, Alexandria, for the 1981-82 school year.

Rule 6.02.20

The Board adopted the following policy on referrals to the Louisiana Special Education Center, Alexandria: As a first priority, the admissions channel shall be the Treatment, Care, Habilitation or Rehabilitation Referral (DHHR Regional Review). Thereafter, the admission channel shall be Educational Residential Placement/Referral (LEA).

James V. Soileau
Executive Director

RULES

Department of Natural Resources Office of Forestry and Office of the Governor Tax Commission

Timber Stumpage Values Calendar Year 1982

Listed below are the timber stumpage values set by the Louisiana Tax Commission and the Louisiana Forestry Commission on December 7, 1981, as provided by law. These values are for the calendar year 1982.

The unit values were determined by the Commissions following an examination of stumpage price information collected from sawmills, pulpmills, and pulpwood procurement centers.

The sawtimber values are based on accepted Doyle Log Rule standards and the pulpwood values are based on a standard cord (128 cu. ft.).

Pine Sawtimber	\$224.00 Per M Bd. Ft.
All Hardwoods and Cypress	
Sawtimber	60.00 Per M Bd. Ft.
Pine Pulpwood	13.00 Per Cord
Hardwood Pulpwood	4.40 Per Cord

The regular severance tax rate is 2¼ percent of the above sawtimber stumpage values and 5 percent of the above pulpwood values.

The severance tax rate on Timber Conservation Contract lands is 6 percent of all above stumpage values both sawtimber and pulpwood.

Effective date: January 1 - December 31, 1982.

All other forest products (fence posts, ties, poles, piling, etc.) to be computed on basis of accepted Doyle Log Rule standards or standard cords (128 cu.ft.) as applicable.

D. L. McFatter,
State Forester
Mr. J. Reginald Coco, Jr.,
Chairman, Tax Commission

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted a 9.8 percent increase in the Aid to Families with Dependent Children (AFDC) and General Assist-

ance (GA) Need Standards.

Revised Statute 46:447 of the 1978 Legislature requires that the Office of Family Security establish AFDC and GA Need Standards and that those standards be adjusted each year effective

January 1 to reflect the cost of living increase as reported in the Department of Labor's Consumer Price Index.

The current need standards are shown below. Using a 9.8 percent increase standard, the new AFDC and GA Need Standards are as follows:

NON-URBAN

Size of Household	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% need Standard (Increased)
1	\$ 159.00	\$ 175.00	\$ 238.50	\$ 262.50
2	296.00	325.00	444.00	487.50
3	419.00	460.00	628.50	690.00
4	522.00	573.00	783.00	859.50
5	621.00	682.00	931.50	1,023.00
6	712.00	782.00	1,068.00	1,173.00
7	805.00	884.00	1,207.50	1,326.00
8	895.00	983.00	1,342.50	1,474.50
9	979.00	1,075.00	1,468.50	1,612.50
10	1,067.00	1,172.00	1,600.50	1,758.00
11	1,160.00	1,274.00	1,740.00	1,911.00
12	1,256.00	1,379.00	1,884.00	2,068.50
13	1,358.00	1,491.00	2,037.00	2,236.50
14	1,456.00	1,599.00	2,184.00	2,398.50
15	1,557.00	1,710.00	2,335.50	2,565.00
16	1,657.00	1,819.00	2,485.50	2,728.50
17	1,757.00	1,929.00	2,635.50	2,893.50
18	1,857.00	2,039.00	2,785.50	3,058.50

For each additional person add \$119 to the Need Standard and \$178.50 to 150% of the Need Standard.

URBAN-ORLEANS, JEFFERSON,
EAST BATON ROUGE AND ST. BERNARD

Size of Household	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
1	\$ 173.00	\$ 190.00	\$ 259.50	\$ 285.00
2	331.00	363.00	496.50	544.50
3	460.00	505.00	690.00	757.50
4	565.00	620.00	847.50	930.00
5	667.00	732.00	1,000.50	1,098.00
6	760.00	834.00	1,140.00	1,251.00
7	849.00	932.00	1,273.00	1,398.00
8	939.00	1,031.00	1,408.50	1,546.50
9	1,025.00	1,125.00	1,537.50	1,687.50
10	1,112.00	1,221.00	1,668.00	1,831.50
11	1,206.00	1,324.00	1,809.00	1,986.00
12	1,302.00	1,430.00	1,953.00	2,145.00
13	1,395.00	1,532.00	2,092.50	2,298.00
14	1,494.00	1,640.00	2,241.00	2,460.00
15	1,595.00	1,751.00	2,392.50	2,626.50
16	1,702.00	1,869.00	2,553.00	2,803.50
17	1,785.00	1,960.00	2,677.50	2,940.00
18	1,898.00	2,084.00	2,847.00	3,126.00

For each additional person add \$130.00 to the Need Standard and \$195 to 150% of the Need Standard.

GA NEED STANDARD

Size of Household

1	\$288 (262)
2	\$363 (331)

George A. Fischer
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, has implemented effective August 28, 1981, the following additional list of drugs for which Maximum Allowable Costs (MAC) are required by Federal Regulation published in the Federal Register, July 14, 1981, Volume 46, Number 134.

The additional Maximum Allowable Costs (MAC) that have been established are:

Glutethimide, oral tablet, 500mg.	\$0.0432
Procainamide HCL, oral tablet, 375mg.	0.0383
Procainamide HCL, oral Capsule, 250mg.	0.05605
Procainamide HCL, oral Capsule, 500mg.	0.0235
Proprantheleine Bromide, oral tablet, 15mg.	0.0235

George A. Fischer
Secretary

RULE

**Department of Health and Human Resources
Office of Human Development**

In accordance with the Appropriations Act of the 1981 Louisiana Legislature, effective January, 1982, the Department of Health and Human Resources, Office of Human Development adopts the following rate increases in vendor payments to licensed day care centers and family care homes.

Rate Increases to Licensed Day Care
Centers and Family Day Care Homes

LICENSED DAY CARE CENTERS

	Old Rate	New Rate
Monthly	\$123.20	\$133.98
Daily	\$ 5.60	\$ 6.09
Hourly	\$.80	\$.87

APPROVED FAMILY DAY CARE HOMES

	Old Rate	New Rate
Monthly	\$81.62	\$89.32
Daily	\$ 3.71	\$ 4.06
Hourly	\$.53	\$.58

The amount paid by the Office of Human Development to a day care center for a child's full time care shall be the center's regular fee for day care and transportation but shall not exceed \$133.98 per month.

George A. Fischer
Secretary

RULE

**Department of Health and Human Resources
Office of Human Development**

In compliance with Act 575 of the 1981 Louisiana Legislature the Department of Health and Human Resources, Office of Human Development hereby adopts the following rule pertaining to eligibility in the Adoption Subsidy Program:

Whenever an eligible child has been available for adoption for at least six months and every reasonable effort has been made

to place the child for adoption with Louisiana residents, adoptive parents from other states shall be eligible for a subsidy under the same conditions as Louisiana residents, except where the other state has a subsidized adoption program that is available to such non-resident parents.

Additionally, the income eligibility standard for the Adoption Subsidy Program is being revised to reflect adjustments in the Louisiana median income as computed by the U.S. Bureau of the Census. Persons adopting special needs children in the custody of the Department of Health and Human Resources whose family income is below that listed on the table below may apply for an adoption maintenance subsidy.

FAMILY SIZE	GROSS ANNUAL INCOME
1	\$12,057
2	\$15,757
3	\$19,483
4	\$23,183
5	\$26,907
6	\$30,602
7	\$31,300
8	\$31,992
9	\$32,706
10	\$33,401
11	\$34,094
12	\$34,786
13	\$35,478
14	\$36,171

For each additional family member above fourteen (14) persons, add \$692 to the gross monthly income column.

George A. Fischer
Secretary

RULE

**Department of Health and Human Resources
Office of Human Development**

As provided for in the Appropriations Act of the 1981 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development hereby adopts the following rule changes which increase (as shown) the fees or rates paid for the following Foster Care services:

1. Daily board rate for a foster child in Foster Family Care under age six - from \$5.24 per day (\$160 per month) to \$6.03 per day (\$180 per month).

2. Daily board rate for a foster child in Foster Family Care between the ages of six years and twelve years - from \$6.11 per day (\$185 per month) to \$7.03 per day (\$210 per month).

3. Daily board rate for a foster child in Foster Family Care ages thirteen and above - from \$6.98 per day (\$212 per month) to \$8.03 per day (\$240 per month).

4. Monthly subsidy for specialized foster care from \$700 per month to \$800 per month.

George A. Fischer
Secretary

RULE

**Department of Health and Human Resources
Office of Human Development**

In compliance with Acts 717 and 429 of the 1981 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development hereby adopts the following rules relative to acts of voluntary surrender of a child to the Department of Health and Human Resources:

1. Persons who execute an act of legal surrender of a child to the Department of Health and Human Resources shall execute therewith a written statement of family history. That statement shall contain the following non-identifying information, if known; (1) ages of the biological parents, and (2) an explicit and extensive medical genetic history of the biological parents and their immediate families. This statement will be made part of the sealed adoption record and shall be given to the adoptive parents at the time of adoptive placement. Upon attaining the age of eighteen, the adoptee shall, upon request, be given a copy of the statement.

2. Within 15 days following an act of voluntary surrender of a child to the Department of Health and Human Resources, a copy of the surrender will be sent to the court exercising jurisdiction over the child.

George A. Fischer
Secretary

RULES

**Department of Labor
Office of Labor**

The following rules and regulations for the administration of the laws relating to Private Employment Services in the State of Louisiana, were adopted pursuant to the Administrative Procedure Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on December 8, 1981.

**Rule and Regulations Governing
Private Employment Services**

1. As used herein, "Assistant Secretary" means the Assistant Secretary of the Office of Labor.

2. Notice that copies of these regulations and any supplement thereto are available for inspection upon request shall be placed by the employment service in a clearly visible and conspicuous place in its business establishment, in full view of all persons entering its place of business.

3. No employment service, or any person connected therewith, shall receive or require any applicant for employment to execute any promissory note, negotiable instrument, assignment of wages or salary, or note authorizing the confession of judgment which contains any interest or discount which exceeds the rate established by law. Such documents must be approved both as to form and content by the Assistant Secretary and any such paper or document executed contrary to the provisions of this rule shall be void and unenforceable in any Court.

4. Each principal of an employment service, and if such employment service be a corporation, each active officer of the general manager thereof, and each active partner of a partnership, upon the initial licensing of such individuals shall by means of a written examination, satisfy the Assistant Secretary that he has sufficient knowledge of the State Private Employment Services Law Rules and Regulations promulgated for employment services by the Assistant Secretary, the laws against discrimination in employment and all other pertinent federal and state labor laws, to

reasonably insure that any acts performed by said licensee will be in compliance therewith. The examination shall be prepared by the Assistant Secretary with the advice and assistance of the council and shall be offered at least once each calendar month at such places and on such dates as the Assistant Secretary may designate.

5. Applicant for work or job shall at all times have the right to refuse any referral or employment tendered. The fee, charge, remuneration or percentage of the employment service is not earned until applicant accepts employment. All employment service contracts shall be of no longer than 12 months duration and can be terminated by either party by written notice of said intention to the other but not to the detriment of any legal rights or obligations incurred prior to such termination.

6. Where the employer pays the employment service a fee for referring an applicant, this fee may be subject of negotiations or agreement between the employer and the service, but in no such case will the applicant or employee be charged a fee by the service for such referral or employment and in no such case may all or part of the fee paid by the employer be charged back by the employment service against the said employee directly or indirectly, by any device or means, by acceptance of contributions or gifts, or in any other manner.

7. Applicant may stipulate and agree to a penalty of 25 percent as attorney's fee, on the earned fees due the employment service should it become necessary for the service to obtain counsel, a collection service, or resort to court action to collect same.

8. Fee Schedule. The following are determined by the Assistant Secretary to be reasonable fees that can be charged to applicants pursuant to the Louisiana Private Employment Services Law.

**APPLICANT FORM, SCHEDULE OF FEES & ESTIMATED
GROSS FORMS**

ESTIMATED GROSS ANNUAL COMPENSATION	FEE
Less than \$ 4,000	4%
\$ 4,000 but less than \$ 5,000	5%
\$ 5,000 but less than \$ 6,000	6%
\$ 6,000 but less than \$ 7,000	7%
\$ 7,000 but less than \$ 8,000	8%
\$ 8,000 but less than \$ 9,000	9%
\$ 9,000 but less than \$10,000	10%
\$10,000 but less than \$11,000	11%
\$11,000 but less than \$12,000	12%
\$12,000 but less than \$13,000	13%
\$13,000 but less than \$14,000	14%
\$14,000 but less than \$15,000	15%
\$15,000 but less than \$16,000	16%
\$16,000 but less than \$17,000	17%
\$17,000 but less than \$18,000	18%
\$18,000 but less than \$19,000	19%
\$19,000 but less than \$20,000	20%
\$20,000 but less than \$21,000	21%
\$21,000 but less than \$22,000	22%
\$22,000 but less than \$23,000	23%
\$23,000 but less than \$24,000	24%
\$24,000 but less than \$25,000	25%
\$25,000 and up shall never exceed	25%

Fees are rounded down to the nearest dollar.

9. Any employment service desiring to charge fees in excess hereof shall make application therefor and a hearing will be held thereon for such licensee to justify the requested charge.

10. The following suggested contract is set forth for the guidance of Private Employment Services in Louisiana. While the style and language may vary, the contents of each contract must substantially conform to that set forth below.

Private Employment Services Contract

(1) This contract is entered into by and between _____, hereinafter referred to as the applicant and _____, hereinafter referred to as the Employment Service.

(2) Should applicant accept employment with an employer to which the employment service has referred within 12 months from date of referral, applicant agrees to pay a fee for professional services in accordance with the schedule contained in paragraph 5.

This contract is valid for a period of one year from the above date or can be terminated by either party at any time by written notice, but not to the detriment of any legal rights or obligations incurred prior to such termination.

(3) Acceptance means agreement by applicant with an employer to begin work.

(4) Schedule of fees (rate of Professional Service Charges based on projected annual compensation at time of acceptance). The method of computing applicants' projected annual compensation, or as outlined in Section 7 of this contract. These estimates are for the purpose of computing service charges and in no way guarantee the procured employment for a year.

(5) Schedule of Fees

ESTIMATED GROSS ANNUAL COMPENSATION	FEE
Less than \$ 4,000	4%
\$ 4,000 but less than \$ 5,000	5%
\$ 5,000 but less than \$ 6,000	6%
\$ 6,000 but less than \$ 7,000	7%
\$ 7,000 but less than \$ 8,000	8%
\$ 8,000 but less than \$ 9,000	9%
\$ 9,000 but less than \$10,000	10%
\$10,000 but less than \$11,000	11%
\$11,000 but less than \$12,000	12%
\$12,000 but less than \$13,000	13%
\$13,000 but less than \$14,000	14%
\$14,000 but less than \$15,000	15%
\$15,000 but less than \$16,000	16%
\$16,000 but less than \$17,000	17%
\$17,000 but less than \$18,000	18%
\$18,000 but less than \$19,000	19%
\$19,000 but less than \$20,000	20%
\$20,000 but less than \$21,000	21%
\$21,000 but less than \$22,000	22%
\$22,000 but less than \$23,000	23%
\$23,000 but less than \$24,000	24%
\$24,000 but less than \$25,000	25%
\$25,000 and up shall never exceed	25%

Fees are rounded down to the nearest dollar.

(6) It is agreed that applicant shall at all times have the right to refuse any employment tendered. The fee of the employment service is earned when applicant accepts employment, payable as follows: _____

GUARANTEE

If the position the employment service has obtained for applicant ends in less than 90 days, REGARDLESS OF REASON, the Service Charge will be reduced to 20 percent of the gross

earnings of the applicant. Any refunds due shall be made promptly upon proper verification of the amount due. If applicant accepts a position and then remains with his present employer, he agrees to pay 20 percent of the applicable fee for the position accepted.

(7) If applicant accepts a job where he is compensated on a straight commission, drawing account, salary plus bonus or any combination of these, he agrees that the employment service fee shall be based on his first full year's gross compensation as estimated by the employer. The fee shall be adjusted downward or upward accordingly at the end of the first full year of employment based upon proof of actual compensation. Requests for adjustment must be made by either party in writing within 60 days following the first full year of employment or termination, whichever is sooner. Under no circumstances will overtime pay be included in gross earnings.

(8) Applicant's acceptance of an introduction by the employment service shall take precedence over any previous application he may have filed with said employer.

(9) This contract contains the total agreement between parties and any modification must be in writing and signed by both parties.

(10) Applicant hereby stipulates and agrees to pay 25 percent over and above the employment service fee, as attorney fees, plus all costs of collection including court costs, should it become necessary to obtain counsel, a collection service, or resort to court action, to collect said fee.

(11) It is understood that if any section of this contract is in conflict with the Louisiana Private Employment Service Law or the Rules and Regulations established thereunder, then the provisions of law, rule and regulation shall govern. The declaration that any section of this contract conflicts with the provisions of law shall not render the remainder of this contract null, and to that end the sections of this contract are declared severable.

(12) The employment service agrees that it will not under any interpretation of this contract make more than one service charge for any one placement.

(13) The parties hereto acknowledge receipt of a copy of this contract; that they have read and understand all provisions thereof and agree to abide by its terms and conditions.

DATE: _____

APPLICANT: _____

BY: _____
EMPLOYMENT SERVICE

(11) All Rules and Regulations heretofore adopted by the Louisiana Department of Labor for the administration of laws pertaining to Private Employment Agencies, Bureaus and Agents are hereby repealed in their entirety.

J. T. Armatta
Assistant Secretary of Labor

RULE

**Department of Natural Resources
Office of Environmental Affairs
Environmental Control Commission**

Under the authority of the Environmental Affairs Act L.R.S. 30:1066 (1) and (8) and 1136A(1) and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted amendments to the Louisiana Hazardous Waste Management Plan (HWMP) at their October 22, 1981 hearing. Following the adoption of the amendments by the

Commission, they were forwarded and found acceptable by the Joint Committees on Natural Resources.

The Commission adopted amendments which extended the regulatory requirements of Section 5.2.2 of the HWMP. These amendments were previously adopted by the Commission on September 5, 1980, approved by the Joint Committees on Natural Resources and published in the September 20, 1980, *Louisiana Register*, Volume 6, Number 9, Rules-pages 544-553. Amendments were also adopted in Section 5.4.2 of the HWMP in compliance with the Memorandum of Agreement for Phase 1 Interim Authorization between the State and EPA, which incorporate the use of EPA identification numbers and EPA waste identification numbers on manifest forms by all generators, transporters and disposers of hazardous wastes. In addition, changes were made to the waste list contained in Appendix A, Category I, as amended on September 5, 1980, to reflect changes in classification of hazardous wastes as listed by EPA. (See Federal Register, Volume 46, Number 11, January 16, 1981, pages 4614-4620.)

Persons requesting copies and/or further information concerning the amendments listed below may contact Ms. Mary MacDonald, Office of Environmental Affairs, P.O. Box 44066, Baton Rouge, Louisiana 70804 or phone (504)342-1265.

LOUISIANA HAZARDOUS WASTE MANAGEMENT PLAN AMENDMENTS

Add under Section 5.4.2. Manifest Forms, a new subsection C as follows:

5.4.2C The manifest form shall contain the proper EPA identification number for the generator, transporter and disposer and the proper EPA waste identification number(s).

Purpose: to comply with requirements of Phase 1 State Hazardous Waste Program Interim Authorization; to assure greater national consistency in the identification of generators, transporters, disposers and hazardous wastes; and to reduce multiple entries of such information on manifest forms and in reports required under the HWMP.

Additional information: By agreement with the U.S. Environmental Protection Agency, generators, transporters and disposers regulated under the HWMP are assigned identification codes consistent with those assigned by EPA. Those hazardous wastes listed in HWMP Appendix A, Category I, have been provided identification codes consistent with the EPA identification codes by the amendments to the HWMP of September 5, 1980, (which replaced the original Category I listings) and additional listings proposed herein are similarly consistent. Those other wastes listed in HWMP Appendix A, Category II, and controlled under Category III by reason of their hazardous characteristics (and that are not listed under Category I) will continue to be assigned state program identification codes under the HWMP.

Amend Section 5.2.2 Mandatory Provisions as amended September 5, 1980, to delete in line 11 in Part A after "standard permit" the following language: "or twelve months, whichever is the shorter period. . ."

Purpose: to assure maintenance of interim status standards for all hazardous waste facilities, compliance with the manifest system, and other applicable requirements of this section, by all facilities pending permit decisions; additionally, these requirements will remain as enforceable conditions the violation of which may constitute additional causes of action on any facility that may have violated notification procedures under the HWMP.

Additional information: Prior to the HWMP amendments of September 5, 1980, the U.S. Environmental Protection Agency had noticed its intent to promulgate additional regulations supplanting these interim status standards. Such EPA regulations would have furnished a basis for amendments to the HWMP that does not now exist. Accordingly, the interim status standards are

maintained by this amendment, in addition to other requirements of the HWMP.

Amend HWMP Appendix A, Category I, as amended September 5, 1980, to reflect the following changes in listings of hazardous wastes. NOTE: the deletion of any listed waste under Appendix A, Category I does not remove any such waste from regulation as a hazardous waste under the HWMP if such waste is identified as a hazardous waste according to the characteristics and procedures under Category III. Category I is amended as follows:

Delete from Part A (non-specific sources) the following waste codes:

F013 F016

Add to Part A (non-specific sources) the following waste code:

F019 (T) Wastewater treatment sludges from the chemical conversion coating of aluminum

Delete from Part B (specific sources) the following waste codes:

K012 K056

K053 K057

K054 K058

K055 K059

Add to Part B (specific sources) the following waste codes:
Organic Chemicals

K083 (T) Distillation bottoms from aniline production

K085 (T) Distillation or fractionation column bottoms from the production of chlorobenzenes

K093 (T) Distillation light ends from the production of phthalic anhydride from ortho-xylene

K094 (T) Distillation bottoms from the production of phthalic anhydride from ortho-xylene

K095 (T) Distillation bottoms from the production of 1,1,1-trichloroethane

K096 (T) Heavy ends column from the production of 1,1,1-trichloroethane

K103 (T) Process residues from aniline extraction from the production of aniline

K104 (T) Combined wastewater streams generated from nitrobenzene/aniline production

K105 (T) Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes

Inorganic Chemicals

K071 (T) Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used

K073 (T) Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production

K106 (T) Wastewater treatment sludge from the mercury cell process in chlorine production.

Pesticides

K097 (T) Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane

K098 (T) Untreated process wastewater from the production of toxaphene

K099 (T) Untreated wastewater from the production of 2,4-D

Secondary Lead

K100 (T) Waste leaching solution from acid leaching of emission control dusty/sludge from secondary lead smelting.

Veterinary Pharmaceuticals

- K084 (T) Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
- K101 (T) Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
- K102 (T) Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds

Ink Formulation

- K086 (T) Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead

Regroup K060 from Iron and Steel to Coking (a new group) and add the following waste code to the Coking group:

- K087 (T) Decanter tank tar sludge from coking operations

B. Jim Porter
Assistant Secretary

COMMITTEE REPORT

**Legislature of Louisiana
House of Representatives
Natural Resources Committee
Subcommittee on Oversight**

Pursuant to the provisions of R.S. 49:968, the Oversight Subcommittee of the House of Representatives Natural Resources Committee met on December 1, 1981, and reviewed certain changes in state regulations proposed by the Environmental Control Commission, for which notices of intent were previously published in the September 20, 1981, *Louisiana Register* with the following results:

- 1) Addition of a new Subsection C to Section 5.4.2 of the Louisiana Hazardous Waste Management Plan - approved by a vote of 6-0.
- 2) Amendment of Section 5.2.2 of the Louisiana Hazardous Waste Management Plan - approved by a vote of 6-0.
- 3) Amendments of Appendix A, Category I of the Louisiana Hazardous Waste Management Plan - approved by a vote of 6-0.
- 4) Amendment of Section 6.1 of the Louisiana Air Quality Regulations - approved by a vote of 6-0.

