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# Executive Orders

## EXECUTIVE ORDER EWE 84-41 Amending and Supplementing Executive Order EWE 84-32

### EXECUTIVE ORDER EWE 84-40 Amending and Supplementing Executive Order EWE 84-31

WHEREAS, the Governor of the State of Louisiana (the "State") issued, on October 5, 1984, Executive Order EWE 84-31 providing a formula for allocating the State's permitted volume for 1984 (the "Ceiling") of certain private activity bonds, the interest on which is exempt from Federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "Bonds"), under the provisions of Section 621 of the Tax Reform Act of 1984;

WHEREAS, Executive Order EWE 84-31 allocates the Ceiling to issuers (as used herein, "issuer" or "issuers" means any entity or entities now or hereafter authorized to issue Bonds under the Constitution or laws of the State) without regard to whether such issuers are "governmental units" as defined in the hereinafter defined "Treasury Regulations";

WHEREAS, Proposed and Temporary (T.D. 7981) IRS Regulations on State Volume Caps for Private Activity Bonds have been issued by the Department of the Treasury - Internal Revenue Service (the "Treasury Regulations") provide that the Governor may allocate the Ceiling only among "governmental units," but provide for assignment of allocations by "governmental units" to issuers;

WHEREAS, the Governor desires to comply with the Treasury Regulations by allocating the entire Ceiling to the State, a "governmental unit," and on behalf of the State, assigning the State's allocation to issuers within the State in accordance with Executive Order EWE 84-31;

NOW THEREFORE, be it ordered by Edwin W. Edwards, Governor of the State of Louisiana, as follows:

**SECTION 1.** All terms used herein shall have the same meanings ascribed thereto in Executive Order EWE 84-31, which Executive Order is hereby ratified and confirmed, except as amended and supplemented hereby.

**SECTION 2.** The Ceiling for calendar year 1984 shall be allocated entirely to the State.

**SECTION 3.** On behalf of the State, the undersigned hereby assigns the Ceiling for calendar year 1984 to issuers in the State, in the manner and under the terms, conditions and restrictions set forth in Executive Order EWE 84-31.

**SECTION 4.** Any allocations heretofore made pursuant to Executive Order EWE 84-31 are hereby ratified and confirmed and shall continue in effect as if this Executive Order had been in effect at the time such allocation was made.

**SECTION 5.** This Executive Order shall be effective on the date of its execution by the Governor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 29th day of November, in year of our Lord One Thousand Nine Hundred and Eighty Four.

Edwin W. Edwards  
Governor

ATTEST:  
Jim Brown  
Secretary of State

WHEREAS, the Governor of the State of Louisiana (the "State") issued, on October 5, 1984, Executive Order EWE 84-32 providing a formula for allocating the State's permitted volume for 1985 (the "Ceiling") of certain private activity bonds, the interest on which is exempt from Federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "Bonds"), under the provisions of Section 621 of the Tax Reform Act of 1984;

WHEREAS, Executive Order EWE 84-32 allocates the Ceiling to issuers (as used herein, "issuer" or "issuers" means any entity or entities now or hereafter authorized to issue Bonds under the Constitution or laws of the State) without regard to whether such issuers are "governmental units" as defined in the hereinafter defined "Treasury Regulations";

WHEREAS, Proposed and Temporary (T.D. 7981) IRS Regulations on State Volume Caps for Private Activity Bonds have been issued by the Department of the Treasury - Internal Revenue Service (the "Treasury Regulations") provide that the Governor may allocate the Ceiling only among "governmental units," but provide for assignment of allocations by "governmental units" to issuers;

WHEREAS, the Governor desires to comply with the Treasury Regulations by allocating the entire Ceiling to the State, a "governmental unit," and on behalf of the State, assigning the State's allocation to issuers within the State in accordance with Executive Order EWE 84-32;

NOW THEREFORE, be it ordered by Edwin W. Edwards, Governor of the State of Louisiana, as follows:

**SECTION 1.** All terms used herein shall have the same meanings ascribed thereto in Executive Order EWE 84-32, which Executive Order is hereby ratified and confirmed, except as amended and supplemented hereby.

**SECTION 2.** The Ceiling for calendar year 1985 shall be allocated entirely to the State.

**SECTION 3.** On behalf of the State, the undersigned hereby assigns the Ceiling for calendar year 1985 to issuers in the State, in the manner and under the terms, conditions and restrictions set forth in Executive Order EWE 84-32.

**SECTION 4.** Any allocations heretofore made pursuant to Executive Order EWE 84-32 are hereby ratified and confirmed and shall continue in effect as if this Executive Order had been in effect at the time such allocation was made.

**SECTION 5.** This Executive Order shall be effective on the date of its execution by the Governor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 29th day of November, in year of our Lord One Thousand Nine Hundred and Eighty Four.

Edwin W. Edwards  
Governor

ATTEST:  
Jim Brown  
Secretary of State

### EXECUTIVE ORDER EWE 84-42

WHEREAS, Act 664 of the Regular Session of the Louisiana Legislature of 1977, the "Displaced Homemakers Act," authorizes the Louisiana Bureau for Women in the Department of Health and Human Resources, now known as the Division of

Women's Services, to establish programs for displaced homemakers; and

WHEREAS, these programs have been created and are presently functioning in the Division of Women's Services;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order the establishment of a Center for Displaced Homemakers in New Orleans to be administered by the Department of Health and Human Resources in the Division of Women's Services.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 30th day of November, 1984.

Edwin W. Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Commerce Office of Commerce and Industry Division of Financial Programs Administration

The Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to implement a rule, effective January 3, 1985. The rule will implement the amendments to R.S. 47:4311-4319, the Restoration Tax Abatement Program, authorized by Act 783 of the 1984 Legislative session.

This rule provides for a local governing authority review and approval before the Board of Commerce and Industry considers an application and restricts the exemption to existing commercial structures.

This Emergency Rule will be in effect for a period of 120 days or until a new rule is adopted in accordance with the Administrative Procedure Act, whichever comes first.

Rules of the Board of Commerce and Industry for Governing Article VII, Part II, Section 21(H) of the Louisiana Constitution and LA. R. S. 47:4311-4319

#### Restoration Tax Abatement Program

This is a limited exemption which allows the Board of Commerce and Industry with the approval of the governor and the local governing authority to enter into a contract granting to a property owner who expands, restores, improves, or develops an existing structure or structures in a downtown, historic, or economic development district established by a local governing authority or in accordance with law, the right for five years after completion of the work to pay ad valorem taxes based upon the assessed valuation of the property for the year prior to the commencement of the expansion, restoration, improvement or development.

#### Rule 1. TIME LIMITS FOR FILING APPLICATION

Application to the Board of Commerce and Industry for the right for five years after completion of the work to pay ad valorem taxes based upon the assessed valuation of property for the year

prior to the commencement of the expansion, restoration, improvement or development shall be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed not later than the two hundred seventieth day after start of construction.

If the construction period is longer than two years, a separate application must be filed for each two year increment. A separate application must be filed for each structure being restored, renovated, improved or developed.

The Department of Commerce will forward the application to the local governing authority for review.

#### Rule 2. LOCAL GOVERNING AUTHORITIES MUST CERTIFY APPROVAL

Approval of the exemption must be certified by each local governing authority.

Upon receipt of the application, the local governing authority shall notify each tax recipient body affected by the contract for a limited exemption and shall make available to each body the application and all supporting documents.

Before notifying the board of its approval or disapproval of the application, the local governing authority shall conduct a public hearing. Each affected tax recipient body shall be given written notice of the hearing at least 10 days prior to such hearing. After such hearing, the local governing authority shall determine whether to approve or disapprove the application.

The local governing authority shall, within 60 days after receipt of the application from the Department of Commerce, file with the department a statement of its decision to approve or disapprove the application, the reasons therefor, and any supporting documents.

#### Rule 3. LOCAL GOVERNING AUTHORITIES MUST CERTIFY STRUCTURE IS LOCATED IN QUALIFYING AREA

The parish or municipal governing authority shall certify that the property on which the expansion, restoration, improvement or development is being made is located within an established downtown, historic, or economic development district, whether established by a local governing authority or in accordance with law. This certification shall be submitted to the Department of Commerce with its decision to approve or disapprove.

#### Rule 4. LOCAL GOVERNING AUTHORITY SHALL CERTIFY COMMERCIAL USAGE

The local governing authority shall determine whether the applicant's land usage meets the definition of "commercial property" based on their zoning ordinance, land use plan, downtown or economic revitalization plan, or any other development code and shall certify that the property meets their criteria. This certification shall be submitted to the Department of Commerce along with their recommendation.

#### Rule 5. ASSESSED PROPERTY

The Board of Commerce and Industry will not consider for tax exemption any expansion, restoration, improvement or development project if substantial completion occurred prior to October 15, 1982.

Under no circumstances will the Board of Commerce and Industry consider an application for abatement any project for expansion, restoration, improvement or development once ad valorem taxes have been paid on the basis of an assessed valuation which reflects the improvements made by the project.

#### Rule 6. EFFECTIVE DATE OF CONTRACT

The owner of the existing structure or structures shall carefully document the beginning date of the effective use of the structure, and also document the date that construction is essentially complete. The contractee must file that information with the Office of Commerce and Industry on the prescribed Project Completion Report within 30 days following the last day of the month after ef-



fective use of the structure has begun or construction is essentially completed, whichever occurs first. The Office of Commerce and Industry will indicate with a return of a copy of that report the effective date of the tax exemption contract, which shall be December 31 of the year in which effective use of the structure began or construction was essentially complete, whichever was sooner.

As the assessment date for Orleans Parish is August 1, the effective date of contract for a structure located in Orleans Parish shall be July 31 of the applicable year.

#### Rule 7. AFFIDAVIT OF FINAL COST

Within six months after construction has been completed, an affidavit of final cost showing complete cost of the exempted project shall be filed on the prescribed form.

#### Rule 8. PROPERTY MUST BE REPORTED TO PARISH ASSESSOR AS REQUIRED BY LAW

The owner of the existing commercial structure agrees to file annually with the assessor of the parish in which the structure is located any taxpayer's report required by law on forms furnished by the assessor in order that the exempted property may be separately listed on the assessment rolls. Notwithstanding the fact, taxes will be collected on the exempt property during the period of exemption at the assessed valuation of the property the year prior to the commencement of the expansion, restoration, improvement, or development of the property.

#### Rule 9. CONTRACT CAN BE TRANSFERRED

If the property for which the limited exemption has been granted is sold, the limited exemption may be transferred for the remainder of its terms to the new owner, provided such transfer is approved by the local governing authority, the governor and the Board.

#### Rule 10. VIOLATION OF RULES OR DOCUMENTS

On the Board's initiative or whenever a written complaint or violation of terms of the tax exemption rules or contract is received, the assistant secretary of the Office of Commerce and Industry shall cause to be made a full investigation on behalf of the Board, and he shall have full authority for such investigation including, but not exclusively, authority to call for reports or other pertinent records or other information from the contractee. If the investigation substantiates a violation, he may present the subject contract to the Board for formal cancellation.

Robert Paul Adams  
Director

### **DECLARATION OF EMERGENCY**

#### **Department of Education Educational Employees Professional Improvement Program**

The State Committee for the Louisiana Educational Employees Professional Improvement Program (R.S. 17:3601-R.S. 17:3661) at its December 4, 1984 meeting exercised those powers conferred by the emergency provisions of the Administration Procedure Act, R.S. 49:953B, and adopted the following emergency rules:

Mr. Dennis Nugent moved that, effective immediately, all colleges and universities, public or private, in-state or out-of-state, be required to follow the guidelines adopted by the Board of Trustees for the state's colleges and universities. These guidelines state that all college courses (1) shall be approved by the individual management board of the college or university; (2) shall be submitted to the State PIP Committee by the deadline (this applies to college courses that do not appear in the current college catalog along with a definitive description); (3) shall be completed by June 30 of the current PIP year; and (4) shall meet in accordance with these regulations: for one semester hour of credit, a total of 750

minutes on at least five separate days and a minimum of 50 minutes each day; for two semester hours of credit, a total of 1500 minutes on at least 10 separate days and a minimum of 50 minutes each day; for three semester hours of credit, a total of at least 2250 minutes on at least 15 separate days and a minimum of 50 minutes each day; for more than three semester hours, the number of minutes and days provided for one semester hour multiplied by the number of semester hours offered. Seconded by Mr. Ernest McMurray, the motion passed by a vote of 12-0 with one abstention.

Mr. Nugent also moved that all college courses involving travel must provide for monitoring of said courses either by members of the State Professional Improvement Program Committee or a member of the PIP staff of the Louisiana Department of Education; expense of such monitoring by Committee or staff shall be borne by the sponsoring institution. Seconded by Mr. McMurray, the motion passed by a vote of 10-0 with three abstentions.

Betty Hill  
Chairman

### **DECLARATION OF EMERGENCY**

#### **Department of Education Educational Employees Professional Improvement Program**

The State Committee for the Louisiana Educational Employees Professional Improvement Program (R.S. 17:3601-R.S. 17:3661) at its December 4, 1984 meeting exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following emergency rules:

Mrs. Jessie Jackson moved, effective immediately, (1) that the Department of Education Professional Improvement Program staff be directed to poll local committees regarding the manner by which they notified individual participants of the information contained in the October 25 memorandum to all local committees; (2) that the chairman be authorized by the Committee to send a letter of reprimand to local Professional Improvement Program committees that did not comply with the directives contained in the October 25 memorandum; (3) that the staff be directed to review all appeals currently on file in the Professional Improvement Program office and make recommendation to the Committee relative to whether or not these appeals should be considered by the Committee; (4) that, if upon review the committee agrees to consider said appeals, decisions be reached regarding said appeals as soon as feasible after receipt from the staff; (5) that the general counsel for the Department of Education be asked to render an opinion relative to the appropriateness of this action; and (6) that the staff be instructed to file a Declaration of Emergency pursuant to the Administrative Procedure Act regarding this action of the committee. Seconded by Mrs. Mary Sagrera, the motion passed by a vote of 13-0 with no abstentions.

Betty Hill  
Chairman

### **DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, LA. R.S. 49:953-B to implement the

following amendment in the State Plan for the Low Income Home Energy Assistance Program.

#### RULE

Effective November 27, 1984, the Low Income Home Energy Assistance Program State Plan, Page 2, second paragraph of Item C.2. Assurances/Certifications will be amended to read as follows:

Eligible households shall receive two payments annually; one to assist with heating costs, and one to assist with cooling costs. Walk-in applicants may apply for assistance at the local parish Offices of Family Security. In order to qualify for low income energy assistance a person must be a citizen or lawfully admitted alien.

This Emergency Rule will permit the agency to issue an energy payment for heating costs to eligible households earlier than February, 1985, and, thereby be more responsive to the health and welfare of low income households.

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

### DECLARATION OF EMERGENCY

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

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

#### RULE

Effective January 1, 1985, the maximum allowable monthly income limit (CAP) rate for Long Term Care and Home and Community Based services eligibility for an individual will be increased from \$942 to \$975. For a couple occupying the same room in a long term care facility, the double rate of \$1,950 will apply.

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

This action is necessary to remain in compliance with Federal Regulation 42 CFR 435.1005, which sets the maximum income limit, before deductions, at 300 percent of the Supplemental Security Income (SSI) payment. The monthly SSI payment will be increased by \$11 to \$325 on January 1, 1985, in accordance with a notice in the *Federal Register*, Volume 49, Number 212, page 43775, published October 31, 1984.

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

### DECLARATION OF EMERGENCY

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

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

#### RULE

Effective November 9, 1984, the Title XIX State Plan, Attachment 4.19-D, Page 122 will be amended to read as follows:

##### 1. General

All providers who elect to participate in the Title XIX Program shall be subject to audit. A sufficient representative sample of each type of long term care provider will be audited each year to insure the fiscal integrity of the Louisiana Title XIX Program.

Auditing of long term care providers is a contracted service

and the contractor will be responsible for developing a method for selecting the providers to be audited. State approval of the selection criteria and the providers selected are required. The state reserves the right to designate specific homes to be audited.

The audits will be full scope, on-site audits conducted in accordance with generally accepted auditing standards. Audits will generally follow procedures outlined in the Audit Program. The purpose of the audit is to verify that only allowable costs have been included in the cost report and that these costs have been allocated properly to reflect program expenditures.

At the conclusion of the audit, the auditor will submit to the state agency an audit report of his findings. The audit report will contain the auditor's opinion as to whether, in all material respects, the cost report complies with all applicable state and federal regulations.

The provider will be furnished a copy of the finalized audit report and will be allowed an opportunity to question any adjustments with which he does not agree.

The agency is responsible for reporting any audit findings which result in overpayments on HCFA-64 no later than the second quarter following the quarter in which the final overpayment was determined.

The state agency shall maintain for a period of five years a provider file which will include a copy of the cost report and for the years audited, a copy of the audit report.

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

It is necessary to adopt this as an Emergency Rule to avoid Federal sanctions.

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

### DECLARATION OF EMERGENCY

#### Department of Labor Office of Employment Security

The Department of Labor, Office of Employment Security has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B to revise the following regulation effective immediately.  
Regulation 37. Types of Employment

For the purposes of R.S. 23:1601(1): This regulation now reads:

*Regular Employment* is employment of an individual on a regular basis with a reasonable expectation of continuance in the employment.

*Full-Time Employment* is employment which requires the individual's presence for the major portion of the normal work-day week, or month. Full-time employment is that employment which normally provides an individual with the major portion of his earnings.

*Interim Employment* is employment performed by individuals who are on temporary lay-off or are otherwise separated from their full-time regular employment and expect to return to their full time regular employment within a reasonable time, not to exceed 90 days.