John N. John, III,
Acting Chairman,
Oversight Subcommittee

RULE

**Department of Public Safety
Liquefied Petroleum Gas Commission**

In accordance with the provisions of LRS 49:951, the Administrative Procedure Act, and LRS 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce Rules and Regulations, notice is hereby given that the Commission adopted the following changes to its rules and regulations.

1.1 New Dealers

1.1 (c) (3) (a) All sketches or drawings of proposed bottle filling plants and/or liquid withdrawal systems must be submitted to the office of the Director and approved before system is put into operation.

1.1-9 (a) All certificates of competency must be renewed annually by permit holder. There will be a charge of \$5 per card if request is received by March 1 of the current year. After March 1 there will be a penalty of \$3 per card. There will be a charge of \$5 for replacing a lost card; change of employer; or change of company name. A card with improper employer or company name shall not be valid.

1.1-9 (b) All employees who are qualified by this Commission and have been issued certificates of competency, shall have their certificates of competency on their person while on duty. Should an employee lose his card, dealer is to notify this office within ten days for the issuance of a new card. If an employee terminates his employment with the dealer for whom the card is issued, the card must be picked up by the dealer and returned to this office immediately.

1.1-14 (e) Any person, firm or corporation who has made application for a permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may re-submit an application 90 days after date of denial.

CLASS I Holders of these permits may enter any phase of the liquefied petroleum gas business; except that cylinder and/or motor fuel tank filling plants must be located on dealer-owned premises. This provision shall become effective January 1, 1982.

CLASS II Holders of these permits may sell, install, and service liquefied petroleum gas containers, piping, and appliance, but may not deliver gas. This class will also apply to the sale, installation and service of liquefied petroleum gas containers, piping and appliances on mobile homes, motor homes, travel trailers, or any recreational vehicle.

CLASS II (i) The obligation of the manufacturers and dealers of mobile homes, motor homes, travel trailers, or any recreational vehicle will be to see that all safety standards are complied with and all safety tests are performed on mobile homes, motor homes, travel trailers, or any recreational vehicle using liquefied petroleum gas.

CLASS II (j) Upon delivery of a mobile home, motor home, travel trailer, or any recreational vehicle, new or used, the required inspection and testing of any liquefied petroleum gas system and appliances shall be performed by the Dealer, using liquefied petroleum gas in the system. An inspection report properly completed and signed by the customer must be sent to the Director of the Liquefied Petroleum Gas Commission verifying that the tests were performed and that the pressure test was eyewitnessed by the customer or his/her authorized representative. Upon completion of the inspection and test, an inspection sticker (which may be obtained from the office of the Director of the Liquefied Petroleum Gas Commission, and which will be furnished upon request at a nominal fee) must be attached to the mobile home or recreational vehicle indicating that the liquefied petroleum gas system and appliances are in safe condition.

CLASS II (k) The mobile home or recreational vehicle dealer will be responsible to this Commission to make the required inspection and test or make arrangements for it to be made by a qualified permit holder.

Section 3.16 (a) Each transport and delivery truck shall be equipped with at least two fire extinguishers of dry chemical type having an aggregate capacity of not less than 24 pounds. One extinguisher shall be in the cab of the truck and one mounted to the skirting of the container.

Section 3.23 (b) Trucks shall be parked at least 25 feet from any street, highway or railroad track and 50 feet from any building.

Section 4.6(a) Containers shall be provided with safety devices as required by the Interstate Commerce Commission and United States Department of Transportation (DOT) regulation.

Section 5.1 (a) Regulations of the United States Department of Transportation (DOT).

(2) Section VIII, Division I, American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

(b) Welding on containers shall comply with code under which container was originally constructed. Field welding where necessary shall be made only on plates or brackets which were applied by the manufacturer.

Section 5.2 Design Working Pressure of Fuel Supply Container.

(a) The minimum design pressure for American Society of Mechanical Engineers (ASME) containers shall be in compliance with Table 2-1 of the current National Fire Protection Association pamphlet No. 58.

Section 5.3 (a) The minimum capacity of storage containers at schools and places of public assembly shall be 1000 gallon per each 1,000,000 British Thermal Unit (BTU) appliance load.

Section 5.7 (c) Sketches Required: No dealer shall make an installation for a school, church, or any place of public assembly, without first submitting plans and specifications in triplicate as required by Section 7.1 of these Rules and Regulations.

Section 5.8 (b) Uncoded Tanks: No reinstallation of an uncoded tank shall be permitted. Where tank is excavated for inspection, it may be reinstalled after inspection and approval of an Inspector of the Liquefied Petroleum Gas Commission.

Section 5.8 (c) Customer not Permitted to Transport Tank: In no case shall a dealer knowingly permit a CUSTOMER to TRANSPORT a tank, or permit a customer to do part of the work other than excavation.

Section 5.9 (c) Shut-Off Valves: All shut off valves and accessory equipment (liquid or vapor) shall be suitable for liquefied petroleum gas service, and designed for not less than the maximum pressure to which they may be subjected. Valves and accessories which may be subjected to container pressure shall have a rated working pressure of 250 pounds per square inch.

Section 5.9 (j) (2) No excess flow valve is required in the vapor withdrawal service line provided the following are complied with:*****

Section 5.10 (e) Length of Fixed Tube: Length of fixed tube device shall be designed to indicate the minimum level to which the container may be filled for the product to be used.

Section 5.11 (c) Pipe Joints: Pipe joints may be screwed, flanged, welded or brazed, with a material having a melting point exceeding 1000° F. For operating pressure of 125 pounds per square inch gauge or less, fittings shall be designed for at least 125 pounds per square inch gauge. For operating pressures above this, fittings shall be designed for a minimum of 250 pounds per square inch gauge. Cast iron fittings shall be prohibited. Joints on seamless copper, brass, steel or non-ferrous gas tubing shall be made by means of approved gas tube fittings or soldered or brazed with a

material having a melting point exceeding 1000° F. Thread compounds resistant to the action of liquefied petroleum gas shall be used on all thread connections and applied only on male threads.

Section 5.12 (b) Start to Discharge Pressure: Container safety relief valves shall be set to start discharge as listed in Table 2-2 of the National Fire Protection Association pamphlet No. 58. National Fire Protection Association pamphlet No. 58.

Section 5.13 (b) Maximum Permitted Filling Density: All containers shall be filled according to Table 4-2 and 4-3 of the National Fire Protection Association pamphlet No. 58 and the following liquid correction factor:*****

Section 5.14 Delete (e)

(j) Systems Installed by Limited Permit Dealers: No gas will be placed in any system installed by a limited permit dealer unless both the gas dealer and the limited permit dealer are present at the first filling. The installation or reinstallation report shall be signed by both parties.

(1) Limited Permit Holders: All limited permit holders must comply strictly with the rules and regulations of the Commission and must have a contract in writing from a bonded dealer agreeing to supply any systems he may sell with gas.

Section 5.15 (a) Indirect fired vaporizers utilizing steam, water or other heated medium shall be constructed and installed as follows:

(1) Vaporizers shall be constructed in accordance with the requirements of American Society of Mechanical Engineers (ASME) Unfired Pressure Vessels Code and shall be permanently marked as follows: With the code marking signifying the specifications to which vaporizer is constructed. With the allowable working pressure and temperature for which the vaporizer is designed. With the outside surface and the inside heat exchange surface expressed in square feet. With the name or symbol of the manufacturer. With vaporizing capacity in gallons per hour. With rated heat input in British Thermal Unit per hour (BTUH). Delete No. 2.

Section 6.2 (a) (1) The American Society of Mechanical Engineers (ASME) Unfired pressure Vessel Code, Section 8, Division 1. (2) The specifications of the United States Department of Transportation.

Section 6.3 (a) Fuel container shall be designed and constructed for a minimum 250 pounds per square inch gauge (p.s.i.g.) working pressure.

Section 6.10 (b) Start to Discharge Pressure: Container safety relief valves shall be set to discharge as listed in Table 2-2 of the National Fire Protection Association pamphlet No. 58.

Section 6.10 (c) Interstate Commerce Commission (ICC) and Department of Transportation (DOT) Containers: Interstate Commerce Commission and United States Department of Transportation containers shall be provided with safety devices as required by the Interstate Commerce Commission and the United States Department of Transportation regulations. A spring loaded safety relief valve shall be the primary relieving device.

Section 6.14 (a) The INSTALLATION shall be made only by a competent mechanic in the service of a bonded dealer who is familiar with the regulations of the Liquefied Petroleum Gas Commission and having satisfactorily passed the written examination attesting thereto.

Section 7.1 (a) Requirements for Plans and Specifications: Three copies of all liquefied petroleum gas installation plans and specifications including plot plans shall be submitted to the office of the Director of the Liquefied Petroleum Gas Commission for approval before the job is begun.

Section 7.2 (a) Requirements for liquefied petroleum gas piping: INSTALLATION: All liquefied petroleum gas piping shall

be installed by a person or firm qualified by the Liquefied Petroleum Gas Commission to install such pipe. Where all of the work is not done by a bonded liquefied petroleum gas dealer, he is, nevertheless, responsible, and his contracts, exclusive of financial detail, covering contractors other than bonded liquefied petroleum gas dealers must be submitted to the Commission. All work must be supervised by a dealer or his representative.

Section 7.3 (n) Cap Outlets: Each outlet including a valve or cock outlet, shall be securely closed gas-tight with a positive threaded plug or cap if appliance is not to be connected. When an appliance is removed from an outlet and the outlet is not to be reconnected it shall be securely closed gas-tight. In no case shall the outlet be closed with tin caps, wooden plugs, corks, etc.

Section 7.3 (o) Add No. 5 Test must be witnessed by an inspector of the Liquefied Petroleum Gas Commission.

Section 7.4 (a) (2) Approved by the Liquefied Petroleum Gas Commission.

Section 7.4 (n) DOMESTIC RANGES:

(1) The location of a domestic gas range shall be such as not to constitute a hazard to persons or property. In the application of this requirement, appropriate consideration shall be given to the design and construction of the range and the combustibility of the floor, wall or partition. Listed domestic gas ranges when installed on combustible floors shall be set on their own bases or legs and shall be installed with clearances specified by the manufacturer.

Section 7.4 (p) (2) Listed gas-fired water heaters shall be positioned in relation to combustible construction with minimum clearance in accordance with manufacturers specification.

Section 7.4 (q) ROOM OR SPACE HEATERS: A room or space heater shall be placed so as not to cause a hazard to walls, floors, curtains, furniture, doors when open, etc., and to the free movements of persons within the room. Appliances designed or marked "For use in incombustible fire-resistable fireplace only" shall not be installed elsewhere. Listed room or space heaters shall

be installed with clearances not less than specified by manufacturer. In no case shall the clearances be such as to interfere with the requirements of combustion air and accessibility.

Section 7.4 (r) (4) Listed central heating boilers and furnaces shall be installed with the clearances not less than specified by the manufacturer. In no case shall the clearance be such as to interfere with the requirements for combustion air and accessibility.

Section 7.4 (r) (10) A plenum chamber when not a part of a furnace shall be constructed in accordance with the manufacturer's instruction. The method of connecting supply and return ducts shall facilitate proper circulation of air. Reference may be made to Section 1.5 of the National Fire Protection Association pamphlet No. 58.

Section 7.4 (y) (3) Gas counter appliances may be installed with lesser clearances than specified above where the combustible construction is protected in an approved manner. For details or protection see the National Fire Protection Association pamphlet No. 58.

Section 7.5 (a) (1) Any domestic appliances with input rating in excess of 50,000 British Thermal Unit (BTU) per hour or any appliance requiring venting by manufacturer.

Section 7.5 (c) (1) Types of Flues or Vents: Appliances shall be vented according to Section 1.5.5 and 1.5.6 of the National Fire Protection Association pamphlet No. 58.

Section 7.7 (a) Fencing shall be provided around the tank to protect it from vehicular traffic and to prevent tampering by children. The gate or hood must be kept locked.

By Order of Louisiana Liquefied Petroleum Gas Commission

Lionel T. Ortego
Director

RULE

**Department of Public Safety
Office of the Secretary**

The Louisiana Department of Public Safety adopts the following as the approved list of protective helmets and goggles for use while operating motorcycles.

PROTECTIVE HELMETS

TRADE NAME	MODEL	COMPANY / CORPORATION
ARAI CLC	R-7	Arai Helmet, Ltd.
ARAI	S-70	Arai Helmet, Ltd.
ARAI	X-75	Accessory Distributors, Inc.
ARAI	R-6M	Arai Helmet, Ltd.
ARAI	X-7	Arai Helmet, Ltd.
ARAI	CHALLENGER X	Accessory Distributors, Inc.
ARAI S-75 DOT	S-75 CHALLENGER S	Arai Helmet, Ltd.
ASTRO	KH-707	Kunoh, Ltd.
E-307		Accessory Distributors, Inc.
I-308		International Sport & Safety
INTEGRALNAVA 2-62002		Nava & Company, S.p.A.

JNG LI	5501B	Jung LI Industry Co., Ltd.
JNG LI	5501A	Jung LI Industry Co., Ltd.
JNG LI	5502B	Jung LI Industry Co., Ltd.
JNG LI	5502A	Jung LI Industry Co., Ltd.
JNOH	KM-59	Kunoh, Ltd.
NOH	KM-100	Kunoh, Ltd.
-38	M-38	Marushin Kogyo Co., Ltd.
-450	M-450	Marushin Kogyo Co., Ltd.
ANE CROWN	200	Sane Crown Industry Co., Ltd.
3ADDON	NJL 1000	Abaddon Products Co., Inc.
3V	400	Life U.S.A. Corporation
3V	100	Life U.S.A. Corporation
.S.E.	RN 45571C	American Safety Equipment Corp.
.S.E.	RN 45571B	American Safety Equipment Corp.
PRO	4170	Griffin Corporation
PRO	4170(F)	Griffin Corporation
PRO	R2	Griffin Corporation
PRO	R1	Griffin Corporation
RAI	RX-7	Arai Helmet, Ltd.
RCTIC CAT	100	Life U.S.A. Corporation
RCTIC CAT	400	Life U.S.A. Corporation
RROW	R1	Griffin Corporation
3C FURY	400	American Sports Company, Inc.
3C FURY	500	American Sports Company, Inc.
3	500C	American Sports Company, Inc.
3	300C	American Sports Company, Inc.
S	400C	American Sports Company, Inc.

PROTECTIVE HELMETS

<u>TRADE NAME</u>	<u>MODEL</u>	<u>COMPANY/CORPORATION</u>
AJA	R2	Griffin Corporation
AJA	R1	Griffin Corporation
AJA	4170	Griffin Corporation
AJA	4170 (F)	Griffin Corporation
ALKAMP		Lear Siegler, Inc.
ELL	STAR 120	Bell Helmets, Inc.
ELL	STAR 111	Bell Helmets, Inc.
ELL	MOTO 111	Bell Helmets, Inc.
ELL	STAR 11	Bell Helmets, Inc.
ELL	MAGNUM II	Bell Helmets, Inc.
ELL	MOTO STAR	Bell Helmets, Inc.
ELL	R-T	Bell Helmets, Inc.
ELL	MAGNUM 111	Bell Helmets, Inc.
T-5		Bell Helmets, Inc.
T-6		Bell Helmets, Inc.
UCO	RN 45571B	American Safety Equipment Corp.
UCO	RN 45571C	American Safety Equipment Corp.
ROWN	400	Life U.S.A. Corporation
ROWN	100	Life U.S.A. Corporation
DELGADO	D-001	Delgado Helmets
AGLE	2000	Griffin Corporation
ELECTRO 1	PRO SERIES	Electrofilm Inc.
ELECTRO	3	Electrofilm Inc.

ELECTRO (TOUR SERIES)	3 (TOURING MODEL)	Electrofilm Inc.
ELECTRO (TOUR SERIES)	C-TYPE (COMPETITION MODEL)	Electrofilm Inc.
ELECTRO (TOUR SERIES)	1	Electrofilm Inc.
FF-RG-9		Land Tool Company
FOX	4170 (F)	Griffin Corporation
FOX	R1	Griffin Corporation
FOX	R2	Griffin Corporation
FOX	4170	Griffin Corporation
FURY	400	American Sports Company, Inc
FURY	300	American Sports Company, Inc
FURY	500-MX	American Sports Company, Inc
FURY	500-C	American Sports Company, Inc
FURY	500	American Sports Company, Inc
GALAXY	R2	Griffin Corporation
GALAXY	R1	Griffin Corporation

PROTECTIVE HELMETS

<u>TRADE NAME</u>	<u>MODEL</u>	<u>COMPANY/CORPORATION</u>
GRANT	FF-RG-9	Land Tool Company
GRIFFIN	R1	Griffin Corporation
GRIFFIN	4170	Griffin Corporation
GRIFFIN	4170 (F)	Griffin Corporation
GRIFFIN	R2	Griffin Corporation
HONDALINE	STAG	American Sports Company, Inc.
HONDALINE	STAG/RN 45571C	American Safety Equipment Co.
HONDALINE	HARE	American Sports Company, Inc.
HONDALINE	HARE/RN 45571C	American Safety Equipment Cor
HONDALINE	HAWK	American Sports Company, Inc.
HONDALINE	NAWK/RN 45571B	American Safety Equipment Cor
HUSTLER	400	American Sports Company, Inc.
HUSTLER	R2	Griffin Corporation
HUSTLER	R1	Griffin Corporation
HUSTLER	4170 (F)	Griffin Corporation
HUSTLER	4170	Griffin Corporation
JAVELIN	BA-72	Javelin, Inc.
JAVELIN	SRP-90	Javelin, Inc.
KAWASAKI	CONVENTIONAL	American Sports Company, Inc.
KAWASAKI	400	Life U.S.A. Corporation
KAWASAKI	100	Life U.S.A. Corporation
KRW	5000-C	American Sports Company, Inc.
KRW	2500	American Sports Company, Inc.
KRW	5000-MX	American Sports Company, Inc.
KRW	5000	American Sports Company, Inc.
LEAR SIEGLER	BA-72	Lear Siegler, Inc.
LEAR SIEGLER	SRP-90	Lear Siegler, Inc.
LIFE	100	Life U.S.A. Corporation
LIFE	400	Life U.S.A. Corporation
LSI	4170	Griffin Corporation
LSI	4170 (F)	Griffin Corporation
MARCO	400	Life U.S.A. Corporation
MARCO	100	Life U.S.A. Corporation
MARK HC	X	American Sports Company, Inc.
MARK HC	VII	American Sports Company, Inc
MAX	4170 (F)	Griffin Corporation

MAX	4170	Griffin Corporation
MAX	R1	Griffin Corporation
MAX	R2	Griffin Corporation

PROTECTIVE HELMETS

<u>TRADE NAME</u>	<u>MODEL</u>	<u>COMPANY/CORPORATION</u>
MODEL A		American Sports Company, Inc.
MONARCH	X-1001	Monarch Helmets
MTA		Jefferson Helmets
HEXCO	6420	Griffin Corporation
NORCON	TW-1	Norcon Manufacturing Company
MC (PALACE MOTOR CORP)		Jefferson Helmets
MOLARIS	IT	American Sports Company, Inc.
MOLARIS	I	American Sports Company, Inc.
LEBCOR	R2	Griffin Corporation
LEBCOR	R1	Griffin Corporation
LEBCOR		Griffin Corporation
LG-9 JR	JUNTOR	Land Tool Company
LG-9	FULL COVERAGE	Land Tool Company
LG	4 DOT	Land Tool Company
LG-9FF		Land Tool Company
RN	RN 45571B	American Safety Equipment Corp.
ROP	ROP 4170 (F)	Griffin Corporation
ROP	ROP 4170 (S)	Griffin Corporation
ROP	ROP 4170 (F)	Griffin Corporation
ROP	ROP 4170	Griffin Corporation
SABER	F-1	Jefferson Helmets
SABER		Jefferson Helmets
SEARS	75018	Lear Siegler, Inc.
SEARS	75088	Lear Siegler, Inc.
SHOE I	S-25	Shoe I Safety Helmet Corp.
SIMPSON	30	Simpson Sports
SIMPSON	60	Simpson Sports
SKIDOO	R2	Griffin Corporation
SKIDOO	7140	Griffin Corporation
SKIDOO	4170 (F)	Griffin Corporation
SKIDOO	R1	Griffin Corporation
SPORT TECH	4170	Griffin Corporation
SPORT TECH	R1	Griffin Corporation
SPORT TECH	R2	Griffin Corporation
SPORT TECH	4170 (F)	Griffin Corporation
SUZUKI	100	Life U.S.A. Corporation
SUZUKI	400	Life U.S.A. Corporation
TIGER	400	Life U.S.A. Corporation
TIGER	100	Life U.S.A. Corporation

PROTECTIVE HELMETS

<u>TRADE NAME</u>	<u>MODEL</u>	<u>COMPANY/CORPORATION</u>
TITAN	I	American Sports Company, Inc.
TITAN	II	American Sports Company, Inc.
T.T.	100	Life U.S.A. Corporation
T.T.	400	Life U.S.A. Corporation
TOUR + TRAIL		Lear Siegler, Inc.
TOUR + TRAIL	R1	Griffin Corporation
TOUR + TRAIL	4170 (F)	Griffin Corporation
TOUR + TRAIL	4170	Griffin Corporation
TOUR + TRAIL	R2	Griffin Corporation
TRIPLE A	400	Life U.S.A. Corporation
TRIPLE A	100	Life U.S.A. Corporation
VAN GUARD II	VG II	Land Tool Company
X-100		American Sports Company, Inc.
X	100	American Sports Company, Inc.
YAMAHA	XS FULL COVERAGE	Bell Helmets Inc.
YAMAHA	STD.	American Sports Company, Inc.
YAMAHA	XS FULL FACIAL	Bell Helmets Inc.
YAMAHA	F.C.	American Sports Company, Inc.

MOTORCYCLE FACE SHIELDS

<u>TRADE NAME</u>	<u>MODEL</u>	<u>COLOR</u>	<u>COMPANY/CORPORATION</u>
APOLLO	100	C	Paulson Mfg. Corporation
ARAI	X7 MK1	C	Paulson Mfg. Corporation
ARAI	X7 MK111	C	Paulson Mfg. Corporation
B&S	FS-25	C	B&S Plastics, Inc.
B&S	FS-25	S	B&S Plastics, Inc.
B&S	FS-25	B	B&S Plastics, Inc.
B&S	FS-25	A	B&S Plastics, Inc.
B&S	FS-25	Y	B&S Plastics, Inc.
B&S	FS-30	C	B&S Plastics, Inc.
B&S	FS-30	S	B&S Plastics, Inc.
B&S	FS-30	Y	B&S Plastics, Inc.
B&S	FS-40	C	B&S Plastics, Inc.
B&S	FS-40	S	B&S Plastics, Inc.
B&S	FS-40	Y	B&S Plastics, Inc.
B&S	FS-45	C	B&S Plastics, Inc.
B&S	FS-45	S	B&S Plastics, Inc.
B&S	FS-45	Y	B&S Plastics, Inc.
B&S	FS-50	C	B&S Plastics, Inc.
B&S	FS-50	S	B&S Plastics, Inc.
B&S	FS-50	Y	B&S Plastics, Inc.
BAR FLIP	1303	C,S,Y	Griffin Corporation
BELL	241-Y	Y	Bell Helmets, Inc.
BELL	241-G	GE	Bell Helmets, Inc.
BELL	241-C	C	Bell Helmets, Inc.