*Part-Time Employment* is employment which requires an individual's presence less than the normal work-day, week, or month and is normally used to supplement income from full-time work.

Paragraph three of the regulation is revised to read:

*Interim Employment* is employment performed by individuals who are on temporary lay-off or are otherwise separated from

their full-time regular employment and expect to return to their full-time regular employment within a reasonable time.

This emergency declaration is necessary in order to avoid present and continuing hardship caused by denial of benefits to employees who have left interim employment after 90 days to return to their regular employment.

George Whitfield  
Administrator

### DECLARATION OF EMERGENCY

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

WHEREAS, the 1984-85 oyster season on the Public Oyster Seed Grounds was predictably low and has been a low production year;

WHEREAS, there is a need to conserve the remaining oyster seed supply for the 1985-86 season;

WHEREAS, RS 56:433, Paragraph F would remove the size limitation for the remaining portion of the oyster season on the Public Oyster Seed Grounds; and

WHEREAS, RS 56:433 Paragraph E authorizes the Department through the Commission to close and set harvesting size limitation on the Public Oyster Seed Grounds under its managerial control;

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission reinstates the three inch size limit on the commercial harvesting of oysters from January 1, 1985 on the "Public Oyster Seed Grounds" until the end of the oyster season; and

BE IT FURTHER RESOLVED, that this information will be filed in the office of the secretary and published in the newspapers as prescribed by RS 56:433E; and

BE IT LASTLY RESOLVED, that the Louisiana Wildlife and Fisheries Commission adopts this under the emergency action provision of the Public Information Act.

J. Burton Angelle  
Secretary

# Rules

## RULE

### Department of Commerce Racing Commission

AMEND RULE LAC 11-6:25.28 [RENUMBERED LAC 35:6347]  
TO READ AS FOLLOWS

"A. The entry of any horse which has been excused by the stewards from starting on account of physical disability or sickness shall not be accepted until the expiration of three calendar days after the day the horse was excused.

B. The State Veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to physical distress, unsoundness or infirmity. When a horse is placed on the Veterinarian's List, the trainer of such horse shall be notified within 72 hours. A horse placed on the Veterinarian's List shall be removed from the list only after having demonstrated to the satisfaction of the State Veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race. A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample may be taken from

the horse and the provisions of this rule may apply to such official workout in the same manner as to a scheduled race."

Albert M. Stall  
Chairman

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on September 20, 1984 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rules listed below:

Rule 3.01.51.g

The Board adopted the following for inclusion into Bulletin 741 as applicable to all grade levels:

- a) All athletic contests shall be scheduled after school hours.
- b) When possible, no instructional time should be missed by student athletes when traveling to athletic events.
- c) If teams are allowed to be released from school early to attend these events, release time should be kept to a minimum and the Louisiana High School Athletic Association's "Regular Season Release Time Plan" must be followed when determining the release time to be used.

d) All classwork missed by student athletes while attending athletic events must be made up as soon as possible in the same manner that would be required of other students.

e) The championship playoff season is viewed as something "special" for the entire school and therefore will be treated differently when determining release time.

Rule 3.01.51.h

Amend Bulletin 741 to clarify the definition of "Co-curricular" as follows:

Co-curricular Activities

"Those activities that are relevant, supportive and are an integral part of the program of studies in which the student is enrolled and which are under the supervision and/or coordination of the school instructional staff."

Rule 3.01.51.i

The Board amended Bulletin 741 by deleting Standards 1.176.23 and 2.176.23 and rewriting Standards 1.176.22 and 2.176.22 to clarify that vocational funds may (rather than shall) be used to support vocational student organizations. (See September issue of *Louisiana Register* for context of Standards)

Rule 3.08.00

The Board adopted the revised Home Study Guidelines developed by the State Department of Education in compliance with Acts 446 and 448 R.S. 1984 as amended:

### HOME STUDY GUIDELINES

(Pursuant to R.S. 17:236 and 17:236.1)

#### 1. DEFINITION

A home study plan for the purposes of these Guidelines is a program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor\*.

#### 2. ELIGIBILITY

Any child eligible by Louisiana Law to attend Louisiana elementary or secondary schools shall be eligible to participate in a home study plan. The home study plan does not replace the provisions of the state home-bound law.

#### 3. APPLICATION PROCESS

##### A. Initial Application

1) An initial application must be made within 30 days after the beginning of the program to the State Department of Education for review and recommendation to the State Board of Elementary and Secondary Education.

2) The initial application shall be accompanied by a certified copy of the birth certificate of the child.

#### B. Renewal Application

1) A renewal application must be made by the first of October of the school year, or within 12 months of the approval of the initial application, whichever is later.

2) A renewal application, *after the 1984-85 school year*, shall be approved if parents submit to the State Board of Elementary and Secondary Education satisfactory evidence that the program offered a sustained curriculum of a quality at least equal to that of public schools at the same grade level.

Initial and renewal applications shall be approved at the discretion of the State Board of Elementary and Secondary Education.

#### 4. INSTRUCTOR

A parent or tutor\* may be permitted to provide instruction in a home study plan.

#### 5. CURRICULUM

##### A. For the 1984-85 School Year

The home study program shall have a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level.

##### B. After the 1984-85 School Year

The sustained curriculum must be substantiated in one of the following ways:

1) A packet of materials which shall include such documents as:

a. A complete outline of each of the subjects taught during the previous year

b. Lists of books/materials used

c. Copies of the student's work

d. Copies of the student's standardized tests results

e. Statements by third parties who have observed the child's progress

f. Any other evidence of the quality of the program being offered, or

2) Verification that the child took the State Basic Skills Test and scored at or above the state performance standard as established by the State Board of Elementary and Secondary Education for his/her grade level, or

3) Verification that the child has taken the California Achievement Test (CAT) or such other standardized examinations as may be approved by the State Board, including but not limited to tests approved for the Nonpublic School Testing Program, and the child has scored at or above his/her grade level or the child has progressed at a rate equal to one grade level for each year in home study, or

4) A statement from a teacher certified to teach at the child's grade level stating that the teacher has examined the program being offered and that in his/her professional opinion this child is being taught in accordance with a sustained curriculum of quality at least equal to that offered by public schools at the grade level, or in the case of children with mental or physical disabilities, at least equal to that offered by public schools to children with similar disabilities. The teacher evaluation is subject to review and approval of the State Board of Elementary and Secondary Education.

In order to receive a Louisiana state equivalency diploma, the student must pass the General Educational Development (GED) test. Completion of a home study program does not entitle the student to a regular high school diploma.

\*Tutor: Court appointed guardian under Louisiana Law.

#### 6. TESTING (After the 1984-85 School Year)

A parent of a child in home study may request of the city/parish superintendent or the state superintendent, that the child be administered the State Basic Skills Test or Louisiana State Assessment Test under the following conditions:

A. Dates of the test shall be in May and September and on such other dates as determined by the city/parish superintendents or state superintendent.

B. A fee covering actual costs of administering, scoring, and reporting the results of the test of up to \$35 may be charged.

C. The examination shall be administered with the same instructions and under similar conditions as provided to children enrolled in public schools.

D. A certified teacher administering the test shall promptly provide the parent a statement indicating the child's score and whether he/she passed the examination by meeting the State performance standard on the State Basic Skills Test or the established performance standard on the Louisiana State Assessment Test.

#### 7. PROVISIONS FOR ADMISSION OR READMISSION TO THE PUBLIC SCHOOL SYSTEM

A. The local public school system shall have a written policy included in the local Pupil Progression Plan for admission or readmission of home study students to public schools.

1) The policy will provide for the screening and evaluation of such students and shall include examinations to determine the grade level at which students should be admitted.

2) The policy shall include the administration of the Basic Skills Tests or the Louisiana Assessment Program Tests for the grades offered by the state. Copies of the test will be provided by the State Department of Education.

B. At the grade levels in which state-level tests are not available, the local school system will submit for State Department of Education approval the examination instrument which measures the state adopted grade level standards. These instruments may include any one of the following: 1) locally developed systemwide criterion reference test, 2) locally adopted commercial criterion-references test, or 3) locally adopted commercial norm-referenced test.

C. Other screening and evaluation instruments or procedures to be applied in the grade level placement decision must be detailed and submitted for State Department of Education approval.

#### 8. DUE PROCESS

The due process procedures for resolution of disagreements at the local level pertaining to the application and reauthorization of the home study plan shall follow the procedures established by the State Board of Elementary and Secondary Education in its Policies and Procedures Manual.

#### 9. COSTS

All reasonable costs directly attributable to the home study program shall be borne by the parents.

##### Rule 4.00.05

The Board adopted a definition and interpretation of "Support Services" to be used by the State Department of Education as criteria in the dispersal of P.L. 94-142 (Part B) funds. (See September issue of *Louisiana Register* for definition and interpretation)

##### Rule 3.01.70.u(9)c

The Board adopted the interim certification requirements for foreign associate teachers under the auspices of CODOFIL and Cordell Hull. (See September issue of *Louisiana Register* for requirements.)

##### Rule 4.05.02

The Board adopted a policy on Revocation of Teaching

Certificate for Cause. (See September issue of *Louisiana Register* for policy.)

James V. Soileau  
Executive Director

**RULE**

**Department of Environmental Quality  
Office of Air Quality and Nuclear Energy**

Under the authority of the Environmental Quality Act, La.

R.S. 30:1065 B and 1084 B (1) and in accordance with the provisions in La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Fee System of the Air Quality Control Program. Preceding final adoption of the revisions by the secretary, the revisions were forwarded and found acceptable by the Joint Committees on Natural Resources.

The revisions of the Fee System for the Air Quality Control Program create new categories; increase the unit quantity to allow a 7.5 percent increase in categories 96, 98, 150 and 151; and make technical changes to categories 143-149.

**PART VI  
FEE SCHEDULE**

- X.1 Scope and Purpose - It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (La. R. S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.
- X.2 Authority - These regulations provide fees as required by La. R. S. 30:1065.
- X.3 Definitions - All terms used in these rules, unless the context otherwise required or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the Secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.
- X.4 Application Fees - Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance, unless otherwise authorized by the Secretary, shall be issued until such check or draft, has been accepted by the bank or drawee and the Department's account has been credited with the amount of the fee.
- X.5 Annual Fees - Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within thirty (30) days from receipt of billing.
- X.6 Methodology.

(1) Formula to apportion fees:

Annual Compliance Determination Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable

PART VI  
FEE SCHEDULE  
(CONTINUED)

PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50% of the application fee
"NESHAP" Compliance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the Annual Compliance Determination Fee for that particular process/plant
"NSPS" Compliance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the permit application fee

(2) Permit Fee Methodology

- i. All persons required to obtain a new or modified permit shall be subject to a permit fee (See Table 4.1). This fee shall be submitted with any application for a new or modified permit. The annual compliance determination fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line.
- ii. The Standard Industrial Classification (SIC) codes listed in Table 4.1 shall be used to assess fees.
- iii. The permit fee for multiple source permits shall be equal to the total amounts required by the individual processes involved, as listed in Table 4.1.
- iv. All invoices for annual compliance determination fees for major sources shall be submitted to those sources between July 1st and December 31st of each year and remittances are due thirty (30) days after receipt of the invoice. The annual compliance determination fee shall be applicable to the fiscal year beginning that same July 1st and ending the following June 30th. Failure to timely remit the annual compliance determination fee in accordance with the above shall be considered grounds for revoking an existing permit. Compliance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance determination inspection. In this case the compliance determination fee must be paid within thirty (30) days of the notification by the agency. Only one such fee shall be charged annually.
- v. If a conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.
- vi. If a process is not listed in Table 4.1 and is not a source type exempted from fees by this regulation, then the Department shall assign a fee based on the most similar processes and negotiated separately. The Air Quality Division (AQD) shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.

PART VI  
FEE SCHEDULE  
(CONTINUED)

- vii. Periodically, the Air Quality Division (AQD) shall reevaluate the permit fee schedule based upon the previous fiscal year reasonable costs and shall adjust fees in Table 4.1 so as to recover the reasonable costs involved in the operation of the permit system and submit such revised schedule to the Secretary for approval action.
- viii. A permit fee exempt list shall be presented to the Secretary annually for approval. The permit fee exempt list shall be in the offices of the Secretary staff and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the Assistant Secretary. Sources listed in the permit fee exempt list shall be exempt from the permit fee (Table 4.1) and from having to obtain a permit. The Assistant Secretary may grant initial approval and denial of the class exemption pending consideration by the Secretary.
- ix. When a company withdraws its application and claims refund for the permit fee, no refund shall be made, if the review of the application is essentially completed at the time of withdrawal. However, up to 50% refund may be made when the review is just initiated but not completed.
- x. Although a process unit or a plant is operated at a reduced level or is operated during certain months only, the annual compliance fee will not be prorated. The annual compliance fee is charged on the rated capacity and not on the actual output/throughput level.
- xi. When a permanent shutdown occurs and a company properly notifies the Air Quality Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, the compliance fee would be dropped for that shutdown portion of the process/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year.
- xii. Unless otherwise stated, generally, the minor modification fee is equal to the Annual Compliance fee (ACF), the major modification is 3 times the ACF and new application fee is 5 times the ACF. Where there is a minimum and/or maximum ACF established in a particular category, the same rationale shall apply to minimum and maximum permit fees.
- xiii. NSPS fees may be waived when a PSD application fee is imposed.
- xiv. The AQD administrator and his staff will determine the type of fee. This determination will be based on the work load and on the factors described as follows:
  - (a) New application fee (based on new capacity or incremental capacity) applies when:
    - (1) A new facility is added
    - (2) A new operation in an existing facility is added
    - (3) An existing operation is expanded by more than 80 percent in capacity.

PART VI  
FEE SCHEDULE  
(CONTINUED)

- (b) Major modification fee (based on existing capacity) applies when:
  - (1) The modification will trigger PSD review
  - (2) The modification would have triggered PSD review without the use of contemporaneous emission reductions or banked emissions
  - (3) The modification will increase 25 tons/yr or more of non-attainment pollutant
  - (4) The modification will change emissions over 100 tons/yr
  - (5) The modification will increase capacity of an existing operation by 40%.
- (c). Minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee.
- (d). If a modification is such that it does not increase capacity and changes emissions by less than 25 tons/year, the permit fee can be charged equal to the minimum minor modification permit fee for each process category involved.

X.7 Determination of fee - These regulations apply to all registrants, specific licensees, permittees and other charges concerned with one or more of the various Programs of the Department of Environmental Quality.

X.8 Method of Payment - Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the attention of the particular division involved at the following address:

State of Louisiana  
Department of Environmental Quality  
Air Quality Division  
Post Office Box 44066  
Baton Rouge, Louisiana 70804-4066

X.9 Late Payment - Unless otherwise provided herein, annual fees or other charges not received within fifteen (15) days of the due date will be subject to a late charge at an additional ten (10) percent per month.

X.10 Failure to Pay - Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.



**PART VI  
FEE SCHEDULE  
(CONTINUED)**

X.11 Effective Date - The application fees prescribed herein shall be effective upon publication in the Louisiana Register as adopted.

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the Louisiana Register as adopted and each state fiscal year thereafter. Fees submitted to the Department in accordance with previous fee regulations for the state fiscal year in which these fee regulations are published in the Louisiana Register as adopted shall be credited against the fees and due and payable under these fee regulations.

ALL FEES HAVE BEEN INCREASED BY 30% AND HAVE BEEN APPROPRIATELY ROUNDED OFF.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
FY 1985 (PROPOSED JUNE 19, 1984)

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMI- NATION	NEW APPLI- * CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				* MAJOR *	* MINOR *	MIN. *	MAX *
1 COTTON GIN PER BALE GINNED IMMEDIATE PAST SEASON	724	0.00	0.13	0.08	0.03		
2 BITUMINOUS COAL AND LIGNITE MINING	1211	260.00	1300.00	780.00	260.00		
3 COAL PREPARATION	1211	650.00	3250.00	1950.00	650.00		
4 CRUDE OIL AND NATURAL GAS PRODUCTION	1311	52.00	260.00	156.00	52.00		
5 NATURAL GAS LIQUIDS PER UNIT	1321	130.00	650.00	390.00	130.00		
6 CONSTRUCTION SAND AND GRAVEL	1442	52.00	260.00	156.00	52.00		
7 INDUSTRIAL SAND	1446	52.00	260.00	156.00	52.00		
8 SALT MINING	1476	650.00	3250.00	1950.00	650.00		
9 SULFUR MINING	1477	650.00	3250.00	1950.00	650.00		
10 COMMERCIAL RICE MILLING	2044	260.00	1300.00	780.00	260.00		
11 ANIMAL FEED PREPARATION	2048	260.00	1300.00	780.00	260.00		
12 CANE SUGAR, EXCEPT REFINING ONLY	2061	650.00	3250.00	1950.00	650.00		
13 CANE SUGAR REFINING PER 1,000 LB/HR RATED CAPACITY	2062	5.20	26.00	15.60	5.20	650.00	
14 COTTONSEED OIL MILL	2074	130.00	650.00	390.00	130.00		
15 SOYBEAN OIL MILL	2075	91.00	455.00	273.00	91.00		
16 ANIMAL & MARINE FATS AND OIL (RENDERING) 10,000 OR MORE TON/YR	2077	312.00	1560.00	936.00	312.00		
17 ANIMAL & MARINE FATS AND OIL (RENDERING) LESS THAN 10,000 TON/YR	2077	156.00	780.00	468.00	156.00		
18 SHORTENING, TABLE OILS, MARGARINE AND OTHER EDIBLE FATS AND OILS	2079	65.00	325.00	195.00	65.00		
19 MALT BEVERAGES	2082	65.00	325.00	195.00	65.00		
20 COFFEE ROASTING PER 1,000,000 LB/YR RATED CAPACITY	2095	52.00	260.00	156.00	52.00		3250.00