BELL	540-1-C	C	Bell Helmets, Inc.
BELL	540-1-G	GE	Bell Helmets, Inc.
BELL	540-1-Y	Y	Bell Helmets, Inc.
BUBBLE FLIP SHIELD	BF-6	C	Paulson Mfg. Corporation
BUBBLE FLIP SHIELD	BF-6	B	Paulson Mfg. Corporation
BUBBLE FLIP SHIELD	BF-6	S	Paulson Mfg. Corporation
BUBBLE FLIP SHIELD	BF-6	A	Paulson Mfg. Corporation
BUBBLE FLIP SHIELD	BF-6	Y	Paulson Mfg. Corporation
BUBBLE FLIP SHIELD	BF-6	GE	Paulson Mfg. Corporation
COMP SHIELD	NO. 3	C	Paulson Mfg. Corporation
COMP SHIELD	NO. 3	B	Paulson Mfg. Corporation
COMP SHIELD	NO. 3	S	Paulson Mfg. Corporation
COMP SHIELD	NO. 3	A	Paulson Mfg. Corporation
COMP SHIELD	NO. 3	Y	Paulson Mfg. Corporation
COMP SHIELD	NO. 3	GE	Paulson Mfg. Corporation

MOTORCYCLE FACE SHIELDS

<u>TRADE NAME</u>	<u>MODEL</u>	<u>COLOR</u>	<u>COMPANY/CORPORATION</u>
ELECTRO	E-3	C	Electrofilm, Inc.
ELECTRO	E-3	S	Electrofilm, Inc.
ELECTRO II		C	Paulson Mfg. Corporation
ELECTRO 2A		C	Paulson Mfg. Corporation
FLAT, LSI	3104	C,S,Y	Griffin Corporation
FLIP	FC 10	C	Paulson Mfg. Corporation
FLIP AM	FC 36	C	Paulson Mfg. Corporation
FLIP 555	FC 22	C	Paulson Mfg. Corporation
FLIP JP	FC 23	C	Paulson Mfg. Corporation
FLIP S-12	FC 29	C	Paulson Mfg. Corporation
FLIP S-20	FC 28	C	Paulson Mfg. Corporation
FLIP S-21	FC 32	C	Paulson Mfg. Corporation
FLIP S-25	35	C	Paulson Mfg. Corporation
FLIP S-106	FC 30	C	Paulson Mfg. Corporation
FLIP S-107	FC 31	C	Paulson Mfg. Corporation
FLIP STAR	FC 15	C	Paulson Mfg. Corporation
FLIP STAR	FC 15	B	Paulson Mfg. Corporation
FLIP STAR	FC 15	A	Paulson Mfg. Corporation
FLIP STAR	FC 15	Y	Paulson Mfg. Corporation
FLIP STAR	FC 15	GE	Paulson Mfg. Corporation
FLIP STAR	FC 15	S	Paulson Mfg. Corporation
FLIP STAR	FC-17-120	C	Paulson Mfg. Corporation
FLIP T&C	FC 33	C	Paulson Mfg. Corporation
GALAXY	II	C	Griffin Corporation
GRIFFIN	S-3	C	Griffin Corporation
GRIFFIN	S-3	Y	Griffin Corporation
GRIFFIN	S-3	S	Griffin Corporation
HARLEY DAVIDSON	X100	C	Paulson Mfg. Corporation
HARLEY DAVIDSON	98011-67V	C	Paulson Mfg. Corporation
KRW Ratchet-LOCTM		C	Paulson Mfg. Corporation
LTC	V-400	C	Land Tool Company
LTC	V-100	C	Land Tool Company
LTC	V-200	C	Land Tool Company
LTC	V-500	C	Land Tool Company
PAULSON	VS-4	C	Paulson Mfg. Corporation

PAULSON	VS-3	C	Paulson Mfg. Corporation
PAULSON	VS-6	C	Paulson Mfg. Corporation
PORT FLIP	F500	C	Paulson Mfg. Corporation

MOTORCYCLE FACE SHIELDS

TRADE NAME	MODEL	COLOR	COMPANY/CORPORATION
PEAK BUBBLE	3107	C,Y,S	Griffin Corporation
PEAK BUBBLE FLIP	3108	C,Y,S	Griffin Corporation
PEAK FLIP	3102	C,Y,S	Griffin Corporation
REBCOR	S-3	C	Griffin Corporation
REBCOR	S-3	Y	Griffin Corporation
REBCOR	S-3	S	Griffin Corporation
SHOE I	S-12	C,G,S,A	Bell Helemts, Inc.
SUPERVISOR SHIELD	3101	C,S,Y.B	Griffin Corporation
H-1		C, GE	We Five Mfg. Inc.
RS-Z	RS-Z	C	Accessory Distributors, Inc

MOTORCYCLE GOGGLES AND SAFETY GLASSES

TRADE NAME	MODEL	COLOR	COMPANY/CORPORATION
FOSTER GRANT	EYEGUARD	C	Foster Grant
SWANS	727MX	C	Yamamoto Bojin Megane, Co.Ltd
SWANS P PETROID	714MX	C GE	Yamamoto Bojin Megane, Co.Ltd

Donald G. Bollinger
Secretary

RULE

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

The Fire Marshal for the State of Louisiana hereby adopts the following administrative ruling with regard to the shipping, sale, possession, and use of fireworks:

L.A.C. 17-4:18 Fireworks

L.A.C. 17-4:18.1 Public Display

Pursuant to Louisiana Revised Statutes 51:655, any person, firm or corporation or other legal entity desiring a permit for a public display may either apply to the Office of State Fire Marshal, 1033 North Lobdell Boulevard, Baton Rouge, Louisiana 70806 or to any certified local authority, which application shall contain the following information in the form of an affidavit sworn and subscribed by a duly licensed and qualified notary public:

1. The date, time and place of the public display including the length of time.

2. All fire prevention plans and provisions which will be present and in force and available to assure the public safety at the public display.

3. A copy of the license issued by the Office of State Fire Marshal licensing the manufacturer, importer, distributor or jobber who will be supplying and/or conducting the public display or sufficient detail on the individual firm, corporation or other legal entity who will be supplying and/or conducting the public display to assure the State Fire Marshal or his certified local authority that the fireworks and the actual presentation and conduct of the public display will not endanger the public safety; such facts required in lieu of a license include business history including length of time in business, representative clients, references from public officials in fire safety, educational background of employees, and any and all other types of information which would assure the Fire Marshal or his certified authority that the public display will not endanger the public safety.

L.A.C. 17-4:18.2 Licenses

Anyone applying for licenses under Louisiana Revised Statutes 51:656 shall set forth not only such information as may be required by the application attached hereto and made part hereof but all such information as shall be necessary for the Fire Marshal to determine that the manufacturing, importation, distribution and sale of the fireworks in question will not endanger the public safety; such facts shall include but are not limited to include business history including length of time in business, representative clients, references from public officials in fire safety, educational background of employees, and any and all other types of information which would assure the Fire Marshal or his certified authority that the public display will not endanger the public safety. All of the information both on the form and any additional information must be sworn and subscribed before a duly licensed and qualified notary public.

Carrol L. Herring
State Fire Marshal

RULES

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with the Notice of Intent published in the August 20, 1981 Louisiana Register, The Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following rules:

- LAC 19-3:1
- LAC 19-3:2
- LAC 19-3:3
- LAC 19-3:5
- LAC 19-3:6
- LAC 19-3:7
- LAC 19-3:8
- LAC 19-3:9
- LAC 19-3:11
- LAC 19-3:12
- LAC 19-3:13

Rule LAC 19-3:4 Rules Governing Corporations and Firms and Rule LAC 19-3:10. Rules Governing the Use of Seals will be published in the *Louisiana Register* as soon as they are adopted by the Board.

LAC 19-3:1 GENERAL PROVISIONS (37:681)*

1.1 In order to safeguard life, health and property, and to promote the public welfare, any person in either public or private capacity, or foreign or domestic corporation, practicing or offering to practice professional engineering or professional land surveying, shall be required to submit evidence that he/she is qualified to so practice and shall be registered with the Board. Unless specifically exempted by the Act it shall be unlawful for any person to practice or to offer to practice in this state, engineering or land surveying, as defined in the registration law (Louisiana RS 37:681 through 37:703 as amended by Act 568 of 1980) and the Rules of the Board, or to use in connection with his/her name or otherwise assume, use or advertise any title or description tending to convey the impression that he/she is a professional engineer or a professional land surveyor, unless such person has been duly registered under the provisions of the registration law and the Rules of the Board.

1.2 Under the provisions of RS 37:688 the Board has the authority to make, adopt, alter, amend, and promulgate rules not inconsistent with the constitution and laws of this state. This is necessary for the proper performance of its duties and the regulations of the proceedings before it.

* The number in the parenthesis makes reference to Sections of Title 37, Chapter 8, of the Louisiana Revised Statutes, as amended by Act 568 of 1980.

LAC 19-3:2 DEFINITIONS (37:682)

The words and phrases defined in Section 37:682 of Act 568 of 1980, (The Registration Law) shall apply to these rules. In addition, the following words and phrases shall have the following meanings, unless the content of the rule clearly states otherwise:

2.1 **“Act”** or **“Registration Law”** shall mean Act 568 of 1980, including any amendments thereto. This act empowers the Board to regulate the practice of Engineering and Land Surveying in the State of Louisiana.

2.2 **“Practice of Engineering”** is defined in RS 37:682. The Board recognizes that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the design of buildings and similar structures. It is recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in activities properly classifiable as professional engineering insofar as it is necessarily incidental to his/her work as an architect. Likewise, it is recognized that the Professional Engineer who has complied with all of the current laws of Louisiana and is properly registered in that branch of engineering for which he/she may be qualified has the right to engage in activities properly classifiable as architecture insofar as it is necessarily incidental to his/her work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all the laws or ordinances relating to the designs or projects with which he may be engaged.

The teaching of engineering may be construed as the practice of engineering.

2.3 **“Benefits of any substantial nature”** and **“significant gratuity”** as used in the Rules of Professional Conduct, shall mean any acts, articles, money or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receivers, or otherwise compromise their ability to exercise their own judgement, without regard to such benefit or gratuity.

2.4 **“Fraud, deceit or misrepresentation”** shall mean intentional deception to secure gain, through attempts to deliberately conceal, mislead, or misrepresent the truth with the intent to have others take some action relying thereupon, or any act which provides incorrect, false, or misleading information, upon which others might rely.

2.5 **“Gross Incompetency”** shall mean the practice of engineering or land surveying by a registrant who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties he/she undertakes. (The practice of engineering in an area other than that in which the registrant has been issued a certificate will not be considered as evidence of gross incompetency, provided the registrant is otherwise qualified by education or experience.) Examples of practice which the Board may consider to constitute gross incompetency include but are not limited to:

2.5.1 The undertaking of assignments other than those for which the registrant is qualified by education or experience in the specific technical fields involved.

2.5.2 The affixing of the registrant’s signature or seal to any engineering or land surveying plan or document dealing with the subject matter in which the registrant lacks competence by virtue of education or experience.

2.6 **“Gross Negligence”** shall mean the practice of engineering or land surveying by a registrant characterized by his/her lack of reasonable care, precaution, or attention to the right, safety, or welfare of others, which could result in injury or damage to life or property or financial loss. Examples of practice which the Board may consider to constitute gross negligence include, but are not limited to:

2.6.1 The preparation of an incomplete or inaccurate engineering or land surveying plan or document that is below acceptable standards, which is released for construction or other lawful purposes, and which could result in financial loss or injury.

2.6.2 Failure of the registrant to exercise reasonable diligence and care in providing professional services, which could result in financial loss or damage or injury.

LAC 19-3:3 Requirement for Certification and Registration of Individuals and Temporary Permit to Practice Engineering

3.1 Engineer-In-Training Certification (37:693 B)

A certified Engineer-In-Training shall be a person who is of good character and reputation, who has passed the written examination in the fundamentals of engineering, who was recommended for certification by a registered Professional Engineer, and who was duly certified by the Board at a regular meeting. The additional requirements for certification as an Engineer-In-Training under the several alternatives provided in the Registration Law are as follows:

3.1.1 Graduates of Approved Curricula (37:693 B (1) (a))

The applicant shall be a person who is a graduate of an engineering curriculum of four years or more approved by the Board

3.1.2 Graduates with Masters Degree (37:693 B (1) (b))

The applicant shall be a person who is a graduate of an unapproved engineering curriculum of four years or more who has obtained a masters degree in an engineering curriculum approved by the Board.

3.1.3 Other Graduates (37:693 B (1) (c))

The applicant shall be a person who is a graduate of an unapproved engineering curriculum or a related science curriculum of four years or more, who has a specific record of four years or more of progressive experience obtained subsequent to graduation, on engineering projects of a grade and character satisfactory to the Board.

3.2 Land Surveyor-In-Training Certification (37:693 B (3))

A certified Land Surveyor-In-Training shall be a person who has met the education and experience requirements established by the Board, who is of good character and reputation, who has passed the written examination in the fundamentals of land surveying, and who has satisfied the requirements of RS 37:694 and who was duly certified as a Land Surveyor-In-Training by the

Board at a regular meeting. An applicant for certification as a Land Surveyor-In-Training must be recommended by three personal references. At least one of these references shall be a registered Land Surveyor who has personal knowledge of the applicant’s character and abilities. The additional requirements for certification as a Land Surveyor-In-Training under the several alternatives provided in the Registration Law are as follows:

3.2.1 Graduation Plus Examination

The applicant shall be a graduate of a four-year engineering, science, or technology curriculum approved by the Board in which the applicant passed at least six semester hours of approved surveying courses.

3.2.2. Education, Experience, Plus Examination

The applicant shall have passed at least 60 semester hours in a college curriculum approved by the Board, including at least six semester hours of approved surveying courses, and shall have acquired at least two years of combined office and field experience in land surveying, satisfactory to the Board, with a minimum of one year of experience at the level of a party chief under the supervision of a registered land surveyor.

3.2.3 Experience Plus Examination

The applicant shall be a high school graduate, and shall have had at least four years of combined office and field experience in land surveying work with a minimum of two years of combined office and field experience in land surveying, satisfactory to the Board, with a minimum of one year of experience at the level of a party chief under the supervision of a registered land surveyor.

3.3 Professional Engineer Registration (37:693 B (2))

An applicant for registration as a Professional Engineer must be of good character and reputation and recommended by five personal references who are registered Professional Engineers and who have personal knowledge of the applicant’s character and abilities. The additional requirements for registration as a Professional Engineer under the several alternatives provided in the Registration Law are as follows:

3.3.1 Engineer-In-Training (37:693 B (2) (a))

Shall be a person who has acquired at least four years of progressive engineering experience, obtained subsequent to being certified as an Engineer-In-Training, in engineering work of a character satisfactory to the Board, and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

3.3.2 Graduates of Approved Curricula (37:693 B (2) (a))

Shall be a graduate of an engineering curriculum of four years or more approved by the Board who has acquired at least four years of progressive engineering experience, obtained subsequent to graduation, in engineering work of a character satisfactory to the Board, who has passed the written examination in the fundamentals of engineering, who has been certified as an Engineer-In-Training, and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

3.3.3 Other Graduates (37:693 B (2) (b))

Shall be a graduate of an unapproved engineering curriculum or related science or related technology curriculum of four years or more who has acquired at least eight years of progressive engineering experience, obtained subsequent to graduation, in engineering work of a character satisfactory to the Board, who has passed the written examination in the fundamentals of engineering, and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

3.3.4 Long Established Practice (37:693 B (2) (d))

On or before December 31, 1984, the Board may register a person who can satisfy the following requirements:

3.3.4.1 The applicant must have had a minimum of 20 years of engineering practice (engineering practice in the Statute is defined as professional service which required the application of engineering principles and the interpretation of engineering data) not less than 12 years of which must have been in responsible charge of important engineering work. In order to be classed as being of a professional character, the practice must have been carried out in positions that are normally filled by persons with a degree from a school of engineering of recognized standing.

3.3.4.2 The applicant must have had pre-professional education and/or experience equivalent to that required for applicants on the basis of education, experience and examination before experience can be considered to be of a professional character.

3.3.4.3 The experience record must be completely validated by former employers or supervisors who are in a position to have intimate knowledge of the type and the degree of responsibility of work performed. It is not necessary that the applicant's total experience shall have been limited to one branch of engineering, but registration under this provision will be granted only in that branch in which the applicant seems to have obtained the greatest proficiency.

3.3.4.4 The Board will not accept credit for professional experience claimed by the applicant after the effective date of an engineering registration act in that state in which the experience is claimed if the experience was acquired in violation of any of the provisions of the said act.

3.3.4.5 If the applicant is domiciled in a state or territory other than Louisiana, the applicant must be registered to practice professional engineering in that state.

3.3.4.6 The applicant must pass the written examination in the principles and practice of engineering in the branch in which registration is sought.

3.3.4.7 Before approval will be granted to take the written examination, the applicant must appear before the Board or a committee of the Board for an interview and oral examination.

3.3.4.8 The applicant must be of good moral character and shall include in the application the names of five or more personal references who are Professional Engineers registered in Louisiana and who are not relatives or employers.

3.3.5 Reciprocity (37:693 B (2) (c))

The applicant shall be a person who holds a valid certificate of registration to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the registration law (Louisiana RS 37:681 through 37:703 as amended by Act 568 of 1980) and the Rules of the Board, and which were of a standard not lower than that specified in the applicable registration law in effect in Louisiana at the time such certificate was issued, who is of good character and reputation, and who has satisfied the requirements of RS 37:694, and if the state, territory, or possession, or the District of Columbia, in which he/she is registered will accept the certificates of registration issued by the Board on a reciprocal basis.

3.4 Temporary Permit to Practice Engineering (37:702 (2))

A person who is not a resident of, and has no place of business in Louisiana may be granted a written temporary permit to practice professional engineering when such practice does not exceed 60 consecutive days in any calendar year, provided such person is legally qualified by registration to practice engineering in his/her own state, territory, or possession of the United States, or the District of Columbia, in which the requirements and the qualifications for obtaining a certificate of registration are not lower than those specified in this section and provided further that before beginning such temporary practice in this state, the person shall have applied to the Board, paid the prescribed fee, and received a

temporary permit, and upon the conclusion of such work he/she shall advise the Board as to the period of time that he/she has practiced in the state under such temporary permit.

The authority for the Executive Secretary to issue a temporary permit can only be granted by the Board at a regular meeting. Such a permit will be issued for a period of 60 consecutive days. The fee for a temporary permit shall be equal to the fee paid by an applicant applying for registration as a professional engineer.

3.5 Land Surveyor Registration (37:693 B (4))

An applicant for registration as a Land Surveyor must be of good character and reputation and be recommended by five personal references at least three of whom must be registered Land Surveyors. The applicant must appear before the Board or a committee of the Board for an oral examination or interview. The additional requirements for registration as a Land Surveyor under the several alternatives provided in the Registration Law are as follows:

3.5.1 Graduation Plus Examination (37:693 B (4) (b))

The applicant shall be a graduate holding a bachelor of science degree in a curriculum approved by the board (including the successful completion of at least six semester credit hours in land surveying courses approved by the Board), who has a record of four years or more of combined office and field experience in land surveying (including two years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by appropriate authority), who has passed the oral and written examinations required by the Board, who is of good character and reputation, and who has satisfied the requirement of RS 37:694.

3.5.2 Education, Experience Plus Examination (37:693 B (4) (c))

The applicant shall be a person who has successfully completed two years of formal education in a curriculum approved by the Board, above the high school level, with at least 60 semester credit hours passed, or the equivalent approved by the Board (including the successful completion of at least six semester credit hours in land surveying courses approved by the Board), who has a specific record of six years or more of combined office and field experience in land surveying (including four years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by appropriate authority), who has passed the written examination in the fundamentals of land surveying, who has passed the oral and written examinations required by the Board in the laws, procedures and practice of land surveying, who is of good character and reputation and who has satisfied the requirements of RS 37:694.

3.5.3 Experience Plus Examination (37:693 B (4) (d))

The applicant shall be a person who has a specific record of eight years or more of experience in land surveying of a character satisfactory to the board (including six years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by appropriate authority), who has passed the written examination in the fundamentals of land surveying, who has passed the oral and written examinations required by the Board in the laws, procedures and practices of land surveying, who is of good character and reputation, and who has satisfied the requirements of RS 37:694.

3.5.4 Reciprocity (or Comity) (37:693 B (4) (e))

The applicant shall be a person who holds a valid certificate of registration to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on the requirements that do not conflict with the provision of the registration law (Louisiana RS 37:681 through 37:703 as amended by Act 568 of 1980) and the Rules of the Board, who has passed a written

examination of a duration of four hours or more, in the laws, procedures, and practices pertaining to land surveying in Louisiana, who is of good character and reputation, and who has satisfied the requirements of RS 37:694, and if the state, territory, or possession, or the District of Columbia in which he/she is registered will accept the certificates of registration issued by the Board on a reciprocal basis.

3.5.5 Graduation Plus Engineering Registration (37:693 B (4) (f))

The applicant shall be a person granted a license as a professional engineer on the basis of earning a bachelor of science degree from an engineering curriculum approved by the Board requiring no less than six semester hours of land surveying courses approved by the Board, who is of good character and reputation, and who has satisfied the requirements of RS 37:694 and who has a specific record of two years or more of experience in land surveying work of a character satisfactory to the Board or who has a specific record of less than two years of experience in land surveying work satisfactory to the Board and has passed the oral and written examinations required by the Board.

LAC 19-3:5 Applications and Fees(37:694)

5.1 Applications

Applications for registration as Professional Engineer or Land Surveyor shall be typed on forms furnished by the Board, shall contain statements made under oath showing the applicant's qualifications, and the names and addresses of persons who can verify such statements and in addition, the names and addresses of five personal references. All of the five personal references furnished by an applicant for registration as a professional engineer shall be registered professional engineers. Three or more of the five personal references furnished by an applicant for registration as a land surveyor, shall be registered land surveyors.

5.1.2 Applicants who have attended college must have certified transcripts of their college work forwarded to the office of the Board.

5.1.3 Each applicant will be required to submit a one or two page typewritten resume of the experience record he/she has presented in the application. Forms will be provided by the Board. Copies of this resume will be sent to the personal references the applicant has listed in his application.

5.1.4 Requests for registration in more than one branch must be submitted on separate application forms.

5.1.5 An application for registration will not be considered by the Board, nor will an applicant be admitted to a written examination, until the information submitted in the application has been investigated and replies have been received from references. The Board may require additional information and documents it considers necessary for the proper evaluation of an application.

5.2 Fees

Application fees, examination fees, renewal fees and all other fees shall be established by the Board by a majority vote at a regular meeting. The fees so established shall be in accordance with the limits specified in the Registration Law.

LAC 19-3:6 Branches of Engineering (37:693)

6.1 Section 37:693 of Act 568 of 1980 provides for professional engineering registration in the following branches:

1. Agricultural
2. Chemical
3. Civil
4. Electrical
5. Industrial
6. Mechanical
7. Metallurgical
8. Mining
9. Petroleum

6.2 These branches reflect important engineering special-

ties which are taught in a substantial number of ABET accredited engineering programs in the United States and which have been determined by the Legislature to be of importance in Louisiana.