PAGE 1 \* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATED  
FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION *	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR *	MINOR *	MIN. *	MAX *
21 SAWMILL AND/OR PLANING *NOTE 10* LESS THAN 25,000 BD. FT/SHIFT	2421	130.00	650.00	390.00	130.00		
22 SAWMILL AND/OR PLANING *NOTE 10* MORE THAN 25,000 BD. FT/SHIFT	2421	390.00	1950.00	1170.00	390.00		
23 HARDWOOD MILL *NOTE 10*	2426	234.00	1170.00	702.00	234.00		
24 SPECIAL PRODUCT SAWMILL N.E.C. *NOTE 10*	2429	234.00	1170.00	702.00	234.00		
25 MILLWORK WITH 10 EMPLOYEES OR MORE	2431	234.00	1170.00	702.00	234.00		
26 HARDWOOD VENEER AND PLYWOOD	2435	520.00	2600.00	1560.00	520.00		
27 SOFTWOOD VENEER AND PLYWOOD	2436	520.00	2600.00	1560.00	520.00		
28 WOOD PRESERVING	2491	130.00	650.00	390.00	130.00		
29 PARTICLEBOARD/WAFERBOARD MANUFACTURE (O.S.B)	2492	520.00	2600.00	1560.00	520.00		
30 HARDBOARD MANUFACTURING	2499	390.00	1950.00	1170.00	390.00		
31 FURNITURE AND FIXTURES A) 100 OR MORE EMPLOYEES	2511	130.00	650.00	390.00	130.00		
32 FURNITURE AND FIXTURES B) MORE THAN 10 & LESS THAN 100 EMPLOYEES	2511	78.00	390.00	234.00	78.00		
33 PULP MILLS PER TON DAILY RATED CAPACITY	2611	1.95	9.75	5.85	1.95	1300.00	
34 PAPER MILL PER TON DAILY RATED CAPACITY *NOTE 1*	2621	1.95	9.75	5.85	1.95	1300.00	
35 PAPERBOARD MILLS PER TON DAILY RATED CAPACITY	2631	1.95	9.75	5.85	1.95	1300.00	
36 PAPER COATING	2641	78.00	390.00	234.00	78.00		
37 INSULATION MANUFACTURE	2649	130.00	650.00	390.00	130.00		
38 CORRUGATED BOXES	2653	195.00	975.00	585.00	195.00		
39 BUILDING BOARD AND TILE	2661	650.00	3250.00	1950.00	650.00		
40 COMMERCIAL PRINTING - BLACK AND WHITE PER PRESS MODULE *NOTE 4*	2752	78.00	390.00	234.00	78.00	400.00	

REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATED  
 FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION *	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR *	MINOR *	MIN. *	MAX *
41 COMMERCIAL PRINTING - COLOR PER PRESS MODULE *NOTE 4*	2752	130.00	650.00	390.00	130.00	650.00	
42 CAUSTIC/CHLORINE PER 1,000,000 LB/YR RATED CAP. BASED ON CL *NOTE 2*	2812	1.30	6.50	3.90	1.30	650.00	
43 CAUSTIC SODA PER 1,000,000 LB/YR RATED CAPACITY (SOLID OR FORMED)	2812	0.26	1.30	0.78	0.26	500.00	
44 INDUSTRIAL GASES	2813	260.00	1300.00	780.00	260.00		
45 INORGANIC PIGMENTS	2816	260.00	1300.00	780.00	260.00		
46 ALUMINUM SULFATE PRODUCTION PER 100 TON/YR RATED CAPACITY	2819	0.65	3.25	1.95	0.65	500.00	
47 ALUMINA PER 1,000,000 LB/YR RATED CAPACITY	2819	2.60	13.00	7.80	2.60		
48 CATALYST MFG. PER TON/DAY CAPACITY	2819	10.00	50.00	30.00	10.00	500.00	
49 FLUOSILICATES	2819	390.00	1950.00	1170.00	390.00		
50 INDUSTRIAL INORGANIC CHEMICALS MFG. N.E.C. PER 1,000,000 LB/YR	2819	0.65	3.25	1.95	0.65	400.00	
51 INDUSTRIAL INORGANIC ACIDS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2819	6.50	32.50	19.50	6.50	650.00	
52 NITRIC ACID MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2819	2.60	13.00	7.80	2.60	650.00	
53 PHOSPHORIC ACID MFG PER TON DAILY RATED CAPACITY	2819	0.65	3.25	1.95	0.65	500.00	
54 SULFURIC ACID MANUFACTURE PER TON DAILY RATED CAPACITY	2819	0.65	3.25	1.95	0.65	500.00	
55 POLYETHYLENE/POLYPROPYLENE MFG. PER 1,000,000 LB/YR RATED CAPACITY	2821	5.20	26.00	15.60	5.20	650.00	
56 PVC MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	6.50	32.50	19.50	6.50	650.00	
57 SYNTHETIC RESINS MANUFACTURE N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2821	6.50	32.50	19.50	6.50	650.00	
58 RUBBER MFG. PER 1,000,000 LB/YR RATED CAPACITY	2822	2.60	32.50	19.50	6.50	800.00	
59 CHARCOAL PER OVEN	2861	130.00	650.00	390.00	130.00		
60 GUM AND WOOD CHEMICALS PER UNIT	2861	390.00	1950.00	1170.00	390.00		

PAGE 3 \* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATED FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION *	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR *	MINOR *	MIN. *	MAX
61 STYRENE MONOMER PER 1,000,000 LB/YR RATED CAPACITY	2865	2.60	13.00	7.80	2.60	650.00	
62 HALOGENATED HYDROCARBONS PER 1,000,000 LB/YR RATED CAP.	2869	3.90	19.50	11.70	3.90	650.00	
63 ORGANIC OXIDES, ALCOHOLS, GLYCOLS PER 1,000,000 LB/YR RATED CAPACITY	2869	2.60	13.00	7.80	2.60	650.00	
64 AMMONIA MANUFACTURE PER TON DAILY RATED CAPACITY	2873	1.30	6.50	3.90	1.30	650.00	
65 FERTILIZER MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2873	0.65	3.25	1.95	0.65	400.00	
66 UREA AND UREAFORM PER 1,000 TON/YR RATED CAPACITY	2873	1.30	6.50	3.90	1.30	400.00	
67 PESTICIDES MFG. PER TRAIN	2879	520.00	2600.00	1560.00	520.00		
68 CARBON BLACK MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2895	7.80	39.00	23.40	7.80	650.00	
69 CHEMICAL AND CHEMICAL PREP. N.E.C. PER 1,000,000 LB/YR	2899	6.50	32.50	19.50	6.50	500.00	
70 DRILLING MUD-STORAGE AND DISTRIBUTION	2899	130.00	650.00	390.00	130.00		
71 DRILLING MUD-GRINDING	2899	520.00	2600.00	1560.00	520.00		
72 PETROLEUM REFINING PER 1,000 BBL/DAY RATED CAP. CRUDE THROUGHPUT *NOTE 3*	2911	32.50	162.50	97.50	32.50	650.00	
73 ASPHALTIC CONCRETE PAVING PLANTS PER TON/HR RATED CAPACITY *NOTE 5*	2951	0.98	4.88	2.93	0.98	250.00	
74 ASPHALT BLOWING PLANT (NOT TO BE CHARGED SEPARATELY IF IN REFINERY)	2951	390.00	1950.00	1170.00	390.00		
75 OLEFINS & AROMATICS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2951	2.60	13.00	7.80	2.60	650.00	
76 BLENDING, COMPOUNDING, OR REFINING OF LUBRICANTS PER UNIT *NOTE 6*	2992	390.00	1950.00	1170.00	390.00		
77 PETROLEUM COKE CALCINING PER 1,000 TON/YR RATED CAPACITY	2999	5.20	26.00	15.60	5.20	650.00	
78 GLASS AND GLASS CONTAINER MFG. NATURAL GAS FUEL PER LINE	3229	195.00	975.00	585.00	195.00		
79 CEMENT MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3241	3.90	19.50	11.70	3.90	500.00	
80 GLASS AND GLASS CONTAINER MFG FUEL OIL PER LINE	3241	390.00	1950.00	1170.00	390.00		