6.3 Section 37:693 also permits the Board to establish additional branches as needed to safeguard life, health, and property, to promote the public welfare, and to establish and maintain high standards of integrity and practice.

6.4 The Board may add branches in accordance with the following criteria:

6.4.1 There must be a probable need in the State of Louisiana for specialized engineering expertise in the new branch area.

6.4.2 There must exist at least 15 ABET accredited engineering curricula in the United States corresponding to the new branch area.

6.4.3 Examinations in the Principles and Practice of the branch of engineering must be offered on a regular basis by NCEE or by at least 15 State Boards.

6.5 On the basis of the above criteria, the Board, by majority vote at a regular meeting, may establish a new branch of engineering for the purpose of registration. Within one year after the Board establishes a new branch, the Board may waive the principles and practice examination in that branch for all registrants who present evidence that they are qualified by experience and education to practice in that branch.

6.6 The Board will not add branches to correspond to job titles or job functions, such as corrosion engineer, air conditioning engineer, construction engineer, automotive engineer, safety engineer, sales engineer, traffic engineer, or planning engineer.

LAC 19-3:7 Curricula (37:693)

7.1 Approved Curricula

7.1.1 The Board shall determine which curricula are to be recognized under the provisions of the Act as approved curricula for the registration of persons as Professional Engineers and Land Surveyors.

7.1.2 In general, the Board will recognize as approved all engineering curricula of four years or more accredited by the Accreditation Board for Engineering and Technology (ABET). The Board may recognize as approved an engineering curriculum that was not accredited at the time of the applicant's graduation, but became accredited within the following two years.

7.1.3 Based on an investigation by a committee of the Board, the Board may, by a majority vote at a regular meeting, recognize as an approved curriculum an engineering curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of Section 7.1.2. The Board shall keep a record of the engineering curricula thus approved.

7.1.4 The Board may recognize as approved for the registration of Land Surveyors under Section 37:693 B (4) (b) of the Act all approved engineering curricula that contain at least six semester credit hours, or equivalent, of satisfactory surveying courses.

7.1.5 The Board, by a majority vote at a regular meeting, may recognize a curriculum of a college or university of recognized standing, leading to a Bachelor of Science degree, as an approved curriculum for the registration of Land Surveyors under Section 37:693 B (4) (b) of the Act provided the curriculum contains at least six semester credit hours, or equivalent, of satisfactory surveying courses.

7.1.6 The Board may recognize that the formal education of an applicant for registration as a Land Surveyor meets the requirements of Section 37:693 B (4) (b) of the Act if he/she has passed 60 semester hours, or the equivalent, of courses above the high school level, including at least six semester hours, or the equivalent, of satisfactory surveying courses.

7.2 Other Curricula

7.2.1 To qualify for certification as an engineer-in-training, graduates of unapproved engineering curricula, or related science curricula, must present evidence of experience of such quality and extent that the Board believes that the applicant has obtained engineering knowledge and skills at least equivalent to that obtained by education in an approved four-year engineering curriculum. Curricula must be of four years or more from a college or university of recognized standing.

7.2.2 Chemistry and Physics are generally considered to be related science curricula. Other science curricula may be considered if the applicant can convince the Board that a strong relationship exists between the curriculum and a branch of engineering approved by the Board.

7.2.3 Related technology curricula shall be those four-year technology curricula approved by the Board. Such curricula shall be accredited by the Accreditation Board for Engineering and Technology (ABET) or equivalent to such curricula. Unaccredited technology curricula outside of Louisiana are not approved.

7.3 Equivalent Experience Credit for Education

See LAC 19 3:8 Experience.

LAC 19-3:8 Experience (37:693)

8.1 The Board will not recognize experience acquired by an applicant in violation of the registration law of any state.

8.2 The Board may allow experience credit for engineering education at the graduate level. A maximum of one year of experience may be allowed for a masters degree in engineering or the equivalent. A maximum of three years of experience may be allowed for a doctorate degree in engineering or the equivalent. No applicant shall receive credit for more than three years of experience for graduate education in engineering.

8.3 The Board may consider the satisfactory completion of each year of an approved undergraduate curriculum equivalent to a year of land surveying experience, provided the applicant has completed at least six semester credit hours, or equivalent, in surveying courses approved by the Board. No applicant shall receive credit for more than four years of land surveying experience for his/her undergraduate education (RS 37:692).

8.4 No applicant will be allowed more than one year of experience for work and education during one calendar year.

8.5 Only experience obtained subsequent to receiving a Bachelor of Science degree will be considered as engineering experience. This paragraph does not apply to persons applying under the provisions of RS 37:693 B (2) (d) (long established practice).

LAC 19-3:9 Examinations (37:693)

9.1 General

9.1.1 Only persons of good character and reputation who have received permission from the Board will be allowed to take any examination offered by the Board. For all examinations, applications must be timely filed with the Board.

9.1.2 Examinations in the fundamentals of engineering, fundamentals of land surveying, the principles and practice of engineering, the principles and practice of land surveying and the laws, procedures and practice of land surveying will be offered at least once a year at times and places designated by the Board. Descriptions of typical content of the examinations will be made available to applicants by the Board through its office or through the office of the National Council of Engineering Examiners (NCEE).

9.1.3 When permitted, textbooks, handbooks, bound references, battery-powered, non-printing, silent calculators (programmable or non-programmable) and sliderules may be used. Examinees will NOT be permitted to exchange, lend, or borrow any information, books, calculators, reference material or aids during the examination. NO loose sheets, writing tablets, unbound tables or charts, or unbound notes (including notes in loose-leaf

ring binders) will be permitted in the examination room. The use of scratch paper will be prohibited. Test books and answer sheets will be provided.

9.1.4 Applicants will be informed by mail only as to whether they passed or failed an examination. Passing the examination will constitute a credit toward registration for a period of ten years after the date of the examination.

9.2 Approval to Take the Fundamentals of Engineering Examination

9.2.1 Graduating seniors of four-year engineering curricula (approved or unapproved) may be permitted to take the examination in the fundamentals of engineering during their last two semesters.

9.2.2 A graduate of a four-year engineering curriculum, (approved or unapproved) or a graduate of a related science or related technology curriculum who has obtained a masters degree in an engineering curriculum approved by the Board may be permitted to take the examination in the fundamentals of engineering.

9.2.3 An applicant who is a graduate of a four-year related science or related technology curriculum and who has four years or more of satisfactory experience obtained subsequent to graduation, may be permitted to take the examination in the fundamentals of engineering.

9.2.4 A graduate student enrolled in a Louisiana school, who has successfully completed at least two years of a three-year program leading to a doctorate degree in engineering or the equivalent, may be permitted to take the examination in the fundamentals of engineering.

9.3 Approval to Take the Examination in the Principles and Practice of Engineering

An applicant who meets the other requirements for registration as an Professional engineer may be permitted to take the examination in the principles and practice of engineering in the branch in which he/she seeks registration. The Board may permit an applicant to take this examination one year before the applicant is eligible for registration.

9.4 Approval to Take the Fundamentals of Land Surveying Examination

An applicant who meets the other requirements for certification as an Land Surveyor-In-Training may be permitted to take the examination in the fundamentals of land surveying.

9.5 Approval to Take the Examination in the Principles and Practice of Land Surveying and in the Laws, Procedures, and Practice of Land Surveying

An applicant who meets the other requirements for registration as a Land Surveyor may be permitted to take the examinations in the principles and practice of land surveying and in the laws, procedures, and practice of land surveying.

9.6 Examination for Record Purposes

The National Council of Engineering Examiners prepares examinations in the "Principles and Practice of Engineering." The Board provides the opportunity for engineers who are registered in Louisiana to take the National council's examination in the branch of their registration without affecting their registration status with this Board. These examinations are offered at times and places designated by the Board. Each applicant will be charged a fee for this service.

9.7 Minimum Passing Scores and Grades on Examinations

After examinations have been scored the Board will review the results and by a majority vote, specify the score that is equivalent to the minimum passing score.

9.8 Re-Examinations

9.8.1 A person who fails an examination for the first time is eligible to apply to retake the examination.

9.8.2 A person who has failed an examination on two occasions, regardless of the elapsed time between exams, will not be eligible to apply to retake the examination until two years after his/her last failure. Upon application he/she is expected to present evidence that he/she has made a serious effort to increase his/her knowledge of the subject matter covered by the examination.

9.8.3 A person who has failed an examination three times or more than three times will not be eligible to apply to retake the examination until four years after his/her last failure. Upon application he/she must present evidence that he/she has made a serious effort to increase his/her knowledge of the subject matter covered by the examination. Before the applicant is given approval to retake the examination he/she must appear before the Board or a committee of the Board for an interview and oral examination.

LAC 19-3:11 Expiration and Renewals (37:697)

Certificates of registration and certification for individuals shall expire on December 31 of each year and shall become invalid after that date unless renewed. Certificates of registration and qualifications of corporations and other firms shall expire on June 30 of each year and shall become invalid after that date unless renewed.

LAC 19-3:12 Rules of Professional Conduct for Professional Engineers and Land Surveyors (37:698)

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following Rules of Professional Conduct shall be binding on every REGISTRANT. These Rules of Professional Conduct deal primarily with the relationship between REGISTRANTS and the public, and should not be construed as a substitute for codes of ethics of the various professional and technical societies.

All REGISTRANTS under Louisiana Revised Statutes 37:681 through 37:703 as amended by Act 568 of 1980 are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their provisions and to understand them.

In these Rules of Professional Conduct, the word "REGISTRANT" shall mean any engineer, land surveyor, engineer-in-training, land surveyor-in-training, domestic or foreign corporation holding a license or certificate issued by this Board.

12.1 REGISTRANTS shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.

12.1.1 REGISTRANTS shall at all times recognize that their primary obligation is to protect the safety, health, property, and welfare of the public. If their professional judgment is overruled by non-technical authority, they will clearly point out the consequences, notifying the proper authority of any observed conditions which endanger public safety and health.

12.1.2 REGISTRANTS shall approve and seal only those design documents and surveys which are safe for public health, property and welfare, which are complete and accurate, in conformity with accepted engineering and land-surveying standards or practice; and which conform to applicable laws and ordinances.

12.2 REGISTRANTS shall perform services only in the area of their competence.

12.2.1 REGISTRANTS shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.

12.2.2 REGISTRANTS shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direction and control.

12.2.3 REGISTRANTS may accept an assignment outside of their fields of competence to the extent that their services

are restricted to those phases of the project in which they are qualified, and to the extent that they are satisfied that all other phases of such project will be performed or supervised by registered, qualified associates, consultants, or employees, in which case they may then sign and seal the documents for the total project.

12.2.4 In the event a question arises as to the competence of a REGISTRANT in a specific technical field which cannot be otherwise resolved to the State Board's satisfaction, the State Board, either upon request of the REGISTRANT or on its own volition, shall admit the REGISTRANT to an appropriate examination.

12.3 REGISTRANTS, if in compliance with LAC 19-3:12.1 shall further act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

12.3.1 REGISTRANTS shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence their professional judgment or the quality of their professional services.

12.3.2 REGISTRANTS shall not accept compensation, financial or otherwise, from more than one party for professional services on the same project, or for professional services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

12.3.3 REGISTRANTS shall not solicit or accept, directly or indirectly, benefits of any substantial nature¹, or significant gratuity,¹ from any supplier of materials or equipment, or from contractors, their agents, servants or employees or from any other party dealing with the REGISTRANT'S client or employer in connection with any project on which the REGISTRANT is performing or has contracted to perform engineering or land surveying services.

12.3.4 When in public service as a member, advisor or employee of a governmental body or agency, or under contract to provide consultation, advice, technical reviews and recommendations to a governmental body or agency, REGISTRANTS shall not participate in considerations or actions with respect to professional services provided by them or their organization to that governmental body or agency.

¹The phrases "benefits of any substantial nature" and "significant gratuity" are defined to mean acts, articles, money or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receivers, or otherwise compromise their ability to exercise their own judgment, without regard to such benefit or gratuity.

12.3.5 REGISTRANTS shall not solicit or accept an engineering and/or surveying contract from a governmental body of which a principal, or officer of the REGISTRANT'S organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

12.4 REGISTRANTS shall avoid improper solicitation of professional employment.

12.4.1 REGISTRANTS shall not falsify or permit misrepresentation of the REGISTRANT'S or any associate's academic or professional qualifications; the misrepresentation or exaggeration of the REGISTRANT'S degree of responsibility in or for the subject matter of prior assignments or the misrepresentation of pertinent facts concerning employers, employees, associates, joint ventures, of the REGISTRANTS or their organization's past accomplishments with the intent and purpose of enhancing their qualifications and their work.

12.4.2 REGISTRANTS shall not pay or offer to pay,

directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, except under the following circumstances:

12.4.2.1 Securing salaried positions through employment agencies.

12.4.2.2 As a bona fide employee, or a bona fide established commercial marketing agency retained by them.

LAC 19-3:13 DISCIPLINARY ACTIONS

13.1 All disciplinary actions initiated by the State Board will be governed by the substantive and procedural provisions of LSA 37:681 et seq. (Establishing the powers and structures of the State Board of Registration for Professional Engineers and Land Surveyors) and by the provisions of LSA 49:903 et seq. (The Louisiana Administrative Procedure Act.)

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P. E.
Executive Secretary

RULE

**Department of the Treasury
Board of Trustees**

State Employees Group Benefits Program

Pursuant to Chapter 12, Title 42 of the Louisiana Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, the Board of Trustees of the State Employees Group Benefits Program, at its regular monthly meeting on November 18, 1981, amended its rules to increase the group health and accident benefit premium contribution to the following levels effective January 1, 1982:

Schedule of Adjustments to Group Health and Accident Premiums
Effective January 1, 1982

	Rates in Effect Until December 31, 1981			Rates to Become Effective* January 1, 1982		
	Employee Portion	Employer Portion	Monthly Total	Employee Portion	Employer Portion	Monthly Total
II Employee Only	\$21.68	\$21.68	\$ 43.36	\$26.92	\$26.92	\$ 53.84
Employee with Medicare	10.68	10.68	21.36	14.98	14.98	29.96
III Employee & 1 Dependent	41.78	41.78	83.56	47.30	47.30	94.60
One with Medicare	34.74	34.74	69.48	37.98	37.98	75.96
Two with Medicare	29.06	29.06	58.12	32.28	32.28	64.56
IV Employee & Family	52.78	52.78	105.56	63.04	63.04	126.08
One with Medicare	45.94	45.94	91.88	51.10	51.10	102.20
Two with Medicare	34.88	34.88	69.76	44.98	44.98	89.96

*18.91 percent average premium increase.

James D. McElveen
Executive Director

"A. Any buyer desiring to operate a quarantine holding area must file an application for approval of the facility on forms to be provided by the Board.

"B. The facility to be operated as a quarantine holding area must meet the requirements of the definition in Section 5.1.D above.

"C. The facility must be approved by the Board in an inspection of the premises prior to the issuance of the permit.

"D. The buyer desiring to operate a quarantine holding area must agree in writing to comply with the Rules and Regulations of the Livestock Sanitary Board and to permit inspection of the premises by the Board at any reasonable time.

"E. No other horses except horses consigned for slaughter may be kept in a quarantine holding area.

"F. All permits must be renewed annually."

Written comments will be accepted by Dr. William B. Fairchild, State Veterinarian, Box 1951, Baton Rouge, Louisiana 70821, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the hearing.

Bob Odom
Commissioner of Agriculture

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Animal Diseases**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

No increase (decrease) in agency costs anticipated upon adoption of either rule.

II. ESTIMATED EFFECT REVENUE COLLECTIONS - (Summary)

No anticipated effect on revenue collections, since the agency does not collect revenues for oversight of EIA or Brucellosis infected animals.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Adoption of the proposed rule on brucellosis testing will result in minimal savings for livestock owners, since owners will no longer be required to secure an out-of-state test at their costs prior to import of the cattle. Owners of EIA infected horses can anticipate an increase of \$80 to \$100 per animal sold for slaughter.

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

No effect on competition or employment anticipated as a result of adoption of the proposed rule on brucellosis; a minimal number of jobs (not more than ten statewide) may be created by adoption of the regulations for control of quarantine holding areas if any new facilities become permitted.

C. T. Raby, D.V.M.
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Agriculture
State Entomologist**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1654, relative to the authority of the State Entomologist to establish quarantines, notice

is hereby given that the State Entomologist will hold a public hearing on January 6, 1982, at 2:00 p.m., in his offices at 9181 Interline Avenue, Baton Rouge, Louisiana, for consideration of the following proposed amendments to the Sweet Potato Weevil Quarantine and Regulation:

PROPOSED RULES

Section III, entitled "Quarantine Areas", of the Sweet Potato Weevil Quarantine and Regulation, is hereby amended to read as follows:

III. Quarantine Areas

1. Under the authority of LSA 3:1654, the State Entomologist shall annually, no later than November 30 of each year, publish in the Louisiana Register a list of all areas of Louisiana and the nation which are under quarantine for the control of the sweet potato weevil.

2. All areas contained on the State Entomologist's annual listing of quarantined areas shall remain under quarantine for a period of one year following the date of publication, except as provided in Paragraph 3 hereof.

3. The State Entomologist may, at his discretion, remove the quarantine from any specific area included in his annual quarantine listing when it is proven to his satisfaction that the sweet potato weevil is no longer present in the area from which the quarantine is to be removed. Whenever the State Entomologist removes a quarantine prior to the expiration of one year following publication of the annual quarantine listing, he shall publish a report of his action in the Louisiana Register.

4. The State Entomologist may, at his discretion, supplement his annual quarantine listing whenever the sweet potato weevil is detected in any area which is not under quarantine by publication of a supplement to his listing. The quarantine placed on any area by such supplemental listing shall expire at the same time as the quarantines contained in his annual quarantine listing.

5. Upon publication of the State Entomologist's annual quarantine listing, all previously published annual and supplementary quarantine listings shall automatically expire.

6. Upon the adoption of this Rule, the State Entomologist shall publish in the next issue of the Louisiana Register a list of all areas quarantined for control of the sweet potato weevil during 1982, which initial list shall remain in effect only until publication of the annual quarantine listing required in Paragraph 1 hereof.

Written comments will be accepted by Dr. John W. Impson, State Entomologist, Box 44153, Baton Rouge, Louisiana, 70804 up to and including January 5, 1982, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing, as provided by LSA 49:953.

Bob Odom
Commissioner of Agriculture

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Sweet Potato Quarantine**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

No estimated implementation costs (savings) to agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No anticipated effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

No adverse effects on costs or benefits anticipated. However, in the absence of effective control measures, a

severe infestation of sweet potato weevils has the potential of destroying the sweet potato industry.

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

No adverse effects on costs or benefits anticipated from enactment of the proposed rule. However, failure to control the sweet potato weevil has the potential of destroying the industry and eliminating the jobs of all who are now employed in the industry.

John W. Impson
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Office of Financial Institutions**

Under authority granted by RS 6:902B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted Federal associations by an opinion of the General Counsel Federal Home Loan Bank Board, subject Cashier's Checks Authority, dated July 29, 1981.

PROPOSED RULE

State Chartered Savings and Loan Associations may offer "Cashier's Checks", to aid in effecting withdrawals and for other purposes associated with the institution's normal business.

Interested persons may submit written comments on the proposed rule through January 5, 1982, 4:30 p.m., to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana, 70804.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

**Fiscal and Economic
Impact Statement
For Administrative Rules**

Rule Title: Cashier's Checks

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

This rule will not effect the costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

This rule will not effect revenue collections in any manner.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Adoption of this rule will enable state chartered savings and loan associations to offer an additional service to their customers, possibly resulting in a more profitable operation.

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

This rule will enhance competition between commercial banks and state and federal savings and loan associations.

Mark C. Drennen
Legislative Fiscal Officer

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

NOTICE OF INTENT

**Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted federal associations by Federal Home Loan Bank Insurance Regulation 563.9-3, published in the Federal Register, Volume 45, Page 76103, on November 18, 1980.

PROPOSED RULE

Notwithstanding the limitations outlined in LRS 6:822B(1), state chartered savings and loan associations may lend to one borrower a maximum of 10 percent of such institution's withdrawable accounts or an amount equal to such institution's net worth, whichever is less; or an amount not exceeding \$200,000, and beginning on January 1, 1982, and annually thereafter, such amount adjusted by the dollar amount that reflects the percentage increase, if any, in the Consumer Price Index during the previous 12 months as shown in the November to November index.

For the information and guidance of state chartered savings and loan associations, Insurance Regulation 563.9-3 is outlined below.

§563.9-3 Loans to one borrower.

(a) Definition of terms. For the purpose of this section the term "one borrower" means (1) any person or entity that is, or that upon the making of a loan will become, obligor on a loan, (2) nominees of such obligor, (3) all persons, trusts, partnerships, syndicates, and corporations of which such obligor is a nominee or a beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, and (4) if such obligor is a trust, partnership, syndicate, or corporation, all trusts, partnerships, syndicates, and corporations of which any beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, is also a beneficiary, partner, member, or record or beneficial stockholders owning 10 percent or more of the capital stock of such obligor; and the term "total balances of all outstanding loans" means the original amounts loaned by an insured institution plus any additional advances and interest due and unpaid, less repayments and participating interests and exclusive of any loan on the security of such institutions savings accounts or real estate the title to which has been conveyed to a bona fide purchaser of such real estate.

(b) Limitations. No insured institution shall have outstanding any loan to one borrower, as defined in paragraph (a) of this section, if the sum of (1) the amount of such loan and (2) the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower exceed an amount equal to 10 percent of such institution's withdrawable accounts or an amount equal to such institution's net worth whichever amount is less: Provided, that, notwithstanding any other limitation of this sentence, any such loan may be made if the loan is secured by a lien on low-rent housing, or if the sum of sub-paragraphs (1) and (2) of this paragraph (b) does not exceed \$200,000.00 and, beginning on January 1, 1982, and annually thereafter, such amount adjusted by the dollar amount that reflects the percentage increase, if any, in the Consumer Price Index during the previous 12 months as shown in the November-to-November index.

(c) Determination by institution; maintenance of records. If an insured institution or service corporation affiliate thereof makes a loan to any one borrower, as defined in paragraph (a) of this section, in an amount which, when added to the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower, exceeds \$250,000 or 2 per-

cent of the net worth of such institution, whichever is greater, but in all cases where such outstanding loans exceed 1,000,000, the records of such institution or its service corporation affiliate with respect to such loan shall include documentation showing that such loan was made within the limitations of paragraph (b) of this section; for the purpose of such documentation such institution or service corporation affiliate may require, and may accept in good faith, a certification by the borrower identifying the persons, entities, and interests described in the definition of one borrower in paragraph (a) of this section.

Interested persons may submit written comments on the proposed rule through January 5, 1982, 4:30 P.M., to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804.

Mr. Wagner is the person responsible for responding to inquiries about the proposed rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

Fiscal and Economic Impact Statement for Administrative Rules

Rule Title: Loans to One Borrower

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation of this rule will not increase or decrease the operating budget of this department in any manner. It merely allows a state chartered savings and loan association to loan to any one borrower an amount equal to 10 percent of their withdrawable accounts or an amount equal to their net worth, whichever amount is less, provided the amount does not exceed \$200,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The adoption of this rule will encourage state chartered savings and loan associations to keep their state charter and continue to pay semi-annual assessments into the general fund.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Adoption of this rule will broaden the lending powers of smaller savings and loan associations and enable them to compete with larger associations for loans. It could possibly stimulate the home building industry by increasing the amount a lender may loan to one borrower.

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

This rule grants chartered savings and loan associations parity to compete for loans on the same basis as federal associations.

Hunter O. Wagner,
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that

granted Federal associations by Federal Home Loan Bank Board Rules and Regulations 563.9(a) and 563.9(b) revised November 17, 1980 and Bank Regulation 80-700 dated November 10, 1980, published in the Federal Register, Volume 45, page 76095 on November 18, 1980.

PROPOSED RULE

Notwithstanding any limitations set forth by LRS 6:701(13); LRS 6:731 H (2)(a) or LRS 6:831, state chartered savings and loan associations are hereby authorized to deal in loans originated from sources other than savings and loan associations or other federally insured or federally guaranteed institutions and participate in nationwide lending as outlined in Federal Home Loan Bank Board Regulation 563.9, which was published in Volume 45, page 76095, of the Federal Register dated November 18, 1980.

For the information and guidance of state chartered associations, the Federal Home Loan Bank Board Regulation, as amended, is outlined below.

563.9 NATIONWIDE LENDING

(a) An insured institution may invest in, sell, purchase, participate or otherwise deal in loans or interests therein on security property located outside its normal lending territory but within the United States or its territories and possessions.

(b) An institution investing in a nationwide loan shall obtain a signed report of appraisal of the real estate security for the loan, prepared by an appraiser having no interest, direct or indirect, in that security or in any loan on that security and whose compensation is not affected by the approval or declining of the loan.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., January 5, 1982, at the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804.

Mr. Wagner is the person responsible for responding to inquiries concerning the proposed rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Nationwide Lending

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation of this rule will not increase nor decrease the operating budget of this department in any manner. It merely removes restrictions to invest in loans originated from "approved" institutions and permits state chartered savings and loan associations to participate in anti-onwide lending.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The adoption of this rule will encourage state chartered savings and loan associations to retain their state charter and continue to pay semi-annual assessments into the general fund.

This rule could possibly stimulate the home building industry by making loan funds available to a wider range of lenders.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Adoption of this rule would enable savings and loans to take advantage of investments which would yield a greater return than now available. This would increase profits for the savings and loans and make lendable funds available to originators of conventional home mortgage loans.

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

This rule grants state chartered savings and loan associations parity to compete for investments on the same basis as federal associations.

Hunter O. Wagner, Jr.

Commissioner of Financial Institutions

Mark C. Drennen

Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

Under authority granted by LRS 6:902B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which State Chartered Savings and Loan Associations may have authority consistent with that granted Federal associations by Federal Home Loan Bank Regulations 545.4-2, which was published in Volume 46, page 24531, of the Federal Register dated May 1, 1981, and an amendment thereto published in Volume 46, page 41763, of the Federal Register dated August 18, 1981.

PROPOSED RULE

Notwithstanding any limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, state chartered savings and loan associations are hereby authorized to establish or use RSUs and participate with others in RSU operations, on an unrestricted geographic basis as authorized by Federal Home Loan Bank Regulation 545.4-2. For the information and guidance of state chartered associations, the Federal Home Loan Bank Board Regulations is outlined below. The words "Commissioner" and "State Chartered Associations" are substituted for the words "Board" and "Federal Associations" wherever used in the Federal regulation.

545.4-2 - Remote Service Units (RSUs)

(a) Applicability of Regulation E. Transactions made under this Section are subject to the Electronic Fund Transfer Act (15 U.S.C. §1693 et seq.) and Regulation E of the Federal Reserve Board (12 CFR §205.2).

(b) Definitions. As used in this section - (1) "Commissioner" means the Commissioner of Financial Institutions, State of Louisiana.

(2) "Generic data" means statistical information which does not identify any individual accountholder.

(3) "Personal security identifier" (PSI) means any word, number, or other security identifier essential for an accountholder to gain access to an account.

(4) "Remote service unit" (RSU) means an information processing device, including associated equipment, structures and systems, by which information relating to financial services ren-

dered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution. Any such device not on the premises of a state chartered association that, for activation and account access, requires use of a machine-readable instrument and PSI in the possession and control of an accountholder, is an RSU. The term includes, without limitation, point of sale terminals, merchant-operated terminals, cash-dispensing machines, and automated teller machines. It excludes automated teller machines on the premises of a state chartered association, unless shared with other financial institutions. An RSU is not a branch, satellite, or other type of facility or agency of a state chartered association under §545.14 et seq. of this Part.

(5) "RSU account" means a savings or loan account that may be accessed through use of an RSU.

(6) "State Chartered Association" means a savings and loan or homestead association chartered under the laws of the State of Louisiana.

(c) General. A state chartered association may establish or use RSUs and participate with others in RSU operations, on an unrestricted geographic basis. No RSU may be used to open a savings account or establish a loan account.

(d) RSU access techniques. A state chartered association shall provide a PSI to each accountholder and require its use when accessing an RSU; it may not employ RSU access techniques that require the accountholder to disclose a PSI to another person. The association must inform each accountholder that the PSI is for security purposes and shall not be disclosed to third parties. Any device used to activate an RSU shall bear the words "Not Transferable" or their equivalent. A passbook may not be such a device.

(e) Service charges. A state chartered association may impose service charges for RSU financial services.

(f) Privacy of account data. A state chartered association shall allow accountholders to obtain any information concerning their RSU accounts. Except for generic data or data necessary to identify a transaction, no state chartered association may disclose account data to third parties, other than the Commissioner or his representatives, unless express written consent of the accountholder is given, or applicable law requires. Information disclosed to the Commissioner will be kept in a manner to ensure compliance with the Privacy Act, 5 V.C. §522(a). A state chartered association may operate an RSU according to an agreement with a third party or share computer systems, communications facilities, or services of another financial institution only if such third party or institution agrees to abide by this Section as to information concerning RSU accounts in the state chartered association.

(g) Bonding. A state chartered association shall take all steps necessary to protect its interest in financial services processed at each RSU, including obtaining available fidelity, forgery, and other appropriate insurance.

(h) Security. A state chartered association shall protect electronic data against fraudulent alterations or disclosure. All RSUs shall meet the minimum security devices requirements of Part 563a of this Chapter as though such units were offices as defined in §563a.1 of said Part, except to the extent that an association satisfies the Commissioner that those requirements are inappropriate. In such a case, alternative measures satisfactory to the Commissioner must be taken for installation, maintenance and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, larcenies, and computer theft and to assist in identification and apprehension of persons who commit such acts.

(i) Commissioner. A state chartered association may share an RSU controlled by an institution not subject to examination by a regulatory agency only if such institution has agreed in writing that the RSU is subject to such examination by the Commissioner as it deems necessary.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., January 5, 1982, at the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095 - Capitol Station, Baton Rouge, Louisiana 70804

Mr. Wagner is the person responsible for responding to inquiries concerning the proposed rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Remote Service Units (RSUs)**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation of this rule will not increase or decrease the operating budget of this department in any manner. It merely allows a state chartered savings and loan association to operate RSUs on a broader scope without the restrictions of a geographic basis.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The adoption of this rule will encourage state chartered savings and loan associations to keep their state charter and continue to pay semi-annual assessments into the general fund.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Adoption of this rule will allow savings and loan associations to operate RSUs in more areas, thus encouraging business transactions from customers. The RSU is not a branch, but will offer a wide variety of services to customers at their convenience.

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

This rule grants state chartered savings and loan associations parity to compete for business transactions on the same basis as federal associations.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Commerce
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to adopt a new rule, LAC 11-6:14.17.

Copies of the new rule, LAC 11-6:14.17 may be obtained by telephoning the Commission at Area Code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through January 3, 1982.

J. Melton Garrett
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 11-6:14.17

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There is no implementation cost to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue collections will increase very slightly. If 50 heretofore incorrectly licensed individuals now must pay a \$2 occupational fee only \$100 in revenue would be generated. It is estimated that less than 50 people will be affected by this rule.

IV. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

These people who before the enactment of this rule were incorrectly licensed as miscellaneous at no charges will now be charged an occupational fee of \$2.

The Racing Commission will benefit by correctly categorizing all licensees.

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

There is no estimated effect on competition or employment

J. Melton Garrett
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of the Secretary**

The Louisiana Office of Tourism, an office of the Department of Culture, Recreation and Tourism, hereby makes proper notice that it intends to revise its guidelines and application forms for the funding and administration of the Act 455 Matching Funds program. These guidelines and application forms will be revised in accordance with sound fiscal management and aimed at the smooth and efficient management of this program.

Interested persons should communicate their views and opinions to the Office of Tourism, to the attention of Ms. Cornelia Carrier, Capitol Station Box 44291, Baton Rouge, Louisiana 70804, (504) 925-3850. Comments and suggestions should be made in writing to the above address until January 5, 1982. It is the intention of the Office of Tourism to adopt these revisions 15 days after the publication date of this issue of the Louisiana Register. Copies of these guidelines and application forms will be available for public inspection at its office at 666 North Foster Drive, Baton Rouge, Louisiana or will be mailed to interested parties.

Mrs. Lawrence H. Fox
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Act 445 Grants Project**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Less than \$50 to reproduce the new guidelines and application forms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect regarding revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

We anticipate the grantees will exercise more fiscal responsibility in view of the ultimate shorter life of the matching funds.

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

There will be no effect on competition and employment.

Mrs. Lawrence H. Fox
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

**Fort Macomb Marina Boat Slip Rental
Rules, Regulations and Fees**

SCOPE:

The Office of State Parks will rent for public use 37 covered boat slips located at Fort Macomb State Commemorative Area, Orleans Parish, Louisiana. Each boat slip is approximately 47 feet long and 18 feet wide. Utility connections including water and electricity are available at each site.

Effective immediately any tenant occupying a slip will be given the opportunity to continue renting such slip on a month-to-month basis for a period not to exceed July 1, 1982. Procedures for reassignment of slips thereafter are stipulated herein.

A rental agreement will be executed between all boat rental slip occupants and the Office of State Parks, Department of Culture, Recreation and Tourism.

PROCEDURES:

Effective immediately, all requests for an assignment of boat slips will be coordinated by the Office of State Parks' Land Administrator in care of the Office of State Parks, Department of Culture, Recreation and Tourism, Drawer 1111, Baton Rouge, LA, 70821-1111.

Term "Request for Rental" as herein used shall mean a written application addressed to the Office of State Parks requesting rental of a boat slip. No telephone requests will be accepted.

The "Owner" as herein defined shall mean the Office of State Parks, Department of Culture, Recreation and Tourism.

The "Tenant" as herein defined means the responsible party who is contracting with the Office of State Parks for the rental of boat slip at Fort Macomb State Commemorative Area, Orleans Parish, Louisiana.

All requests for rental must be received, dated, and stamped by the Office of State Parks no earlier than July 1 and no later than December 31 annually preceding the annual July reassignment date.

Between January 1 and May 1 annually the Office of State Parks, through the State Parks and Recreation Commission, will hold an annual drawing for assignment of boat rental slips.

The boat rental slip will become available for occupancy on July 1 annually following the drawing between January 1 and May 1.

The applicant for boat rental slips will be advised of the selection on or about May 1 annually.

A rental agreement will be executed between the tenant and owner for a period of one year beginning July 1 annually. This agreement will be submitted to the tenant for execution between May 1 and June 1.

The rental cost for each boat slip, with one boat per slip, will be \$80 per month payable on a monthly basis in advance. No multiple payments will be accepted.

The duration of the rental agreement is for a maximum of one year payable monthly in advance on the first day of the month.

If a tenant is selected by the State Parks and Recreation Commission to occupy a slip immediately following an approved rental period, he may request approval to retain the same rental space he utilized in the previous rental period.

If vacancies occur in the interim between selections, assignments will be handled on a first-come first-served basis established on the date the request for rental was received in the Office of State Parks. No telephone requests for rental will be accepted.

It will be the responsibility of the tenant to make the necessary contacts with the public utilities to arrange for connections and disconnections of services to his rental slip.

The rental agreement must be executed before the tenant takes occupancy of the slip. The rental slip is to be used solely for berthing and docking of boats and vessels.

The tenant shall maintain at all times a liability insurance coverage with limits not less than \$100,000 for bodily injuries including accidental death to any one person subject to the same limit for each person in an amount not less than \$300,000 for a single accident; and property damage in an amount not less than \$100,000. Tenant will deliver to the owner attached to rental agreement a certificate of insurance which sets forth the terms of coverage.

Only one application per applicant will be considered in the annual drawing. If more than one request for rental is received the one bearing the earliest date of receipt by the Office of State Parks will be used for the drawing purpose.

Requests received before July annually but not assigned during that assignment period will not be carried forward. Each request for the applicable drawing period must be filed after July 1 annually and before December 31 of the same calendar year.

Written comments may be addressed to Mr. Kirk Carney, Assistant Secretary, Office of State Parks, Department of Culture, Recreation and Tourism, Drawer 1111, Baton Rouge, Louisiana, 70821-1111.

Kirk Carney
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Ft. Macomb Marina Policies and Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no estimated implementation costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Additional revenue collected in fiscal year 1981-82 (\$22,080) and fiscal year 1982-83 (\$24,960) to be deposited in the INA Bond Security and Redemption Fund.

The Office of State Parks is currently renting 23 boat slips at \$80 per month, per slip in fiscal year 1981-82. For fiscal year 1982-83 state parks is anticipating three additional requests for boat slip rental.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Estimated cost is \$80 per month, per slip and the benefit to be derived is covered boat slips for berthing and docking boats.

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

There will be no effect on competition and employment.

Kirk Carney
Assistant Secretary

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt the following as policy:

1. Curriculum Guidelines mandated by Act 750 as presented by the Department.
2. Minimum Standards for Mathematics, Reading and Writing.

3. Amend Bulletin 741, Page 36, Early College Admissions Policy, to add "Applies only to high school students attending college full-time" for clarification purposes.

4. Proposed Revisions to Bulletin 1508, *Pupil Appraisal Handbook*, as follows: Page 36
Deaf-Blind

II. Criteria for Eligibility

- A. Vision Impairment
2. Cortical blindness in the presence of normal ocular structure as verified in the report of an ophthalmologist, pediatrician, or pediatric neurologist.
4. Other blindness resulting from an active disease process.

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IV. Procedures for Evaluation

A. ...When the impairment is other blindness resulting from an active disease process, it shall be verified in the report of an ophthalmologist.

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Visually Handicapped

II. Criteria for Eligibility

E. Other blindness resulting from an active disease process.

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IV. Procedures for Evaluation

A. An eye examination by an ophthalmologist or optometrist. When the impairment is other blindness resulting from an active disease process, it shall be verified in the report of an ophthalmologist.

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V. Re-Evaluation

C. A comprehensive visual examination shall be conducted by an ophthalmologist or an optometrist at least once during the hearing impaired student's educational career (as soon as the student is of sufficient age for valid test results to be obtained, i.e., approximately six years) in order to screen for the possible presence of any progressive eye disease. Students who are considered "at risk" for Usher's Syndrome shall receive a comprehensive visual examination by an ophthalmologist or optometrist at age 14.

Students identified through the examination as is needed shall be referred to an ophthalmologist for evaluation to document the presence of any disease process.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m. January 4, 1982, at the following address: State Board of Elementary and

Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

James V. Soileau
Executive Director

**Fiscal and Economic
Impact Statement
for Administrative Rules**

**Rule Title: Amendment to 1508,
*Pupil Appraisal Handbook***

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no implementation costs to the State Department of Education.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No effect on revenue collections is involved in the proposed action.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no costs; however, students will be served better because more people will be able to do the screening.

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

This language amendment will clarify that competition remain open for both ophthalmologist and optometrists to participate in the evaluation.

George B. Benton, Jr.
Associate Supt. of Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic
Impact Statement
For Administrative Rules**

Rule Title: Statewide Curriculum Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

1981-82: \$813,336

1982-83: \$931,303

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No effect on revenue collections is involved in the proposed action.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The goal of the Louisiana Competency-Based Education Program is to ensure that every student in the public elementary and secondary schools of the state has an opportunity to attain and to maintain skills that are considered essential to further learning and social functioning.

Costs involved will include funds required to print additional curriculum guides for use at the local level as well as funds necessary to provide for periodic completion of the *Teacher Usability Log for Curriculum Guides* for documenta-

tion of curriculum effectiveness.

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

No impact on competition and employment in the public and private sectors is anticipated as a result of this rule.

George B. Benton, Jr. Mark C. Drennen
Associate Superintendent of Finance Legislative Fiscal Officer

**Fiscal and Economic
Impact Statement
For Administrative Rules**

**Rule Title: Policy Manual of the SBESE
for Clarification of an Existing Policy**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The estimated cost to implement would be about \$25, to \$35 for printing and postage.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no cost to affected groups.

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

There will be no effect on competition and employment.

George B. Benton, Jr. Mark C. Drennen
Associate Superintendent of Finance Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners for
Nursing Home Administrators**

The State Board of Examiners for NHA's proposes the following changes in its Rules and Regulations.

1. The Administrator-in-Training requirement, or portions thereof, may be waived if the trainee has experience that meets or exceeds the AIT requirements in his or her specialty and/or other areas as approved by the Board.

2. Requests for waiver must accompany the application for licensure.

PROPOSED RULE CHANGES

(Exact Reading)

1. RULE 12, Paragraph 5 (page 7) to be amended to read:

"This provision, or portions thereof, may be waived if the applicant has earned at least a baccalaureate degree in health care administration or has work experience in the health field that meets or exceeds AIT requirements in his or her specialty and/or other areas as approved by the Board. Request for Waiver(s) must be submitted with the application (B.E. 2) for approval of the Board."

Interested persons may comment in writing on the proposed changes through January 4, 1982, at the following address:

State Board of Examiners for Nursing Home Administrators, 3535
Government St., Suite D, Baton Rouge, Louisiana 70806.

Winborn E. Davis
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Rules and Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no added costs to implement this charge. It will result in a small savings (postage) to both applicant and agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTION - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

A savings of time, effort and mailing costs will accrue to both applicants and the agency. There will be no additional cost to either party.

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

There will be no effect on competition and employment.

Winborn E. Davis
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners intends to adopt at its January 29, 1982 meeting the following amendment to its rules and regulations.

Section IV

Program Projection

6. Curriculum Requirements

6-1 Development - The curriculum shall be developed and written by the nursing faculty and shall include the philosophy and objectives of the program and shall be approved by the Louisiana State Board of Practical Nurse Examiners.

6-2 Length of Program - A program shall be no less than 1500 hours of scheduled instruction with at least 700 hours being classroom instruction. Theory and clinical experience should be concurrent, if possible, progressing from the simple to the complex.

a. Program instruction and clinical experience shall be no less than 12 months.

b. Part time program instruction and clinical experience shall be no longer than two years.

6-3 The Curriculum shall include:

a. 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 normal.

b. 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.

c. Vocational Adjustments including concepts of self adjustment, personality development, ethical, legal and social relationships with patients, families, employers and co-workers, communication skills, responsibilities of the practical nurse and general information on nursing and nursing organizations.

d. 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.

e. Nutrition in Health and Illness describing concepts of proper nutrition for all age groups and diet modifications for therapeutic purposes.

f. Introduction to Pharmacology presenting concepts relating to action, dosage, side effects and administration of medications.

g. 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, Geriatric Nursing, Maternal-Child Nursing and Mental Health Nursing.

h. Career Readiness presenting information relating to interviews, completing 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.

Interested persons may submit written comments through January 15, 1982 to Mrs. Helen W. Sheehan, R.N., Executive Director, Louisiana State Board of Practical Nurse Examiners, 1408 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana 70112.

Helen W. Sheehan
R.N., Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amendments to Curriculum Requirements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

All institutions which will be affected by the rule change have sufficient resources to implement the change without additional staff. These institutions will be able to absorb the additional workload by either lengthening the teaching day or by teaching more days each year. This will not result in additional costs to the two institutions affected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenues.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Students for the LPN degree will receive more program instruction, which may ultimately result in better quality of care to patients.

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

No effect.

Helen W. Sheehan, R.N.
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Board of Veterinary Medicine

The Louisiana Board of Veterinary Medicine will hold a public hearing at 4 p.m., Thursday, January 7, 1982, at the Hilton Hotel, Baton Rouge, Louisiana. The purpose of the hearing will be

to consider proposed rules pertaining to criteria and qualification for licensure, state and national examinations, temporary licenses, licenses without examination, and rules for practice and procedure before the Board and to set fees.

Interested persons are invited to submit written data on or before the meeting date. Address written comments or requests for further information to: Gayle Williamson, Louisiana Board of Veterinary Medicine, Box 15191, Baton Rouge, Louisiana 70895, telephone (504) 925-9538.

A. R. Allbritton, D.V.M.
Secretary-Treasurer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Certification, Fees and Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

No additional costs or savings to the Agency are anticipated as a result of the proposed rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No increase or decrease in Agency revenue collection is anticipated.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

No additional costs or benefits to affected groups is anticipated.

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

No effect upon competition and employment is anticipated.

George M. Arnold
President, La. Board of
Veterinary Medicine

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security effective January 20, 1982, proposes to redefine the definition of Physician's services by adding clarifying language, in order to track the language of Federal Regulation (42 CFR 440.50(b)) and to make policy consistent within the program. In the following definition words underlined have been added to the current language: Physician's services whether furnished in the office, the recipient's home, a hospital, a skilled nursing facility, or elsewhere, means services provided—within the scope of practice of medicine or osteopathy as defined by State law; and by or under the personal supervision of an individual licensed under State law to practice medicine or osteopathy.

Any interested persons may submit written comments through January 4, 1982, to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44605, Baton Rouge, Louisiana 70802.

George Fischer
Secretary

**Fiscal And Economic Impact Statement
For Administrative Rules
Rule Title: Definition of
"Physician's Services"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The only cost involved will be \$11.00 for the printing of one page of the Medical Assistance Manual in order to incorporate this revision.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no cost and benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following policies in the Aid to Families with Dependent Children (AFDC) Program. These policies are mandated by the Omnibus Reconciliation Act of 1981 (Pub. L. 97-35) and 45 CFR 205, 206, 233, 234.

I. EARNED INCOME DISREGARDS AND FOUR MONTH LIMIT

Each individual in the assistance unit who has earned income is entitled to a standard deduction, to a deduction for child care and to the earned income exemption. The deductions from earned income shall be applied in the following order:

- (1) Standard deduction
- (2) Child care deduction
- (3) Earned income exception

No other deductions are allowed.

A. Standard Deduction:

Maximum allowable standard deduction is \$75. This amount is reduced if employed less than full-time or less than a full month.

B. Child Care:

Maximum deduction allowed is determined by the number of hours the wage earner is actually in employment.

Maximum allowed shall be \$1 per hour employment per child or incapacitated individual up to \$160 per month each.

Verified amount actually paid by the wage earner up to the maximum shall be deducted.

C. Earned Income Exemption:

EIE applied for FOUR consecutive months ONLY.

AFDC recipient shall not be entitled to this deduction again until after the expiration of 12 CONSECUTIVE months during which he was not included in any AFDC certification.

II. RESOURCE LIMIT

\$1,000 per assistance unit.

Exclusions are:

- a) Home

b) Equity value up to \$1,200 in one power-driven land conveyance.

Equity value is fair market value less encumbrances.

III. LUMP SUM PAYMENTS

Lump sum payments received by any members of the income unit shall be considered as income to the AFDC assistance unit unless the income is excluded;

The lump sum payment will be divided by the need standard for the appropriate size income unit.