PAGE 4 \* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATE FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION *	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR *	MINOR *	MIN. *	MAX *
81 BRICK MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3251	1.95	9.75	5.85	1.95	250.00	
82 READY-MIX CONCRETE	3273	325.00	988.00	650.00	325.00		
83 LIME MANUFACTURING PER 1,000 TON/YR RATED CAPACITY	3274	3.90	19.50	11.70	3.90		
84 GYPSUM MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3275	3.90	19.50	11.70	3.90	400.00	
85 ASBESTOS PRODUCTS PER SITE OR PER PRODUCTION UNIT	3292	780.00	3900.00	2340.00	780.00		
86 CLAY KILN	3295	156.00	780.00	468.00	156.00		
87 ROCK CRUSHER	3295	143.00	715.00	429.00	143.00		
88 GRAY IRON AND STEEL FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3321	208.00	1040.00	624.00	208.00		
89 GRAY IRON AND STEEL FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3321	104.00	520.00	312.00	104.00		
90 MALLEABLE IRON FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3322	208.00	1040.00	624.00	208.00		
91 MALLEABLE IRON FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3322	104.00	520.00	312.00	104.00		
92 STEEL INVESTMENT FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3324	208.00	1040.00	624.00	208.00		
93 STEEL INVESTMENT FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3324	104.00	520.00	312.00	104.00		
94 STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED A) 3,500 OR MORE TON/YR PRODUCTION	3325	208.00	1040.00	624.00	208.00		
95 STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED B) LESS THAN 3,500 TON/YR PRODUCTION	3325	104.00	520.00	312.00	104.00		
96 PRIMARY SMELTING AND REFINING OF COPPER PER 1,000 LB/YR RATED CAPACITY	3331	0.03	0.13	0.08	0.03	650.00	
97 ALUMINUM PRODUCTION PER POT	3334	13.00	65.00	39.00	13.00		
98 REFINING OF NON-FERROUS METALS N.E.C. PER 1,000 LB/YR RATED CAPACITY	3339	0.03	0.13	0.08	0.03	650.00	
99 SECONDARY SMELTING OF NON-FERROUS METALS PER FURNACE	3341	390.00	1950.00	1170.00	390.00	800.00	
100 WIRE MANUFACTURE	3357	260.00	1300.00	780.00	260.00		

PAGE 5 \* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATE FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMI- NATION	NEW APPLI- ** CATION **	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
					MAJOR **	MINOR **	MIN. **	MAX **
101	ALUMINUM FOUNDRIES (CASTINGS) PER UNIT	3361	104.00	520.00	312.00	104.00		
102	BRASS/BRONZE/COPPER-BASED ALLOY FOUNDRY PER FURNACE	3362	130.00	650.00	390.00	130.00		
103	METAL HEAT TREATING INCLUDING SHOTPEENING	3398	78.00	390.00	234.00	78.00		
104	DRUM MANUFACTURING AND/OR RECONDITIONING	3412	390.00	1950.00	1170.00	390.00		
105	METAL CAN MANUFACTURE	3441	260.00	1300.00	780.00	260.00		
*	106 FABRICATED PLATE WORK	3443	500.00	2500.00	1500.00	500.00		
107	ELECTROPLATING, POLISHING AND ANODIZING WITH 5 OR MORE EMPLOYEES	3471	78.00	390.00	234.00	78.00		
108	SANDBLASTING OR CHEM. CLEANING OF METAL A) 10 OR MORE EMPLOYEES	3471	390.00	1950.00	1170.00	390.00		
109	SANDBLASTING OR CHEM. CLEANING OF METAL B) LESS THAN 10 EMPLOYEES	3471	195.00	975.00	585.00	195.00		
110	COATING, ENGRAVING, AND ALLIED SERVICES A) 10 OR MORE EMPLOYEES	3479	143.00	715.00	429.00	143.00		
111	COATING, ENGRAVING, AND ALLIED SERVICES B) LESS THAN 10 EMPLOYEES	3479	78.00	390.00	234.00	78.00		
112	GALVANIZING AND PIPE COATING EXCLUDING ALL OTHER ACTIVITIES	3479	156.00	780.00	468.00	156.00		
113	PAINTING TOPCOAT PER LINE	3479	130.00	650.00	390.00	130.00		
114	POTTING PER LINE	3479	78.00	390.00	234.00	78.00		
115	SOLDERING PER LINE	3479	78.00	390.00	234.00	78.00		
116	WIRE COATING PER LINE	3479	260.00	1300.00	780.00	260.00		
117	OIL FIELD MACHINERY & EQUIPMENT	3533	130.00	650.00	390.00	130.00		
118	POWER CHAIN SAW MANUFACTURE PER LINE	3546	195.00	975.00	585.00	195.00		
119	COMMERCIAL GRAIN DRYER	3559	156.00	780.00	468.00	156.00		
120	ELECTRODE MANUFACTURE PER LINE	3624	102.00	910.00	546.00	102.00		

PAGE 6 \*\* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATED  
 FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

\* NEW CATEGORY

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE FEES				ANNUAL COMPLIANCE FEE	
		DETERMINATION ***	NEW APPLI-CATION ***	MODIFIED MAJOR ***	PERMIT FEES MINOR ***	MIN. ***	MAX ***
121 TELEPHONE MANUFACTURE PER LINE	3661	455.00	2275.00	1365.00	455.00		
122 ELECTRICAL CONNECTOR MANUFACTURE PER LINE	3678	234.00	1170.00	702.00	234.00		
123 BATTERY MANUFACTURE PER LINE	3691	260.00	1300.00	780.00	260.00		
124 ELECTRICAL EQUIPMENT PER LINE	3694	156.00	700.00	468.00	156.00		
125 SHIP AND BOAT BUILDING A) 5001 OR MORE EMPLOYEES	3732	1950.00	9750.00	5850.00	1950.00		
126 SHIP AND BOAT BUILDING B) 2501 TO 5000 EMPLOYEES	3732	1300.00	6500.00	3900.00	1300.00		
127 SHIP AND BOAT BUILDING C) 1001 TO 2500 EMPLOYEES	3732	650.00	3250.00	1950.00	650.00		
128 SHIP AND BOAT BUILDING D) 201 TO 1000 EMPLOYEES	3732	390.00	1950.00	1170.00	390.00		
129 SHIP AND BOAT BUILDING E) 200 OR LESS EMPLOYEES	3732	130.00	650.00	390.00	130.00		
130 PLAY GROUND EQUIPMENT MANUFACTURE PER LINE	3949	195.00	975.00	585.00	195.00		
131 GRAIN ELEVATORS A) 20,000 OR MORE TON/YR (NOT-EXPORT)	4221	416.00	2080.00	1248.00	416.00		
132 GRAIN ELEVATORS B) LESS THAN 20,000 TON/YR (NOT-EXPORT)	4221	208.00	1040.00	624.00	208.00		
133 A) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (OVER 3,000,000 BBL CAP)*NOTE 7*	4226	3900.00	19500.00	11700.00	3900.00		
134 B) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (1,000,000-3,000,000 BBL CAP)*NOTE 7*	4226	2600.00	13000.00	7800.00	2600.00		
135 C) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (500,001-1,000,000 BBL CAP)*NOTE 7*	4226	1300.00	6500.00	3900.00	1300.00		
136 D) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (500,000 BBL CAP OR LESS)*NOTE 7*	4226	650.00	3250.00	1950.00	650.00		
137 RAILCAR/BARGE/TANK TRUCK CLEANING HEAVY FUELS ONLY	4742	130.00	650.00	390.00	130.00		
138 RAILCAR AND BARGE CLEANING OTHER THAN HEAVY FUELS	4742	650.00	3250.00	1950.00	650.00		
139 TANK TRUCK CLEANING OTHER THAN HEAVY FUELS	4742	390.00	1950.00	1170.00	390.00		
140 A) ELEC. POWER GEN. PER MW (OVER 0.7% S IN FUEL)	4911	5.00 (3.00)	25.00 (15.00)	15.00 (9.00)	5.00 (3.00)	1000.00 (500.00)	

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\*\* ( ) NO. IN PARENTHESES IS FROM FY 1984 FEE SCHEDULE