The assistance unit will be ineligible for the whole number of months that the pro-rated incomes meet their need. Remaining income, after this computation, will be considered as income received in the first month following the period of ineligibility regardless of whether the income is available.

IV. EARNED INCOME CREDIT

EIC shall be considered as income which is potentially available to clients who have earned income; therefore, all clients who have earned income shall be required to file an IRS Form W-5 with an employer to receive advance EIC.

EIC shall be budgeted as earned income.

If the client who has earned income refuses to file an IRS Form W-5 and apply for EIC, the cases shall be rejected or closed because need cannot be established.

V. STEPPARENT LIABILITY

Income of a stepparent residing in home shall be considered in determining eligibility.

VI. STRIKERS

AFDC benefits cannot be paid to families in which the caretaker relative or stepparent is participating in a strike on the last day of the month and, if any other member of the household is participating in a strike, his or her needs cannot be considered in computing the AFDC benefits.

VII. DEPENDENT CHILD AGE LIMIT.

Under 16 years of age.

16-18 years of age either exempt from WIN/Work registration or registered for employment)participating in the WIN Program.

18-19 years, if a full-time student in a secondary school or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19.

VIII. UNBORN CHILD COVERAGE

Unborn children will no longer be eligible for AFDC.

Pregnant woman who has completed fifth month of pregnancy may be certified if otherwise eligible (unborn is not eligible).

IX. PAYMENTS BELOW \$10

AFDC grant payments in an amount of less than \$10 will be prohibited but the AFDC family will remain eligible for Medicaid.

X. ADJUSTMENTS FOR INCORRECT PAYMENTS

All AFDC losses regardless of reason for overpayment will be subject to collection either by recoupment or recovery.

Recipients who failed to timely report a change in earned income will not be given the benefit of the earned income deductions and exemptions in the computation of overpayments/ineligible payments.

XI. ALIEN ELIGIBILITY FOR AFDC

Legally admitted aliens who apply for benefits for the first time after September 30, 1981, shall have the income and resources of their sponsor, and the sponsor's legal spouse (if residing in the home) considered available for their support for a period of three years after their entry into the U.S.

XII. TRAINING ALLOWANCE

The \$28 allowance to meet the cost of training connected expenses shall no longer be allowed for future training in lieu of employment.

XIII. INCOME LIMIT OF 150 PERCENT OF NEED STANDARD

At application, redetermination or any time there is a change in circumstances the household must meet a pre-test of eligibility based on need. In this pre-test, gross income from employment plus profit from self-employment plus countable unearned income must be less than 150 percent of the appropriate need standard.

XIV. WORK OR WORK REGISTRATION REQUIREMENTS FOR AFDC RECIPIENTS

All AFDC children age 16 to 19 will be required to work or register for work unless attending school full-time. Caretaker relatives and parents will be required to work or register unless personally caring for a child under age six with only brief and occasional absences from the child. The caretaker relative under age 21 in a training course which will be completed within two years will be required to register for work and accept employment if available.

XV. RETROSPECTIVE BUDGETING/MONTHLY REPORTING

The amount of assistance for AFDC recipients who have earned income, stepparent's income, voluntary contributions or unemployment compensation included in the budget, those whose grant amount is less than \$10, a certification as a result of loss of earned income not due to incapacity or recipients previously included in retrospective budgeting and monthly reporting, will be based on the actual income or circumstances which existed in the previous month. These AFDC recipients will be required to submit monthly reports of household circumstances including verification if income to the local Office of Family Security.

The monthly reports shall be submitted to the local Office of Family Security. Failure to submit a completed report, including verification, each month may result in suspension or closure of the case.

This is subject to the Court Order issued in French v. Fischer U.S. District Court, eastern district Louisiana.

In accordance with provisions of La. R.S. 49:951 et. seq., the Department of Health and Human Resources, Office of Family Security, will hold a public hearing beginning at 2 p.m., Tuesday, January 5, 1982, in the Department of Land and Natural Resources Building, Conservation Hearing Room, First Floor, 625 North 4th Street, Baton Rouge, Louisiana. This hearing concerns policies proposed in the Aid to Families with Dependent Children (AFDC) Program necessary to comply with the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

George A. Fisher,
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Implementation of
Reconciliation Act of 1981**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The total estimated implementation costs to the agency; FY 81-82 \$195,633 (\$97,817 Fed/ \$97,816 State); FY 82-83 \$4,493,350 (\$2,156,662 Fed/ \$2,336,688 State); FY 83-84 \$4,429,759 (\$2,214,890 Fed/ \$2,214,879 State).

The total estimated savings to the agency: FY 81-82 \$6,244,280 (\$4,174,301 Fed/ \$2,069,979 State); FY 82-83 \$11,554,918 (\$7,724,465 Fed/ \$3,830,453 State); FY 83-84 \$14,551,155 (\$9,727,443 Fed/ \$4,823,707 State).

II. ESTIMATED EFFECT ON REVENUE COLLECTION - (Summary)

During 1981-82, implementation of these changes will result in receipt of approximately \$4 million less in Federal funds than originally anticipated with \$5.5 million less in 1982-83 and \$7.5 million less in 1983-84.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Approximately 14,230 AFDC cases will be reduced or terminated as a result of the implementation of these policies.

This is subject to the Court Order Issued in French v. Fischer U.S. District Court, Eastern District Louisiana.

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

None.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to suspend effective January 20, 1982 the following drug for the Maximum Allowable Cost (MAC) list: Dicloxacillin Sodium, Oral Capsule, 250mg.

This action is required as a result of telegram received from the chairman of The Pharmaceutical Reimbursement Board of Health Care Financing Administration (HCFA). The federal government is removing this drug because "of the potential lack of product availability in the marketplace."

Interested persons may submit written comments through January 4, 1982 to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana. Mr. Haddad is responsible for responding to inquiries about this proposed rule.

George A. Fischer
Secretary

**Fiscal And Economic Impact Statement
For Administrative Rules
Rule Title: Maximum Allowable
Costs (MAC) for Drugs**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The project net loss to the agency resulting for the proposed rule suspending this drug from Maximum Allowable Cost (MAC), are as follows:

FY 1981-82: \$1,302 (35.16% State 64.84% Federal)
FY 1982-83: \$3,577 (35.66% State 64.34% Federal)
FY 1983-84: \$4,096 (36.08% State 63.92% Federal)

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collection.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

No cost or benefits to the title XIX recipient is estimated.

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

There is no effect on competition in employment anticipated.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, (OFS) proposes to adopt patient liability for the month of entry to a long term care facility. Income (patient liability as determined by the OFS Parish Office) shall be applied in computing the OFS payment to the long term care facility beginning with the first day the applicant or recipient is determined categorically and medically eligible, or date of admission if later. OFS will pay the long term care facility the per diem rate less the recipient's per diem applicable income for the number of eligible days.

This rule is being adopted to bring policy into compliance with Federal Regulation CFR:42: CFR 435.733.

Interested persons may submit written comments on the proposed policy through January 3, 1982 at the following address: Mr. Michael S. Haddad, Assistant Secretary, OFS, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Patient Liability for
Month of Entry to a
Long Term Care Facility

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

For FY 81-82, a savings of \$561,871 is projected. It is estimated that for the initial month of entry to a long term care facility, an individual will be required to pay an average of \$11.08 per diem applicable income. For Supplemental Security Income (SSI) recipients admitted to a long term care facility, the average per diem applicable income is estimated to be \$7.52. For FY 82-83 and FY 83-84, the projected savings is \$688,861. This estimate takes into consideration an increase of \$25 in personal care needs allowance.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No effect on revenue collections is anticipated.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

All applicants who are certified for long term care services will now be required to pay a per diem portion of the facility fee for the month of entry to the nursing home.

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

There will be no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to adopt the policies as described below in the Food Stamp Program. These policy changes are mandated by Federal Regulations as published in the Federal

Register, Volume 46, No. 172, pages 44712 through 44727, Friday, September 4, 1981, in accordance with the 1981 Omnibus Reconciliation Act.

I. Household Concept

The definition of household has been partially changed. The definition includes a group of individuals who live together and customarily purchase food and prepare meals together for home consumption, except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is 60 years of age or older.

In no event shall separate household status be granted to children living with parents unless at least one parent is 60 years of age or older, parents less than 60 years of age living with children, or a boarder. Boarder status, in addition to other restrictions, shall not be granted to children living with parents if both parents are under age 60.

II. Strikers

For food stamp purposes, a striker is defined as anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee engaged in a lockout, however, is not deemed to be a striker.

Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible prior to the strike. If the household was eligible for food stamps immediately prior to such strike, however, such household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

If the household was eligible or participating prior to the strike action, benefits shall be calculated by using the household's income as it stood immediately prior to the strike. That is, the household's regular monthly earned income attributable to the job on which the strike occurred would be deemed to remain the same after the strike as if the household member were still working. If other changes occur, (for example, a change in household size, changes in income from strike benefits or from other, nonstrike-related employment) household benefits shall be adjusted using normal procedures.

Strikers shall be subject to the work registration requirement unless otherwise exempt.

III. Income Eligibility Standards

A. The income eligibility standards for the Food Stamp Program shall be as follows:

- (1) Gross Income (All households except those specified in (2) below)

The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam, Puerto Rico and the Virgin Islands shall be 130 percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 States and the District of Columbia.

(2) Net Income

For households which contain a member who is 60 years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI or the Social Security Act, the net income eligibility standards for the Food Stamp Program shall be as follows:

The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands shall be the Office of Management and Budget's (OMB) nonfarm income poverty guideline for the 48 States and the District of Columbia.

(3) The income eligibility limits, as described in this paragraph, are revised each July 1, to reflect OMB's annual adjustment to the nonfarm poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.

B. Income eligibility standard for Louisiana is as follows:

Household Size	Gross Monthly Income	Net Monthly Income
1	\$ 467	\$ 360
2	617	475
3	766	590
4	916	705
5	1,065	820
6	1,215	935
7	1,364	1,050
8	1,514	1,165
Each Additional Person	+ 150	+ 155

IV. Earned Income Deduction

The earned income deduction is 18 percent of gross earned income.

V. Initial Month's Benefits

A household's benefit level for the initial month of certification will be based on the day of the month it applies for benefits. Using a 30-day calendar or fiscal month, households shall receive benefits prorated from the day of application to the end of the month. A household applying on the thirty-first of a month will be treated as though they applied on the thirtieth of the month. Initial month means either the first month for which an allotment is issued to a household, or the first month for which an allotment is issued to a household following any period of more than a month during which the household was not certified for participation in the Food Stamp Program. If the prorated allotment results in an amount of \$1, \$3, or \$5, the allotment shall be rounded to \$2, \$4, or \$6 respectively.

VI. Income eligibility and Benefit Level

For households containing a member age 60 or over or who receives SSI under Title XVI of the Social Security Act or disability and blindness payments under Titles I, II, X, XIV, and XVI of the Social Security Act, income eligibility shall be based on net income.

For all other households, income eligibility shall be based on gross income.

All eligible one and two-person households shall receive a minimum monthly allotment of \$10, except when proration of initial month's benefits occurs. All eligible households whose benefits are prorated to \$1, \$3, or \$5, and eligible households with three or more members which are entitled to \$1, \$3, and \$5, allotments shall receive allotments of \$2, \$4, and \$6, respectively to correspond with current coupon denominations. For those eligible households with three or more members, which are entitled to no benefits, the eligibility worker shall deny the household's participation, on the grounds that its net income exceeds the level below which benefits are issued.

The level of benefits for all eligible households shall be based upon net monthly income.

VII. Expedited Service

Households certified after the fifteenth of the month under the expedited processing standards shall be certified the initial month with prorated benefits and for the subsequent month with full benefits.

VIII. Recertification of Supplemental Security Income Households

Supplemental Security Income households which have received a food stamp notice of expiration shall be entitled to make

a timely application for food stamp recertification at the SSA office.

IV. Thrifty Food Plan

A. Effective April 1, 1982, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the Consumer Price Index for all Urban Consumers (CPI-U) for the cost of food, for the 15 months ending on December 31, 1981.

B. Effective July 1, 1983, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar amount to reflect changes in the CPI-U for the cost of food, for the 15 months ending March 31, 1983.

C. Effective October 1, 1984, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPI-U for the cost of food, for the 15 months ending June 30, 1984.

D. Effective October 1, 1985, and each October 1 thereafter, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPI-U for the cost of food, for the 12 months ending on the preceding June 30.

X. Adjustment of Standard Deduction

A. Effective July 1, 1983, the standard deductions shall be adjusted to reflect changes in the Consumer Price Index for all urban consumers (CPI-U) for items other than food and the homeownership component of shelter costs for the 15 months ending March 31, 1983.

B. Effective October 1, 1984, the standard deduction shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership component of shelter costs for the 15 months ending June 30, 1984.

C. Effective October 1, 1985, and each October 1, thereafter, the standard deductions shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership component of shelter costs for the 12 months ending the previous June 30.

D. These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest \$5 increment.

XI. Adjustment of Shelter Deduction

A. Effective July 1, 1983, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the 15 months ending March 31, 1983.

B. Effective October 1, 1984, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs) fuel, and utilities components of the CPI-U for the 15 months ending June 30, 1984.

C. Effective October 1, 1985, and each October 1 thereafter, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs) fuel, and utilities components of the CPI-U for the 12 months ending the preceding June 30.

D. These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest \$5 increment.

XII. Outreach

The Outreach Program will be discontinued but program informational material will continue to be available.

In the case of Public Assistance Food Stamp Households (Type 3), this is subject to the Court Order issued in *French v. Fischer*, U.S. District Court, eastern district La.

Interested persons may submit written comments through January 3, 1982 to Mr. Michael S. Haddad, Assistant Secretary,

George A. Fischer,
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Restrict Eligibility
in the Food Stamp Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Under the Emergency Rule which implemented these changes effective October 1, 1981, \$27,296.80 (50% state/50% federal) was incurred as a one-time cost of printing Food Stamp Program manual pages and forms and for training staff in the new regulations. This cost was absorbed in the operating budget of the agency. No additional implementation costs are anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Implementation of these regulations will have an adverse effect on many potential and current recipients. The projected impact on food stamp recipients for 1981-82 (October 1 through June 30) is a \$4,497,768 loss of food stamp benefits. (Approximately \$1.5 million of this loss is estimated to have been incurred in the period from October 1 through December 30, 1981 under the Emergency Rule). This decrease in payments will result despite an estimated increase of 9,000 cases resulting from changes in AFDC eligibility, due to decreased payment amounts and loss of eligibility to previously eligible recipients.

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

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Health and Human Resources
Office of Health Services
and Environmental Quality**

The Department of Health and Human Resources, Office of Health Services and Environmental Quality proposes to adopt a rule for a fee collection system. The proposed system provides the Family Planning Program with needed policy which will provide for compliance with funding regulations and provide additional revenue for the program. The proposed policy is attached.

Interested persons may submit written comments on the proposed policy changes through January 3, 1982 at the following address: Mr. R. K. Banks, acting Assistant Secretary, Office of Health Services and Environmental Quality, P. O. Box 60630, New Orleans, Louisiana 70160. Mr. Banks is the person responsible for responding to inquiries about the proposed rule.

George Fischer,
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Family Planning Fee Collection**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The proposed fee schedule has been in effect since January of 1981. Initial implementation costs of approximately \$13,500, including staff training, supplies, and equipment, during 1980-81 were absorbed by the agency. Costs for continued implementation of the rule change are estimated to be \$11,396 in 1981-82; \$12,465 in 1982-83; and \$12,837 in 1983-84. These costs will also be absorbed in the operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Adoption of the proposed fee schedule is expected to generate approximately \$158,000 in additional fee collections by the agency in 1981-82, the first full year of implementation. These self-generated funds are anticipated to increase by approximately 10% per year.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The cost to those persons able to pay will range from an annual amount of \$3.00 registration fee to possibly as high as \$98 for persons at the top of the scale according to income and family size. For the population as a whole, ultimately the added income will allow the state to provide services to more citizens.

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

The proposed rule will have no effect on competition and employment.

Michael Mielle
Budget Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Human Development**

The Department of Health and Human Resources, Office of Human Development, intends to adopt a manual of rules, policies and procedures for the Administration of the Blind Services Program which Act 692 of the 1979 Louisiana Legislature requires to be established as a division in the Office of Human Development which . . . shall have the responsibilities and authority including but not limited to the following:

(i) To make and promulgate such rules and regulations as are necessary or desirable for carrying out the provisions of the laws relating to the blind.

(ii) To administer and supervise a state-wide program of sight conservation and prevention of blindness.

(iii) To maintain an active register of the blind.

(iv) To conduct a program of vocational rehabilitation for the blind.

(v) To provide adequate qualified staff to deliver mandated services.

(vi) To provide facilities, equipment and initial stock for the operation of vending stands or other small business enterprises suitable for operation by blind persons.

(vii) To assist other agencies of the federal or state government when so requested by performing services in conformity with the purpose of the laws related to the blind.

(viii) To administer public or private funds as may be available for the prevention of blindness or vocational rehabilitation for the blind.

(ix) To act as agent to the state in cooperating with the federal government in any matter relating to sight conservation and the welfare of the blind.

The Operations Manual is available for review between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, at the state office and all area offices of the Division of Blind Services.

Interested persons may submit written comments on this proposed Rule through January 3, 1982 to Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana, 70821.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Manual of Operations Adoption,
Division of Blind Services**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) HO
AGENCY - (Summary)**

There will be no additional costs or savings to the Division of Blind Services since the policies and procedures are already in place and since enough manuals are presently available for staff.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

There will be no effect on the Division's revenue collections.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)**

Since the policies and procedures are already established, there should be no extra cost or savings to the group involved.

**IV. ESTIMATED EFFECT OF COMPETITION AND EMPLOY-
MENT - (Summary)**

There should be no effect on competition and employment with the groups involved or the Division.

A. J. Dixon
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Human Development**

The Department of Health and Human Resources proposes to adopt an Operations Manual for the administration of the Rehabilitation Program.

The following policy changes will be implemented to accord compliance with Section 222(d) and 1615(d) of the Social Security Act:

1. Section 304 — Occupational tools will be limited to \$150.

2. Section 306.3 — Maximum transportation - \$77 per month.

3. Section 404.1 — Eligibility criteria will now include an order or selection for services by priority groups as follows:

- a. Severely disabled - severely handicapped individuals.
- b. Individuals referred under Third Party Agreements (signed agreements between Division of Rehabilitation Services and other agencies/organizations).
- c. Public safety officers who become disabled in the line of duty (police officers, probation/parole agents, etc.).
- d. Individuals with dependents other than themselves.
- e. Individuals with dependents other than themselves.
- f. Non-severely disabled, but underemployed individuals.
- g. All other individuals not fitting categories "a" through "f".

4. Section 405.7 — Economic need criteria is now applicable to recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

5. Section 405.7 — Full maintenance, maximum allowance - \$110 (also applicable to New Orleans area).

6. Section 405.7 — If maximum maintenance of \$110 is given, no transportation cost will be allowed.

7. Section 405.7 — Definite interpretation of length of college training. All college credits obtained before entering program will count towards maximum allowed.

8. Section 407 — Is deleted. (Vocational Rehabilitation Trust Fund for services to SSI and SSDI recipients was abolished by federal legislation.

9. Section 512 — Out-of-state training will be limited to those training institutions listed in this section.

Interested persons may submit written comments on this proposed Rule through January 3, 1982 to Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana, 70821.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rehabilitation Services Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)**

A savings to the Agency of \$229,283 will be realized.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

This rule will have no effect on revenue collections.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)**

Estimated costs should be the same as the savings figure.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

No significant effect will be experienced.

A. J. Dixon
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICES OF INTENT
Department of Health and Human Resources
Office of the Secretary**

Louisiana Department of Health and Human Resources (DHHR) proposes to implement Block Grant Federal funding in accordance with Public Law 97-35, the Omnibus Budget Recon-

conciliation Act of 1981. Effective October 1, 1981, this Public Law consolidated many categorically funded health and social services programs administered by DHHR into five Block Grants for federal funding purposes. DHHR will administer these programs under Block Grant federal funding in accordance with guidelines set forth in Public Law 97-35 and within the allocation for the State of Louisiana once federal budget appropriations for FFY 1982 are enacted.

The five Block Grants to be administered by DHHR and the administering Offices are as follows:

1. Alcoholism, Drug Abuse and Mental Health - Office of Mental Health and Substance Abuse
2. Maternal and Child Health - Office of Health Services and Environmental Quality
3. Preventive Health and Health Services - Office of Health Services and Environmental Quality
4. Low-Income Energy Assistance - Office of Family Security
5. Title XX Social Services - Office of Human Development

**Alcoholism, Drug Abuse and Mental Health
Office of Mental Health and Substance Abuse (OMHSA)**

The programs included in this block grant were formerly authorized under the Community Mental Health Centers Act, the Mental Health Systems Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, and the Drug Abuse Prevention and Treatment Act. The State plan for this Block Grant is available for review at any OMHSA facility. Comments may be submitted through January 5, 1982 to Thomas H. Brittain, Assistant Secretary, Office of Mental Health and Substance Abuse, Box 4049, Baton Rouge, LA 70821.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Alcoholism, Drug Abuse,
Mental Health Block Grant**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)**

To effectively manage and administer a contractual program of this size, scope and complexity, an additional Program Officer will be required at a cost of \$16,300 in 1982-83 (9 months) and \$22,358 in 1983-84. Federal block grant funds will be used to provide for this position.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

There is no anticipated negative effect on revenue unless Congressional appropriations are less than authorized. For 81-82 an increase of revenue of \$578,255 is anticipated due to additional federal awards for Alcohol and Drug Treatment. DHHR has proposed the transfer of \$119,404 of this additional funding to the Maternal and Child Health Block Grant. Any of these increased federal funds not transferred to another block will be returned to the State General Fund because state funds in the amount of \$1.4 million were budgeted for 1981-82 in anticipation of the loss of federal funds.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)**

Groups heretofore applying for Federal ADM funds will be able to approach the state, with more definitive knowledge of funding capabilities prior to expending unnecessary man hours developing applications for which funding may not be available.

However, those programs that are currently directly funded by the federal government may incur additional expenses in meeting state licensing regulation which is a prerequisite for funding. Agency is unable to determine the cost until a survey has been conducted.

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

It is anticipated that funding will be sufficient to maintain employment in the private section at a level minimum to 81-82 level considering inflation.

Thomas H. Brittain
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Maternal and Child Health
Office of Health Services and Environmental Quality
(OHSEQ)**

The Maternal and Child Health Block Grant includes Maternity Services, Child Health Services, Eye Anomalies Program Service, Communicative Disorders Services, Handicapped Children's Services, Supplemental Security Income - Disabled Children's Program and the following special projects: Adolescent Parenthood Project, Dental Care Project, Lead Based Paint Poisoning Prevention, Neonatal Intensive Care Project and the Family Planning Discrete Project. A copy of the proposal for Block Grant funding may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Box 60630, New Orleans, Louisiana 70160.