NOT EXPORT) TO BE DELETED

\* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATED FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION ***	NEW APPLI-CATION ***	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
					MAJOR ***	MINOR ***	MIN ***	MAX *
141	B)ELEC. POWER GEN. PER MW (0.7% S OR LESS IN FUEL) *NOTE 8*	4911	3.00 (2:00)	15.00 (10:00)	9.00 (6:00)	3.00 (2:00)	500.00 (350:00)	
142	C)ELEC. POWER GEN. PER MW (NATURAL GAS FIRED)	4911	1.50 (1:00)	7.50 (5:00)	4.50 (3:00)	1.50 (1:00)	350.00 (200:00)	
* 143	NAT. GAS TRANS. COMPRESSORS PER H.P. (TURBINES) *NOTE 12**	4922	0.03	0.13	0.08	0.03		
* 144	RECIP. NAT. GAS TRANS. COMP. PER H.P. A) > 50,000 H.P. *NOTE 12**	4922	0.12	0.59	0.35	0.12		
* 145	RECIP. NAT. GAS TRANS. COMP. PER H.P. B) 50,000 TO 100,000 H.P. *NOTE 12**	4922	0.12	0.59	0.35	0.12		
* 146	RECIP. NAT. GAS TRANS. COMP. PER H.P. B) 20,000 TO 50,000 H.P. *NOTE 12**	4922	0.13	0.65	0.39	0.13		
* 147	RECIP. NAT. GAS TRANS. COMP. PER H.P. C) 5,000 TO 20,000 H.P. *NOTE 12**	4922	0.16	0.78	0.47	0.16		
* 148	RECIP. NAT. GAS TRANS. COMP. PER H.P. D) 2,500 TO 5,000 H.P. *NOTE 12**	4922	0.18	0.91	0.55	0.18		
* 149	RECIP. NAT. GAS TRANS. COMP. PER H.P. E) 1,000 TO 2,000 H.P. *NOTE 12**	4922	0.20	0.98	0.59	0.20		
* 150	RECIP. NAT. GAS TRANS. COMP. F) < 1,000 H.P. *NOTE 12**	4922	260.00	650.00	260.00	260.00		
151	COAL GASSIFICATION PER \$1,000 CAPITAL COST *NOTE 11*	4925	0.03	0.13	0.08	0.03		20000.00
152	CO-GENERATION PER \$1,000 CAPITAL COST *NOTE 11*	4939	0.03	0.13	0.08	0.03		13000.00
153	INCINERATORS A) 1,000 LB/HR AND GREATER CAPACITY	4953	130.00	650.00	390.00	130.00		
154	INCINERATORS B) LESS THAN 1,000 LB/HR CAPACITY	4953	52.00	260.00	156.00	52.00		
155	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-NAT GAS OR COMB NON-FOSSIL FUELS	4961	0.65	3.25	1.95	0.65	150.00	
156	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH 0.7% S OR LESS	4961	1.30	6.50	3.90	1.30	250.00	
157	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH MORE THAN 0.7% S	4961	1.95	9.75	5.85	1.95	400.00	
158	CEMENT(BULK DISTRIBUTION)	5052	520.00	2600.00	1560.00	520.00		
159	WHOLESALE DISTRIBUTION OF COAL PER 1,000 TON/YR THROUGHPUT	5052	0.13	0.65	0.39	0.13	400.00	
160	WHOLESALE DISTRIBUTION OF COKE AND OTHER BULK GOODS PER 1000 TON/YR CAP.*NOTE 9*	5093	0.26	1.30	0.78	0.26	650.00	

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\* \*NOTE 12\* TO BE DELETED  
 \*\*\* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATED FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.  
 \*\* ( ) NO. IN PARENTHESES IS FROM FY 1984 FEE SCHEDULE



TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE  
 FY 1985 (PROPOSED JUNE 19, 1984)

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION **	NEW APPLI-CATION **	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR **	MINOR **	MIN. **	MAX **
161 FLOATING BULK LOADER A) OVER 100,000 TON/YR THROUGHPUT	5153	1300.00	6500.00	3900.00	1300.00		
162 FLOATING BULK LOADER B) 100,000 OR LESS TON/YR THROUGHPUT	5153	650.00	3250.00	1950.00	650.00		
163 GRAIN ELEVATORS-TERMINAL PER 10,000 BU/YR THROUGHPUT	5153	0.13	0.65	0.39	0.13		
164 WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS PER FACILITY	5161	325.00	1300.00	975.00	325.00		
165 PETROLEUM BULK PLANTS	5171	26.00	130.00	70.00	26.00		
166 PETROLEUM BULK TERMINAL	5171	260.00	1300.00	780.00	260.00		
167 PETROLEUM BULK STATION	5171	26.00	130.00	70.00	26.00		
168 STORAGE TANK PER 10,000 BBL/YR THROUGHPUT	5171	0.00	260.00	130.00	130.00		
169 CRUDE OIL DISTRIBUTION	5172	390.00	1950.00	1170.00	390.00		
170 AUTOMOBILE, TRUCK AND VAN ASSEMBLY PER 1000 VEHICLES PER YEAR CAPACITY	3711	65.00	325.00	195.00	65.00		13000.00
171 CHEMICAL WASTE DISPOSAL FACILITY FOR HAZARDOUS WASTE	9996	5000.00	25000.00	15000.00	5000.00		
172 CHEMICAL WASTE DISPOSAL FACILITY FOR NONHAZARDOUS WASTE	9997	1000.00	5000.00	3000.00	1000.00		
173 NEGOTIATED FEE	9998	-0.00-	-0.00-	-0.00-	-0.00-		
174 ELECTRIC TRANSFORMERS PER 1000 UNITS/YEAR	3612	50.00	250.00	150.00	50.00		
175 PAINT MANUFACTURING AND BLENDING	2851	200.00	1,000.00	600.00	200.00		

PAGE 9 \*\* REFLECTS NOMINAL 30% INCREASE IN FEE SCHEDULE DATED  
 FEBRUARY 20, 1984, UNLESS OTHERWISE INDICATED.

NEW CATEGORY

LOUISIANA ENVIRONMENTAL CONTROL COMMISSION  
AIR QUALITY DIVISION FEE SCHEDULE  
(PROPOSED JUNE 19, 1984)

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EXPLANATORY NOTES FOR TABLE 4-1 FEE SCHEDULE  
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- NOTE: 1 - THIS CATEGORY DOES NOT INCLUDE BUILDING PAPER.
- NOTE: 2 - THIS CATEGORY IS CONSIDERED ONE PROCESS WITH THE FEE BASED ON THE RATED YEARLY CHLORINE CAPACITY.
- NOTE: 3 - THE FEE FOR THIS CATEGORY IS BASED ON CRUDE THROUGHPUT OF THE REFINERY. THROUGHPUT INCLUDES ADDITIONAL PURCHASED CHARGE STOCKS.
- NOTE: 4 - MODULE IS DEFINED AS A ROTARY PRINTING DEVICE CAPABLE OF PRINTING ONE SHEET AND COMMONLY ARRANGED IN SERIES TO COMPRISE A PRINT PRESS.
- NOTE: 5 - THE FEES FOR THIS CATEGORY APPLY TO BOTH BATCH AND CONTINUOUS PROCESSES.
- NOTE: 6 - THIS FEE APPLIES TO LUBRICANTS MEANING LUBRICATING OILS AND GREASES. THIS FEE IS NOT TO BE CHARGED FOR UNITS WHICH ARE PART OF A FACILITY FOR WHICH THE PETROLEUM REFINERY FEE WAS PAID.
- NOTE: 7 - THE FEES FOR THIS CATEGORY ARE BASED ON THE ORGANIC COMPOUND STORAGE CAPACITY OF THE FACILITY.
- NOTE: 8 - FOR AN ELECTRIC POWER GENERATION UNIT TO BE PLACED IN THIS CATEGORY IT MUST BURN FUEL OIL OR COAL OF LESS THAN .7% SULPHUR.
- NOTE: 9 - WHOLESALE GRAIN DISTRIBUTION IS NOT INCLUDED IN THIS CATEGORY.
- NOTE: 10- FACILITIES WITH NO FUEL OR WASTE BURNING EQUIPMENT ARE EXEMPTED FROM BOTH THE ANNUAL COMPLIANCE AND PERMIT FEES. POWER MUST BE SUPPLIED BY ELECTRIC MOTORS OR INTERNAL COMBUSTION ENGINES.
- NOTE: 11- FOR COAL GASIFICATION AND COGENERATION PROJECTS, WHEN COMPUTING APPLICATION FEES, THE CAPITAL COST FOR THE CONTROL EQUIPMENT THAT REDUCES EMISSIONS TO A LEVEL BELOW THE APPLICABLE NSPS REGULATIONS SHOULD BE DEDUCTED FROM THE CAPITAL COST.
- NOTE: 12- THE MAXIMUM FEE FOR THIS CATEGORY IS NOT TO EXCEED \$10,750.00 TOTAL FOR ANY ONE GAS TRANSMISSION COMPANY.

Persons requesting copies and/or further information concerning the adoption may contact Ms. Terrie deLorimier, Office of Air Quality, Box 44066, Baton Rouge, La. 70804-4066, phone (504) 342-9029.

Patricia L. Norton  
Secretary

**RULE**

**Department of Environmental Quality  
Office of Air Quality**

Under the authority of the Environmental Quality Act La. R.S. 30:1051 et seq., in accordance with the provisions in La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted the revisions to Sections 4.0 and 26.4 of the Louisiana Air Quality Regulations. Preceding final adoption of the revisions by the secretary, the revisions were forwarded and found acceptable by the Joint Committees on Natural Resources.

The revision to Section 26.4 provides clarification by defining the periods of excess emissions from Nitric Acid plants as three or more consecutive one-hour periods during which the average emissions exceed the nitrogen dioxide standard. The addition of Section 4.135 defines a one-hour period. The Federal New Source Performance Standards for Nitric Acid plants define periods of excess emissions in terms of a three-hour average. Since the current Louisiana regulations do not specify a time period, it was determined a revision was necessary to assure uniformity with federal rules and to provide clarification for nitric acid plants.