Interested persons may submit written comments on this proposal through January 5, 1982 to Mr R. K. Banks, Assistant Secretary, Office of Health Services and Environmental Quality, at the above address.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Maternal and Child Health Block Grant**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)**

This action will result in minimum programmatic losses from the anticipated reduction in funding. There is an anticipated loss of six staff positions which will be eliminated as vacancies occur.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

There is an estimated reduction of \$163,861 in federal funds for 1981-82 under the block grant plan proposed by DHHR. Of the total reduction of \$1,302,812 in federal funding for Maternal and Child Health programs, \$1,138,951 will be replaced as follows: a) \$450,000 - anticipated increase in self-generated revenues in Handicapped Children's Program, b) \$119,404 - transfer from the Alcohol and Drug Abuse Block Grant, c) \$81,827 transfer from Preventive Health Block Grant and d) \$487,720 from existing appropriated funds within DHHR. All estimates are based on authorized levels of funding as contained in the Omnibus Reconciliation Act of 1981. Additional state match requirements can be met with currently appropriated funds.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be a reduction of \$135,000 in support of the Adolescent Parenthood projects in Ouachita, DeSoto, St. Helena and Acadia parishes; which will result in approximately 700 teenagers and their children no longer receiving health care services specifically geared to the adolescent family. However, these patients will receive services through clinics available in parish health units and no decrease in number of patients served is anticipated. A reduction of \$28,861 is anticipated in the Genetics Disease Program operated through LSU Medical School which could necessitate a reduction in staff supporting the research component of the program.

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

Other than the reduction in six staff positions in OHSEQ and possible staff reductions in the Genetic Disease Program, no effect is anticipated on competition and employment.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Preventive Health and Health Services
Office of Health Services and Environmental Quality
(OHSEQ)**

Programs included in this Block Grant are Flouridation, Rodent Control, Health Education/Risk Reduction, Emergency Medical Services, Hypertension, Retail Food Sanitation, Food and Drug Control, Venereal Disease Control, Epidemiology, Tuberculosis Control, Influenza, and services to rape victims and for rape prevention.

A copy of the application/proposal may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Program Planning and Evaluation Section, Box 60630, New Orleans, Louisiana 70160 or by inquiring in person at the State Office Building, Room 515, Loyola Avenue, New Orleans, Louisiana. Comments on the application proposal may be submitted to the above Office through January 5, 1982.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Preventive Health and Health
Services Block Grant**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

No workload change is anticipated as a result of the anticipated reduction in funding under the block grant program, as the same amounts and kinds of services are expected to be delivered.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is a \$31,189 reduction in federal funding anticipated under the Preventive Health block in SFY 81-82. This is a reduction in FFY 81 carryover funds in the Emergency Medical Services Program. In addition, DHHR has proposed that \$81,827 be transferred from this block grant to the Maternal and Child Health Block Grant. All estimates are based on authorized levels of funding as contained in the Omnibus Reconciliation Act of 1981.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS (Summary)

The reductions in funding anticipated under the block

grant are not anticipated to impact services or clients. No direct effect is anticipated on any groups or units of local government.

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

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Low-Income Energy Assistance
Office of Family Security (OFS)**

This Block Grant will assist eligible households including AFDC, SSI, Food Stamps, VA and other low income households to meet the rising costs of home energy. Eligible households are those with liquid assets such as cash on hand, checking and savings accounts, stocks, bonds and credit shares, valued at \$1,500 or less for a single person household and \$3,000 for a multi-person household. Additionally, total monthly income shall not be more than \$309 for a single person household and \$505 for a multi-person household during January, 1982. For the month of August, the total allowable monthly income is subject to change in accordance with the percentage increase effective July 1, 1982 for Supplemental Security Income and Social Security Administration recipients. Finally, eligible households shall be paying for a heating and/or cooling utility or paying rent which includes an amount for utilities.

Applications for assistance will be accepted from January 5, 1982 through January 29, 1982 for the heating assistance program and from August 2, 1982 through August 31, 1982 for the cooling assistance program. All payments will be made for the months of January and August, 1982. The exact payment amount will be dependent upon the State of Louisiana's total allocation. It is currently estimated that payments will range from \$40 to \$60.

A copy of the state plan is available in all local OFS offices for on-site inspection. Interested persons may submit written comments on the proposed rule through January 5, 1982 at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Low Income Energy Assistance Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

An amount estimated to be between \$12,281,200 and \$15,413,687 is to be allocated to the State of Louisiana for Federal FY 1982 to provide for administration and benefits of the program. Administrative cost cannot exceed 10 percent of the total allotment and are estimated to be \$524,852.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None. This program was budgeted for \$15,413,687 in FY 80-81. Assuming no reduction in the federal allotment, there will be no affect on revenues.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Estimate obtained using data from the Office of Family Security's file indicates 110,000 households will have auto-

matic eligibility based on declared income and their vulnerability to the rising cost of energy. An additional 20,000 are estimated to gain eligibility through individual walk-in application procedure. Estimate benefits will range from \$40 to \$60 in January and August, 1982. TOTAL benefits will depend upon the state's actual allotment.

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

Competition and employment will not noticeably be affected by the Low Income Energy Assistance Program as benefits to eligible recipients will be applied to on-going current utility bills for the households. The economic impact is that the state will have an addition of \$10,000,000 to \$13,000,000 in circulation by the low income consumer groups.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Title XX Social Services
Office of Human Development (OHD)**

The State's share of allotted funds under this Block Grant will be used in accordance with the Comprehensive Annual Services Program (CASP) Plan for 1981-82 and to support the activities formerly funded by a separate Title XX Training allotment to the State.

The types of social service activities to be supported by Title XX funds and the categories of individuals to be served remain unchanged. The types of training activities to be supported now under the Block Grant will include (a) in-service training in program administration and service delivery for agency and contracted provider staff and (b) professional education in graduate schools of social welfare for agency employees and individuals preparing for agency employment.

Copies of the Title XX CASP Plan are available without charge upon written or telephone request to the Governor's Tie Line, phone 1-800-272-9868 or Box 4404, Capitol Station, Baton Rouge, Louisiana 70804. Written comments may be submitted to Arthur J. Dixon, Assistant Secretary, Office of Human Development, 1755 Florida Blvd., Baton Rouge, Louisiana 70802 through January 5, 1982.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Social Services
Block Grant Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Implementation Cost of this Block Grant for SFY 1981-82 is \$60,783,261 which includes \$46,015,809 in federal funds, \$10,588,519 state matching funds, \$2,500,658 local matching funds and \$1,678,275 Interagency Transfer funds from within DHHR. Funding level reflects the federal budget reduction and required adjustments to maintain match ratios in CASP.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The estimated effect on revenues is a net decrease of \$9,642,246 consisting of federal funds plus state and local matching funds.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Providers of social services under contract or administrative agreements will sustain reductions in funding levels necessitating adjusted workloads to deliver fewer service units and/or serve fewer clients.

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

There may be a reduction in service provider staff positions.

A. J. Dixon
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, Revised Statutes 49:951, et seq., of the Louisiana Revised Statutes of 1950, as amended, notice is hereby given that the Louisiana Commission on Law Enforcement and Administration of Criminal Justice proposes to adopt restrictions to limit the kinds of goods and services which can be purchased by local criminal justice agencies utilizing State Grant-in-Aid Program Funds issued by the Louisiana Commission on Law Enforcement. These proposed restrictions will be considered at the Commission's regular meeting on Wednesday, January 20, 1982, at 1 p.m., in the Continental Room of the Bellemont Motor Hotel in Baton Rouge, Louisiana.

The proposed restrictions will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after December 21, 1981, at the offices of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, Room 610, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Interested persons may submit their views and opinions through January 12, 1982, at the Louisiana Commission on Law Enforcement and Administration of Criminal Justice at the address listed above.

Elmer B. Litchfield
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Grant-in-Aid
Program Restrictions**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no implementation costs to the agency due to implementation of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections due to implementation of this rule.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no costs or benefits to affected groups. The regulation merely delimits the kinds of goods and services which may be purchased through these state grants.

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

While the regulation prohibits the purchase of automobiles, and auto related accessories, the impact of this prohibition will be negligible in any one parish due to the disbursement of the funds statewide.

Elmer B. Litchfield
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collection.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There are no estimated costs or benefits to affected groups.

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

There is no estimated effect on competition and employment.

R. T. Sutton
Commissioner of Conservation

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Natural Resources
Office of Conservation
Underground Injection Control Division
DOCKET NUMBER UIC 82-1

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Thursday, January 21, 1982, in the Police Jury meeting room of the Police Jury Building, Beauregard Parish, located on 2nd St., DeRidder, Louisiana.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony from Brine Well Service relative to their application to dispose of salt water generated from oil and gas production into the subsurface by means of a disposal well which is identified as Walton T. Bagget No. 1, SN 159621, with the injection interval at an approximate depth of 3694-3800 feet. The well is located in Section 21, Township 6 South, Range 9 West, Beauregard Parish, Louisiana. The applicant will inject saltwater at a rate of approximately 400 to 1000 barrels per day.

Prior to authorizing the conversion and use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943 as amended).

The application is available for inspection by notifying Mr. Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division (Room 228), 625 North 4th St., Baton Rouge, Louisiana.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., January 21, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804. Re: Docket No. UIC 82-1, Commercial Salt Water Disposal Well, Beauregard Parish.

By Order of:

R. T. Sutton
Commissioner of Conservation

Fiscal and Economic Impact Statement
For Administration Rules

Rule Title: 29-B

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There are no estimated implementation costs or savings to the agency.

NOTICE OF INTENT
Department of Natural Resources
Office of Conservation
Underground Injection Control Division
DOCKET NUMBER UIC 82-2

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Friday, January 22, 1982, in Council Chambers of City of Springhill, located on 101 Machen Dr., Springhill, Louisiana.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony from RoJo Oil Company, Inc., relative to their application to dispose of salt water generated from oil and gas production into the subsurface by means of a disposal well which is identified as H. A. Davis No. 1, SN 171919, with the injection interval at an approximate depth of 1830-1966 feet. The well is located in Section 22, Township 23 North, Range 10 West, Webster Parish, Louisiana. The applicant will inject salt water at a rate of approximately 3000 barrels per day.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943 as amended).

The application is available for inspection by notifying Mr. Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division (Room 228), 625 North 4th St., Baton Rouge, Louisiana.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., January 22, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804. Re: Docket No. UIC 82-2, Commercial Salt Water Disposal Well, Webster Parish.

By Order of:

R. T. Sutton
Commissioner of Conservation

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: 29-B

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There are no estimated implementation costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collection.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There are no estimated costs or benefits to affected groups.

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

There is no estimated effect on competition and employment.

R. T. Sutton
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Fire Marshal for the State of Louisiana does hereby intend to adopt the following regulation as an addition to the Fire Marshal regulations:

L.A.C. 17-4:18 Emergency Generators for Health Care Facilities

1. In addition to the requirements of the Life Safety Code as set forth in previous regulations, all health care facilities shall comply with the following:

Sub-paragraph A. An approved motor driven generator shall be provided to supply electric current to the emergency system. This generator shall be of sufficient power and kilowattage to insure the illumination of emergency lighting and other facilities.

Sub-paragraph B. If the source of fuel for the motor generator is gasoline, diesel, kerosene or other fuels that are supplied independent of the public utilities, a secondary source of fuel will not be necessary.

Sub-paragraph C. If the fuel be natural or gas or other fuel supplied by the public utilities, piped to the power unit, then a secondary source of fuel shall be provided such as gasoline, kerosene, etc.

Sub-paragraph D. A sufficient amount of secondary fuel shall be maintained to insure the operation of the power plant for at least two days or 48 hours.

2. If the emergency generating system requires a secondary source of fuel, storage of that secondary source of fuel shall meet the following requirements:

A. The power plant requires more than 15 gallons of secondary fuel for its operation, then the tanks shall be an approved type and shall be properly vented, buried, and protected from corrosion in accordance with the flammable and combustible liquid code, National Fire Protection Association Pamphlet 30, 1981 edition.

B. It shall be located as remote as possible from the building it is to serve or other improvements thereby.

c. If less than a 15 gallon supply is required for a two day operation of the plant, then this may be held in a tank attached to the unit.

D. The generator shall not be located in the confines of the health care facility unless it is separated by fire resistant partitions; and it shall not be located in the boiler room.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans,

Louisiana 70115 (504) 897-6600. There will be a hearing on January 5, 1982 at noon in the conference room at 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809.

Carrol L. Herring
State Fire Marshal

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Emergency Generators for Health Care Facilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There are no estimated implementation costs (savings) to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Essentially all established nursing homes and homes for the aged are in compliance with the general policy of the Fire Marshal's Office. This act would not require any new expenditures on established facilities nor any extraordinary expenditures for new facilities. Non-compliance with this rule might provide some direct savings to new facilities.

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

Since all facilities are in compliance, there is no estimated effect on competition or employment.

Carrol L. Herring
State Fire Marshal

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Fire Marshal for the State of Louisiana does hereby intend to adopt the following administrative ruling with regard to mobile homes.

L.A.C. 17-4:7. Standards for Mobile Homes

L.A.C. 17-4:7.4. Definitions

In the regulations which follow, unless contract otherwise requires:

(a) "Act" means the National Manufactured Home Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 USC 5401 et seq.).

(b) "Add-on" means any structure (except a structure designed or produced as an integral part of a manufactured home) which when attached to the basic home unit, increases the area, either living or storage, of the manufactured home.

(c) "Alteration" means the replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealersor distributor but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system. It includes any modification made in the home which may affect the compliance of the home with the standards, but it does not include

the repair or replacement of a component or appliance requiring connection to an electrical receptacle, where the replaced item is of the same configuration and rating as the one being replaced. It also does not include an addition of an appliance requiring “plug-in” to an electrical receptacle, which appliance was not provided with the home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

(d) “Certification Label” see “label”.

(e) “Certification Report” means the report prepared by an IPIA (see definition aa) for each manufactured home manufacturing plant under 24 C.F.R. Section 3282-362 (b) (2) in which the IPIA provides a complete description of the initial comprehensive inspection of the plant, an evaluation of the quality assurance program, under the approved quality assurance manual, and the identity of the DAPIA (See definition x) which approved the designs and quality assurance manual used in the plant. Where appropriate under 24 C.F.R. Section 3282-362 (b) (5), the certification report may be made by a DAPIA.

(f) “Component” means any part, material or appliance which is built in as an integral part of the manufactured home during the manufacturing process.

(g) “Cost Information” means information submitted by a manufacturer under Section 607 of the Act with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer’s statements. Such terms includes both the manufacturer’s cost and the cost to retail purchasers.

(h) “Date of Manufacture” means the date on which the label required by 24 C.F.R. Section 3282-205 (c) is affixed to the home.

(i) “Dealer” means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease home for purposes other than resale.

(j) “Defect” means a failure to comply with an applicable Federal manufactured housing safety and construction standard that renders the home or any part or component thereof not fit for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home. See related definitions of “imminent safety hazard” (definition p), “noncompliance,” (definition w), and “serious defect” (definition ee).

(k) “Design” means drawings, specifications, sketches and the related engineering calculations, test and data in support of the configurations, structures and systems to be incorporated in homes manufactured in a plant.

(l) “Director” means the Director of the United States Office of Manufactured Housing and Construction Standards.

(m) “Distributor” means any person engaged in the sale and distribution of manufactured housing for resale.

(n) “Failure to Conform” means an imminent safety hazard related to the standards, a serious defect, or noncompliance and is used as a substitute for all of those terms.

(o) “HUD” means the United States Department of Housing and Urban Development.

(p) “Imminent Safety Hazard” means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable Federal manufactured housing construction or safety standard. See related definitions of “defect” (definition j), “noncompliance,” (definition w) and “serious defect” (definition ee).

(q) “Joint Monitoring Team” means a monitoring inspection team composed of personnel provided by the various State Administrative Agencies, or its contract agent, operating under a

contract with HUD for the purpose of monitoring, or otherwise aiding in the enforcement of the Federal standards.

(r) “Label” or “certification label” means the approved form of certification by the manufacturer that, under 24 C.F.R., Section 3282-362 (c) (2) (i), is permanently affixed to each transportable section of each home manufactured for sale to a purchaser in the United States.

(s) “Manufacturer” means any person engaged in manufacturing or assembling manufactured housing, including any person engaged in importing homes for resale.

(t) “Manufactured housing” means a structure, transportable in one or more section, which in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or, when erected on site, 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this Subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States code 5401, et seq.

(u) “Manufactured Housing Construction” means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety.

(v) “Manufactured Housing Safety” means the performance of a manufactured home in such a manner that the public is protected against unreasonable risk of the occurrence of accidents due to the design or construction of such home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(w) “Noncompliance” means a failure of a home to comply with a Federal manufactured housing construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard. See related definition of “Defect” (definition j), “imminent safety hazard” (definition p), and “serious defect” (definition ee).

(x) “Owner” means any person purchasing a home from any other person after the first purchase of the home, in good faith, for purposes other than resale.

(y) “Primary Inspection Agency” (PIA) means a State/or private organization that has been accepted by the Secretary in accordance with the requirements of Subpart H of the Manufactured Homes and Procedural Regulation. There are two types of PLA:

(1) Design Approval PIA (DAPIA), which evaluates and approves or disapproves manufactured home designs and quality control procedures and

(2) Production Inspection PIA (IPIA), which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and provides ongoing surveillance of the manufacturing process. Organizations may act as one or both of these types.

(z) “Purchaser” means the first person purchasing a manufactured home in good faith for purposes other than resale.

(aa) “Quality Assurance Manual” means a manual, prepared by each manufacturer for its manufacturing plants and approved by a DAPIA which contains: a statement of the manufacturer’s quality assurance program, a chart of the organization showing, by position, all personnel accountable for quality assurance, a list of tests and test equipment required, a station-by-station description of the manufacturing process, a list of inspec-

tions required at each station, and a list by title of personnel in the manufacturer's organization to be held responsible for each inspection. Where necessary, the quality assurance manual used in a particular plant shall contain information specific to that plant.

(bb) "To Red Tag" mean to affix a notice to a home which has been found to contain an imminent safety hazard or a failure to conform with any applicable standard. A "red tag," is the notice so affixed to the manufactured home.

(cc) "Secretary" means the Secretary of the United States Department of Housing and Urban Development.

(dd) "Secretary's Agent" means a party operating as an independent contractor under a contract with HUD.

(ee) "Serious Defect" means any failure to comply with an applicable Federal manufactured housing construction and safety standard that renders the home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk or of injury or death to occupants of the affected home.

(ff) "Standards" means the Federal manufactured housing construction and safety standards promulgated under Section 604 of the Act, 42 U.S.C. 5403, as part 280 of these regulations.

(gg) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(hh) "State Administrative Agency" (SAA) means an agency of a State which has been approved or conditionally approved to carry out the State plan for enforcement of the standards pursuant to Section 623 of the Act, 42 U.S.C. 5422, and Subpart G. of the Federal Manufactured Homes Procedural and Enforcement Regulations.

(ii) "State Plan Application" means the application of a State organization which is submitted to the Secretary for approval as a State Administrative Agency under Subpart G of the Federal Manufactured Homes Procedural and Enforcement Regulation.

(jj) "System" means a set or arrangement of materials or components related or connected as to form an operating entity, i.e., heating, ventilating and air-conditioning systems, and evaporative coolers.

(kk) "Title I" means Title I of the National Housing Act, 12 U.S.C. 1701, which authorizes HUD to insure loans made for the purchase of manufactured homes that are certified as meeting HUD requirements for dwelling quality and safety.

(ll) "United States District Courts" means the Federal District Courts of the United States and the United States Courts of the commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

L.A.C. 17-4:7.5. Inspections

The Manufactured Housing Act, 10 M.R.S.A., Part 11, Chapter 951, Subchapter V, Section 9065, allows Department employees and personnel under contract to the Board to enter, at a reasonable time, any factory, warehouse or establishment, in which manufactured houses are manufactured, stored or held for sale, for the purpose of ascertaining whether the requirements or the Federal manufactured housing construction and safety standards have been and are being met.

L.A.C. 17-4:7.6. Handling of Consumer Complaints

All complaints concerning units constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be handled in compliance with Subpart I of the regulation established pursuant to the Act.

a. Upon receipt of a consumer complaint or other information indicating the possible existence of a failure to conform or imminent safety hazard, the State Fire Marshal will review the complaint or information to determine where the home was manufactured and if a problem exists. All complaints shall be referred to the manufacturer or dealer if a problem is indicated. When there is

information to indicate that homes with the same failure to conform, or imminent safety hazard, may have been manufactured in more than one state, the complaint will simultaneously be forwarded to HUD and the home manufacturer.

b. Where the complaint is forwarded to the manufacturer, the manufacturer will be requested, in writing, to investigate the complaint within 20 days of receipt of the complaint and make a report to the State Fire Marshal. In the event that it appears from the complaint that an imminent safety hazard exists, the State Fire Marshal will simultaneously contact the manufacturer by telephone and make its own investigation in addition to forwarding the complaint in writing, in an effort to expedite investigation and any necessary correction by the manufacturer.

c. Where the manufacturer has determined and reports that no imminent safety hazard, serious defect, defect, or noncompliance exists and the State Fire Marshal is able to concur from all available information, we will consider the complaint closed and so inform the manufacturer and complainants; however, if the State Fire Marshal is unable to concur with the manufacturer's report it will make an investigation and within 10 days of receipt of the manufacturer's report shall inform the manufacturer of the results of the investigation. If it is found that the manufacturer's report was correct the SFM will consider the matter closed.

d. Where, upon investigation, the SFM determines, however, that an imminent safety hazard, serious defect, defect or noncompliance may exist, it will notify the manufacturer and request the manufacturer to take necessary action. Where the manufacturer does not take action after notification by the State Fire Marshal and it appears that an imminent safety hazard or serious defect may exist, the SFM will inform the manufacturer of its opinion and simultaneously forward to HUD documentation of the factual basis upon which such opinion was made, for administrative determination by HUD, pursuant to 24 C.F.R. Section 3282.407 (a). Where the manufacturer does not take action after notification by the State Fire Marshal and it appears that a defect or noncompliance may exist, the Board will so notify the manufacturer. The notice shall be sent to the manufacturer by certified mail and will include:

1. The preliminary determination by the State Fire Marshal.
2. The factual basis for the determination.
3. The date on which the determination was made.
4. The identifying criteria of the manufactured homes known to be affected.

5. Notice to the manufacturer that a hearing or presentation of views may be requested pursuant to 24 C.F.R. Part 3282, Subpart D, to establish that there is no such defect or noncompliance.

6. Notice to the manufacturer that the preliminary determination of defect or noncompliance shall become final unless the manufacturer responds within 15 days after receipt of such notice and requests a hearing or presentation of views to rebut the State Fire Marshal's determination.

7. Notice to the manufacturer that any information upon which the determination has been based, such as test results, records of inspection, etc., shall be available for inspection by the manufacturer.

e. Where the manufacturer requests a hearing or presentation of views, one shall be promptly provided in accordance with the procedures outlined in the Administrative Procedure Act, 5 M.R.S.A., Chapter 375, Subchapter VII.

f. Where the manufacturer fails to respond to the notice of preliminary determination or if the State Fire Marshal's Board of Review decides that the views and evidence presented by the manufacturer is insufficient to rebut the preliminary determination, the SFM may make a final determination that a defect or noncompliance exists and will notify the manufacturer to make a notification and submit a plan in accordance with 24 C.F.R. Section

3282.409. Within 10 days after receipt of the notice of final determination, the manufacturer may appeal to the Secretary of the United States Department of Housing and Urban Development.

g. The manufacturer's plan for notification and correction, including contents of notice, time for implementation and completion of actions and reports, shall be made in accordance with the provisions of 24 C.F.R. Section 3282.409 through 3282.413. When the manufactured home is in the hands of a distributor or dealer, it shall be handled in accordance with 24 C.F.R. Section 3282.414.

h. The State Fire Marshal shall be responsible through oversight and remedial actions that the provisions of 24 C.F.R. Part 3282, Subpart I, are carried out and may make inspections of any manufacturer corrections to assure compliance with 24 C.F.R. Part 3282, Subpart I.

L.A.C. 17-4:7.7. Notification and Corrections Procedure

A. Manufacturer's Determination

When a consumer complaint is referred to the manufacturer and the manufacturer determines that an imminent safety hazard, serious defect, defect or noncompliance may exist and the manufacturer does not correct the imminent safety hazard or failure to conform within 30 days of the date on which the manufacturer determined the existence of an imminent safety hazard or failure to conform, the manufacturer shall prepare and submit a plan as provided for in 24 C.F.R. Section 3282.409, to the State Fire Marshal.

B. Notification

The plan, including a copy of the Notice as required by 24 C.F.R. Section 3284.410, shall be submitted to the State Fire Marshal by the manufacturer and shall provide for notification by mail, to the first purchaser (not including any dealer or distributor of the affected manufacturer) of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and any subsequent purchaser to whom any warranty provided by the manufacturer or required by Federal or State Law has been transferred, to the extent feasible; by mail to any other person who is a registered owner of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and whose name has been returned to the manufacturer under the procedure of Record of Purchasers as provided for under 24 C.F.R. Section 3282.410.

By mail or other expeditious means to the dealers or distributors to whom such manufactured home was delivered. In the event the manufactured home has an imminent safety hazard or serious defect the notification shall be forwarded by certified mail, if mailed.

C. Review

The State Fire Marshal will review the plan submitted by the manufacturer, including the contents of the notice, and either approve the plan as submitted or make modifications to the plan for compliance with the requirements of 24 C.F.R. Section 3282.409 and notify the manufacturer of the approval or modification. The manufacturer may contest the modification within five days of the approval of the plan or modification.

If the State Fire Marshal does not accept the manufacturer's position as to the modification it shall act as follows:

(1) If the manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as the State Fire Marshal contends, the State Fire Marshal shall refer the matter to the Secretary for determination under 24 C.F.R. 3282.407 (a).

The formal notification requirements which would result from any determination by the manufacturer under 24 C.F.R. Section 3282.404 may be waived by the SFM that would otherwise approve the plan upon receipt of satisfactory assurances from the manufacturer that:

(1) The manufacturer has identified all possibly affected manufactured homes which have been sold to purchasers, dealers and distributors;

(2) The manufacturer has corrected, at the manufacturer's expense, all affected manufactured homes; and

(3) The repairs, in the SFM's judgment, are adequate to remove the imminent safety hazard or failure to conform.

L.A.C. 17-4:7.8. Oversight

Oversight by the State Fire Marshal pursuant to 24 C.F.R. Section 3282.405 and 3282.407, the State Fire Marshal will:

(a) Review plans submitted by manufacturers.

(b) Modify plans submitted by manufacturers where necessary for compliance with 24 C.F.R. Section 3282.409.

(c) Notify the manufacturer of any modifications or necessary corrections.

(d) Approve plans submitted by manufacturers that comply with the requirements of 24 C.F.R. Section 3282.409.

(e) Refer to the Secretary of HUD any matter where:

1. The manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as determined by the State Fire Marshal.

2. The manufacturer contends the number of manufactured homes affected is different from that determined by the State Fire Marshal.

3. The manufacturer contends the contents of the notice or the correction are different from what the State Fire Marshal has determined.

4. The manufacturer and the State Fire Marshal agree that an imminent safety hazard or serious defect exists.

(f) Determine from records or otherwise that the time elements for implementation of the manufacturer's plan, as outlined in 24 C.F.R. Section 3282.412, are carried out.

(g) Determine from records or otherwise that required correction of defects have been made by the manufacturer.

(h) Determine from records or otherwise that the manufacturer has complied with the requirements outlined in 24 C.F.R. Section 3282.404 (e) where the State Fire Marshal has waived the formal notification requirements that would result from any determination by a manufacturer to provide notification as outlined in 24 C.F.R. Section 3282.404.

(i) Review reports submitted to it by manufacturers, DAPIA and IPIA to determine that the requirements outlined in 24 C.F.R. Part 3282, Subpart I are being complied with.

(j) Review manufacturer records for incorrect determinations, inadequate repairs or failure to make required repairs.

L.A.C. 17-4:7.9. Amendments

In amending these regulations, the SFM shall follow the procedure specified in Section 9005 of the Manufactured Housing Act and any amendments thereto.

L.A.C. 17-4:7.10. Appeals

Notwithstanding the provisions of 24 C.F.R. Section 3282-152 (f) (2) and (g) (2) relating to the conclusive effect of a final determination, any party, in a proceeding held at a SAA under this section, including specifically the owners of affected manufactured homes, States in which affected homes are located, consumer groups representing affected owners and manufacturers (but limited to parties with similar substantial interest) may appeal to the Secretary in writing any final determination by a SAA which is adverse to the interest of that party. This appeal on the record shall be made within 30 days of the date on which the final determination was made by the SAA.

L.A.C. 17-4:7.11 Label Fees

Nineteen dollars for each label(s) for each manufactured home manufactured on or after June 15, 1976.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr., Attor-

ney for the State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115 (504) 897-6600 or Clinton R. Dobson in Baton Rouge. There will be a hearing on January 5, 1982 at noon in the conference room at 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809.

Carrol L. Herring
State Fire Marshal

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Standards for Mobile Homes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs (savings) to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The estimated cost to consumers is controlled by the Department of Housing and Urban Development's specifications. Essentially, this rule establishes a uniform procedure for the Fire Marshal's Office to follow while handling consumer complaints on mobile homes, without affecting a fee change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Carrol L. Herring
State Fire Marshal

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Revenue and Taxation
Tax Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Tuesday, January 26, 1982 at 11:00 A.M. at 923 Executive Park, Baton Rouge, Louisiana. The purpose of the hearing is to adopt proposed Guidelines Governing Use Value of Agriculture, Horticultural, Marsh and Timber Land.

The following changes will be made:

Repeal of Pages 18 through 26 of the current Guidelines of the Louisiana Tax Commission and adopt criteria and new Use Value Tables for utilization by the various assessors in assessing bona fide Agricultural, Horticultural, Marsh and Timber Land as required by law.

The proposed changes to the Guidelines of the Louisiana Tax Commission are available in the office of the Commission, 215 Capitol Annex, Baton Rouge, Louisiana, between the hours of 8:00 a.m. and 4:00 p.m. Mr. Roy M. Sellers, Executive Secretary, is the person responsible for responding to inquiries concerning the intended action.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

J. Reginald Coco, Jr.
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Use Value

- I. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No cost to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections for either the State or any local governments.
The rule herein set forth merely provides background information on Use Value. In no way may this document be used to increase local taxes except for provision of objective data.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no overall costs to affected groups. Benefits accruing to affected groups will be reflected in fair and equitable Use Value assessments based on criteria as established by law.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no identifiable effect on competition or employment.

J. Reginald Coco, Jr.
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Office of Highways**

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following rule regarding "Qualified Products Lists" in furtherance of its quality assurance program for various materials. The Secretary will accept written comments and requests for a draft of the proposed rule until 4:15 p.m., January 5, 1982, at the following address: Mr. P. J. Frederick, Traffic Services and Operations Engineer, and Mr. W. T. Burt, Materials Engineer, Louisiana Department of Transportation and Development, Box 44245, Baton Rouge, Louisiana 70804. The proposed rule relative to "Qualified Products Lists" is, as follows:

QUALIFIED PRODUCTS LISTS

Qualified products listings and the evaluation of materials for these lists are administered by the Traffic Services Section and the Materials Section within the Department of Transportation and Development.

Qualified products listings are basically developed for those materials and items requiring source approval, performance evaluation, in-service evaluation, long term testing, or other conditions not conducive to normal sampling and testing of materials received at the point of delivery. Prospective sources of supply should be aware that those samples required for evaluation must be furnished at no cost to the Department, and that results of tests and evaluations may be published and made available for public distribution by the Department. Testing and evaluation time varies depending upon the specific item; some items require considerable time for testing and evaluation. The qualified products listings are in two general areas, i.e. Traffic Control Devices and Construction Materials. Examples of such lists are, as follows:

- (a) Traffic Control Devices:
 - Traffic Signal Controllers
 - Flashing Switches for Beacons
 - Signal and Pedestrian Heads

Signal Lenses
 Disconnect Hangers and Leads
 Coordination Units
 Pre-emption Units
 Loop Amplifiers
 Flashers for Controllers
 Conflict Monitors
 Load Cells
 Controller Cabinets
 Pull Boxes
 Pedestal Bases

(B) Construction Materials:

Admixtures for Portland Cement Concrete
 Elastomeric Bridge Bearing Pads
 Polyurethane Polymer Joint Sealers
 Portland Cements and Portland Pozzolan Cements
 Raised Pavement Markers
 Paint - Inorganic Zinc Primers and Topcoats
 Reflective Sheetings
 Cantilever Type Load Transmission Devices
 Plastic Filter Cloth
 Anti-Stripping Additives
 Metallic Detection Tapes and Wires
 Cold Galvanizing Repair Compounds
 Asphalt Mix Release Agents
 Paint, Activated Epoxy Primers and Topcoats
 Form Release Agents
 Paints, High Build Water Borne Traffic
 PVC Extended Coal Tar Joint Sealers
 Elastomeric Railroad Grade Crossings
 Three Coat Organic Zinc Paint Systems
 Aggregates
 Flexible Plastic Gaskets and Sealants for Culvert Pipe
 Performed Elastomeric Compression Joint Sealers
 Lubricant Adhesives
 Mineral Fillers for Asphaltic Concrete
 Paint - Organic Zinc Primers and Topcoats
 Special Surface Finishes for Concrete
 Barricade Warning Lights
 Prefomed Closed Cell Polyethylene Joint Fillers
 Self-Leveling Levels
 Silicon Additives for Asphalt Cement
 Rapid Setting Patching Materials for Concrete
 Manhole Steps
 Soil Sterilants
 All Purpose Blasting Sands
 Epoxy Resin Systems for Concrete
 Hydrated Limes and Quicklimes
 Traffic Paints

This rule regarding "Qualified Products Lists" is to be effective January 20, 1982. All interested persons may submit their views through January 5, 1982, at the above address.

Paul J. Hardy
 Secretary

**Fiscal and Economic Impact Statement
 For Administrative Rules
 Rule Title: Qualified Products List**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

No additional costs are anticipated as this is a part of the Department's on-going quality assurance program. The department has estimated that approximately \$35,000 in personal services for product evaluations is required each

year. This expense is covered by annual appropriations to the department.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no direct affect on state revenues.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

No additional costs are estimated to be borne by the supplying industries. Samples for qualification should be no more expensive or extensive than normal project sample submission. The supplying industries benefit through the elimination or minimizing of long duration acceptance tests thereby avoiding delays in acceptance and payment.

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

Estimated to increase competition by keeping suppliers on an equal basis of product acceptability, and publicizes potential suppliers for contractor information. It is felt that this program does not impact employment.

Tom Colten
 Undersecretary

Mark C. Drennen
 Legislative Fiscal Officer

Potpourri

POTPOURRI

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

In accordance with provisions of La. R.S. 49:951 et. seq., the Department of Health and Human Resources, Office of Family Security, will hold a public hearing beginning at 9 a.m., Tuesday, January 5, 1982, in the Louisiana State Library, 760 Riverside, Baton Rouge, Louisiana, regarding the proposed adoption of policy to set reasonable limitations on long term care facility costs.

George A. Fischer
 Secretary

POTPOURRI

**Department of Natural Resources
 Fishermen's Gear Compensation
 Fund Claims**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979 and in particular Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that 15 completed claims were received during the month of November, 1981, amounting to \$18,993.75 for which public hearings will be held as follows:

Wednesday, January 6, 1982 at 10 a.m. in the Louisiana Cooperative Extension Office, 511 Roussel Street, Houma, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-326

Mr. John William Armbruster III, while trawling on the vessel "Wendy Lynn", in the Gulf of Mexico at LORAN-C coordinates of 27,161.8 and 46,938.8, Vermilion Parish, encountered an unidentified obstruction on August 1, 1981 at approximately 9:15 a.m., causing damage to his trawl. Amount of claim: \$252.20. Claim No. 81-339

Mr. Ronald P. Feet, while trawling on the vessel "Miss Tammy", in the Atchafalaya Bay at LORAN-C coordinates of 27,665.4 and 46,914.0, St. Mary Parish, encountered a large piece of iron on August 26, 1981 at approximately 1 p.m., causing the loss of his vessel. Amount of claim: \$5,000.

Claim No. 81-249

Mr. Houston Trahan, while trawling on the vessel "Rebecca Lynn", in Lake St. Jean Baptist, Terrebonne Parish, encountered a submerged piling on September 17, 1981, at approximately 9:30 a.m., causing damage to his propellor and trawl. Amount of claim: \$483.30.

Claim No. 81-365

Mr. John William Armbruster, III, while trawling on the vessel "Wendy Lynn", in the Gulf of Mexico at LORAN-C coordinates of 26,884.9 and 46,967.9, Cameron Parish, encountered a submerged pipe on September 20, 1981, at approximately 6 p.m., causing damage to his trawl. Amount of claim: \$762.09.

Tuesday, January 14, 1982 at 11 a.m. in Room 109 and 110 in Cameron Parish Courthouse in Cameron, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-330

Mr. John Andre Bergeron, while trawling on the vessel "Sylvia", in Calcasieu Lake, Cameron Parish, encountered a submerged drill casing on July 3, 1981, at approximately 2:30 p.m., causing damage to his 50 foot trawl and doors. Amount of claim: \$1,400.

Claim No. 81-337

Mr. Johnnie T. Wilson, while trawling on the vessel "Lady Glenda", in the Gulf of Mexico approximately three miles east of Calcasieu Pass and three-fourths mile from the beach, encountered a sunken boat on August 20, 1981, causing damage to his vessel. Amount of claim, \$5,000.

Claim No. 81-338

Mr. Jeff Drury, while trawling on the vessel "Marabou", in the Gulf of Mexico, one-fourth mile west of Calcasieu Pass and one-half mile from the beach, Cameron Parish, encountered an unknown obstruction on August 27, 1981, at approximately 9 a.m., causing damage to his 50 foot trawl. Amount of claim: \$900.

Claim No. 81-343

Mr. Clarence Dyson, Jr., while trawling on the vessel "Fisherman", in the Gulf of Mexico near Rutherford Beach, Cameron Parish, encountered an unknown obstruction on September 8, 1981, at approximately 3 p.m., causing damage to his trawl. Amount of claim: \$700.

Claim No. 81-364

Mr. Jimmy Dyson, Sr., while trawling on the vessel "Nancy", in the Gulf of Mexico midway between Calcasieu Pass and Mementau river, one-half mile from the beach, encountered an unknown obstruction on September 28, 1981, at approximately 10 a.m., causing damage to his trawl, tickler chain and outriggers. Amount of claim: \$913.96.

Wednesday, January 20, 1982 at 10:30 a.m. in the Lafitte Civic Center City Park Drive, Lafitte, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-293

Mr. Paul R. Eschete, while trawling on the vessel "Lady Michelle", in the Gulf of Mexico at LORAN-C coordinates of 26,896.6 and 46,960.5, Cameron Parish, encountered a submerged pipe on June 17, 1981, at approximately 4:30 p.m., causing damage to his two 45 foot trawls and doors. Amount of claim: \$4,490.85.

Claim No. 81-313

Mr. Eddie Matherne, while trawling on the vessel, "Keith & Lynn", in Main Pass at LORAN-C coordinates 29,043.5 and 46,876.5, Plaquemines Parish, encountered a submerged shrimp boat on July 23, 1981, at approximately 9:30 a.m., causing damage to his trawl. Amount of claim: \$650.

Claim No. 81-323

Mr. Howard A. Lee, while trawling in the vessel "Mary Lee", in the Gulf of Mexico east of Dead Woman Pass, Plaquemines Parish, encountered a submerged pipe on May 15, 1981, at approximately 6 a.m., causing damage to his trawl. Amount of claim: \$600.

Claim No. 81-328

Mr. Earl P. Vidal, while trawling on the vessel "Butler J" in the Gulf of Mexico, two miles west of Belle Pass and one mile from the beach, Lafourche Parish, encountered an unknown obstruction on August 1, 1981, at approximately 11:30 a.m., causing damage to his 50 foot trawl. Amount of claim: \$642.25.

Claim No. 81-384

Mr. Calvin J. Wade, Sr., while trawling on the vessel "Calie-Jamie", in Barataria Pass, Jefferson Parish, encountered a submerged boat on October 25, 1981, at approximately 6:30 a.m., causing damage to his trawl and boards. Amount of claim: \$1,861.58.

Thursday, January 27, 1982 at 10:30 a.m. in Police Jury Chambers, 8201 West Judge Perez Drive in Chalmette, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-305

Mr. James Russell, while traveling to a fishing area in the vessel "Dreamboat" on July 30, 1981, encountered an unknown obstruction at approximately 7:30 p.m. in Black Bay south of Mozambique Point, St. Bernard Parish, causing damage to his vessel. Amount of claim: \$2,909.03.

Claim No. 81-340

Mr. Warren J. Thibodaux, while trawling on the vessel "Honey Sucker", in Eloi Bay south of Deadman Island, St. Bernard Parish, encountered a submerged tank on August 21, 1981, at approximately 2 a.m.; causing damage to his 55 foot trawl. Amount of claim: \$800.

Claim No. 81-360

Mr. Harry L. Phillips, while trawling on the vessel "Buddy Boy", in Breton Sound, northeast of California Point, Plaquemines Parish, encountered a blinker light on August 31, 1981, at approximately 2 p.m., causing damage to his trawl. Amount of claim: \$500.

Claim No. 81-362

Mr. Harry L. Phillips, while trawling on the vessel "Buddy Boy", in Breton Sound, southeast of California Point, Plaquemines Parish, encountered an oyster dredge on September 25, 1981, at approximately 10 a.m., causing damage to his trawl. Amount of claim: \$300.

Claim No. 81-366

Mr. Lloyd Cazaux, while trawling on the vessel "Sea Witch", in Bay Boudreaux at 29° 59' latitude, 89° 25' longitude, St. Bernard Parish, encountered a submerged piling on October 2, 1981, at approximately 11:30 a.m., causing damage to his vessel. Amount of claim: \$5,000.

Claim No. 81-369

Mr. Bruce Guerra, Sr., while trawling on the vessel "Guns-moke", in Lake Borgne, south of Alligator Point, St. Bernard

parish, encountered an unknown obstruction on September 1, 1981, at approximately 10 a.m., causing damage to his trawl. Amount of claim: \$600.

Claim No. 81-370

Mr. Bruce Guerra, Sr., while trawling on the vessel, "Guns-moke", in Bayou Julia, St. Bernard Parish, encountered an unknown obstruction on September 22, 1981, at approximately 7 a.m., causing damage to his trawl. Amount of claim: \$537.52.

Any written objections to these claims must be received by the close of business January 5, 1982 by the Secretary whose address is: Mr. Frank A. Ashby, Jr., Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank A. Ashby, Jr.
Secretary

POTPOURRI

Department of Revenue and Taxation Tax Commission

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurements of the level of appraisals and/or assessments and the degree of uniformity of assessments for commercial property in each parish throughout the State for the tax year 1980 (Orleans 1981). This data shall constitute prima facie evidence of the uniformity or lack of uniformity with constitutional and/or statutory requirements for each parish in the State.

PARISH	MEAN (%)	MEDIAN (%)	COEFFICIENT OF DISPERSION (%)
Acadia	15.1	15.0	1.6*
Allen	13.4	14.2	14.1
Ascension	13.6	14.0	9.1
Assumption	14.7	14.3	7.3
Avoyelles	13.1	13.8	18.8
Beauregard	14.1	14.8	11.1
Bienville	15.8	15.0	9.7
Bossier	15.1	15.0	9.7
Caddo	15.5	15.4	4.9
Calcasieu	13.9	14.3	13.2
Caldwell	15.1	15.0	2.4
Cameron	13.7	14.4	17.3
Catahoula	14.9	14.9	10.7
Claiborne	14.5	15.0	5.6
Concordia	14.5	14.7	3.6
DeSoto	13.8	14.9	20.0
East Baton Rouge	15.2	14.8	9.6
East Carroll	14.9	15.5	9.9
East Feliciana	13.7	13.8	19.9
Evangeline	14.7	14.9	3.3*
Franklin	14.9	15.0	8.9
Grant	13.5	13.5	6.4
Iberia	14.2	14.5	18.7
Iberville	13.9	14.8	9.8
Jackson	15.1	15.0	6.0
Jefferson	14.7	14.5	9.1
Jefferson Davis	15.4	15.2	17.7
Lafayette	14.3	13.8	16.6
Lafourche	13.9	14.1	10.1
LaSalle	14.9	15.0	2.3
Lincoln	14.2	14.7	15.8
Livingston	13.7	13.5	2.7
Madison	15.2	15.3	13.4
Morehouse	14.7	14.9	7.0
Natchitoches	14.3	14.7	15.2

Orleans - 1st M.D.	14.9	15.0	1.9
2nd M.D.	16.1	15.2	12.1
3rd M.D.	14.9	14.7	8.5*
4th M.D.	15.0	14.4	7.6
5th M.D.	14.4	14.9	8.1
6th M.D.	13.5	14.6	9.3
7th M.D.	14.0	14.9	16.2
Ouachita	13.7	14.4	9.0*
Plaquemines	15.8	15.9	8.0
Pointe Coupee	14.8	15.0	3.9
Rapides	12.7	13.8	19.4
Red River	15.6	15.0	6.5
Richland	15.9	15.1	13.0
Sabine	14.4	14.8	6.7*
St. Bernard	15.2	15.0	1.5
St. Charles	13.9	15.0	9.3
St. Helena	15.0	15.0	.3
St. James	15.0	15.0	.6
St. John the Baptist	15.0	15.0	.4
St. Landry	13.9	14.2	17.4
St. Martin	14.6	14.8	5.1
St. Mary	13.3	13.7	19.9
St. Tammany	14.9	15.0	2.3
Tangipahoa	14.5	14.4	10.0
Tensas	15.0	14.9	6.3
Terrebonne	13.8	14.2	8.0
Union	14.5	14.4	4.3
Vermilion	13.3	14.4	14.9
Vernon	14.4	15.1	10.8
Washington	14.8	15.0	4.0
Webster	14.1	13.9	8.9
West Baton Rouge	14.5	14.8	5.4
West Carroll	14.6	15.1	10.5
West Feliciana	13.7	14.7	12.0
Winn	14.2	14.3	8.2*

J. Reginald Coco, Jr.
Chairman

*Denotes parishes and/or districts that exceeded the deviation from fair market value allowed by law in 1980 and were ordered to reappraise in 1981. Results shown for these parishes and/or districts are derived from ratio studies conducted after ordered reappraisal.

Errata

ERRATA

Department of Public Safety

The rule which was published in the November, 1981, *Louisiana Register* regarding plans and specifications for a new building contained an incorrect date.

The date on which the latest Life Safety Code, namely the 1981 edition will become effective was incorrectly stated as September 1, 1981.

Paragraph 2.3 of the General Provisions should read as follows:

2.3 All inspections of buildings constructed or remodeled between January 1, 1980 and January 1, 1982 will be made utilizing the requirements set forth in the 1976 edition of the Life Safety Code of the National Fire Protection Association and Section 518 Special Provisions for High Rise of Chapter 4 of the 1974 amendments to the 1973 Standard Building Code.

Plauche F. Villere, Jr.
Attorney for State Fire Marshal

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