\* \* \* \* \*

Add the following to Section 26.4:

Periods of excess emissions are defined as any period of three or more consecutive one-hour periods during which the emissions, averaged arithmetically, exceed the standard.

Add the following to Section 4.0:

4.135 One-hour period. Any 60-minute period beginning on the hour.

Persons requesting copies and/or further information concerning the adoptions may contact Ms. Terrie deLorimier, Office of Air Quality, Box 44066, Baton Rouge, La. 70804-4066, phone (504) 342-9029.

Patricia L. Norton  
Secretary

**RULE**

**Department of Environmental Quality  
Office of Air Quality and Nuclear Energy**

Notice is hereby given by the secretary, Department of Environmental Quality, pursuant to Notice of Intent published on October 20, 1984, and under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and in particular, Sections 1065.B, 1104.B, and 1105.1, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., that the October 20, 1984, proposed amendments to the Louisiana Radiation Regulations are hereby adopted as a rule. The final rule published herein supersedes all previously released versions.

**PART Y  
FEE SCHEDULE**

Sec. Y.1 SCOPE AND PURPOSE. It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (La. R.S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

Sec. Y.2 AUTHORITY. These regulations provide fees as required by La. R.S. 30:1065.

Sec. Y.3 DEFINITIONS. All terms used in these rules, unless the context otherwise requires or unless specifically defined

in the Louisiana Environmental Quality Act, or in other regulations promulgated by the secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.

Sec. Y.4 APPLICATION FEES. Each application or amendment thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendment thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration or variance shall be issued, unless otherwise authorized by the secretary, until such check or draft, has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee.

Sec. Y.5 ANNUAL FEES. Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

Sec. Y.6 MULTIPLE LOCATIONS. Those persons possessing licenses or registrations that name multiple permanent field locations where sources of radiation are stored, used, or otherwise possessed shall be subject to an additional fee of 10 percent of the annual maintenance fee for each such location within the State of Louisiana, not to exceed an amount equal to the annual maintenance fee.

Sec. Y.7 RECIPROCAL AGREEMENTS-LICENSEES AND REGISTRANTS. Persons operating within the state under the provisions of Sec. B.11 or Sec. C.90 of these regulations shall submit the annual fee of the applicable category before the first entry into the state. The fee will allow reciprocal recognition of the license for one year from the date of receipt.

Sec. Y.8 REIMBURSEMENTS.

(a) One half of the annual fee will be reimbursed to the licensee or registrant upon receipt of a written request to terminate the license or registration, provided that the request has been received by the Division within 180 days after the annual fee due date and the fee had not been delinquent. Requests for termination of the license or registration received after 180 days of the annual fee due date will not entitle the licensee or registrant to reimbursement of any portion of the annual fee.

(b) One half of the application fee will be reimbursed to the licensee or registrant upon receipt of a written request from the applicant to withdraw an application prior to final approval. In the case of the denial of an application, for whatever reason, one half of the application fee will be refunded.

Sec. Y.9 DETERMINATION OF FEE.

(a) The fee for each applicable category is contained in Appendix A of this Part.

(b) In the case of licenses which authorize more than one activity, the activity assigned the higher fee will govern. The less costly categories of a license will be covered under the highest cost category. When two or more categories of the same fee are covered under one license, that one fee will cover all activities.

(c) Licenses which are amended and which result in a change in the Appendix A category to a more costly license shall be assessed the entire fee for that type license effective with the amendment without regard to any fees already paid.

Sec. Y.10 METHOD OF PAYMENT. Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the attention of the Nuclear Energy Division at the following address: Nuclear Energy Division, Box 14690, Baton Rouge, LA 70898-4690.

Sec. Y.11 LATE PAYMENT. Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

Sec. Y.12 FAILURE TO PAY. Failure to pay the pre-

scribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

Sec. Y.13 EFFECTIVE DATE. The fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.

**PART Y  
APPENDIX A  
NUCLEAR ENERGY PROGRAM FEE SCHEDULE**

	Initial Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical Licenses:		
1. Therapy		
a. Teletherapy	200	200
b. Brachytherapy	200	200
2. Nuclear Medicine	250	250
Group I, II & III or Group II and/or Group III		
3. Nuclear Medicine Non-group License	150	150
4. Nuclear Pacemaker Implantation	100	100
5. Eye Applicators	100	100
6. Group I only or in vitro studies or radio-immunoassays or calibration sources	100	100
7. Professing or manufacturing and distribution of radiopharmaceuticals	400	300
8. Mobile Nuclear Medicine Services	400	300
9. "Broad Scope" Medical Licenses	400	300
10. All Others	100	100
B. Source Material Licenses:		
1. For Mining, Milling, or Processing Activities, or Utilization which results in Concentration or Re-distribution of Naturally-Occurring Radioactive Material	2,000	2,000
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powdered solid)	1,000	1,000
3. For the concentration of uranium from or in phosphoric acid	500	500
4. All other specific "source material" licenses	100	100
C. Special Nuclear Material (SNM) Licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	150	150
2. SNM used as calibration or reference sources	100	100
3. All other licenses for use of SNM in quantities not suffi-		

	Initial Application Fee	Annual Maintenance Fee
cient to form a critical mass, except as in I.A.4., I.C.1., I.C.2.	100	100
D. Industrial Radioactive Material Licenses:		
1. For processing or manufacturing for commercial distribution	2,000	1,500
2. For Industrial Radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license.	300	200
3. For Industrial Radiography operations performed at temporary jobsite(s) of the licensee	1,000	750
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 Curies	500	250
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	1,000	500
6. For distribution of items containing radioactive material	500	500
7. Well-logging and subsurface tracer studies		
a. Collar markers, nails, etc. for orientation	100	100
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	300	300
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Ci	500	500
d. Field Flood studies and/or tracers equal to or greater than 5 Curies	750	750
8. Operation of a Nuclear Laundry	2,000	1,000
9. Industrial research and development of radioactive materials or products containing radioactive materials	250	250

**NOTE: Any licensee in paragraph D.1, D.2, D.3 or D.7 possessing, storing, or using radioactive material at more than one permanent location under a single license shall be assessed annually an additional fee of 10 percent of the annual maintenance fee for each such location within the State of Louisiana. Such additional fee shall not exceed an amount equal to the annual maintenance fee.**

	Initial Application Fee	Annual Maintenance Fee		Initial Application Fee	Annual Maintenance Fee
10. Academic research and/or instruction	200	200	(teaching unit, per registration)	50	25
11. Licenses of broad scope:			6. Electron Microscope	25	25
a. Academic, Industrial, Research and Development, total activity equal to or greater than 1 Curie	500	500	7. All other medical x-ray (per registration) except as otherwise noted	35	30
b. Academic, Industrial, Research and Development, total activity not greater than 1 Curie	300	300	B.		
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	100	100	1. Industrial Accelerator (includes Van de Graaff machines and neutron generators)	150	150
13. Calibration sources equal to or less than 1 Curie per source	100	100	2. Industrial Radiography (per registration)	50	50
14. Level or Density Gauges	150	150	3. All Other x-ray (per registration) except as otherwise noted	35	35
15. Pipe Wall Thickness Gauges	200	150	Storage-same fee		
16. Soil Moisture and Density Gauges	150	100	III. General license which requires registration	25	0
17. All other specific industrial licenses except as otherwise noted	200	200	IV. Reciprocal Recognition		
E. Radioactive Waste Disposal Licenses:			The fee for reciprocal recognition of a license or registration from another state or USNRC is the annual fee of the applicable category. The fee covers activities in the State of Louisiana for 1 year from the date of receipt.		
1. Commercial waste disposal involving burial	250,000	250,000	V. Shielding Evaluation (per room)		
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	2,000	1,000	A. Diagnostic	25	*
3. All other commercial waste disposal involving storage, packaging and/or transfer	1,000	1,000	B. Therapeutic (below 500 kVp)	50	*
F. Civil Defense licenses	125	100	C. Therapeutic (500 kVp to 1 MeV)	75	*
G. Teletherapy Service Company License	500	500	D. Therapeutic (1 MeV to 10 MeV)	100	*
H. Consultants who:			E. Therapeutic (10 MeV or greater)	150	*
1. do not possess sources	50	25	F. Industrial and industrial radiography	100	*
2. possess calibration sources equal to or less than 500 mCi each	75	50	VI. Device, Product, or Sealed Source Evaluation		
3. possess calibration sources greater than 500 mCi	100	75	A. Device evaluation (each)	250	*
II. Electronic Product Registration			B. Sealed source design evaluation (each)	100	*
A.			C. Update Sheet	50	*
1. Medical diagnostic x-ray (per x-ray registration)	35	30	VII. Testing to determine qualifications of employees, per test administered	50	*
2. Medical therapeutic x-ray (per registration)			VIII. Laboratory samples	100-500	(charges depend on types of analyses performed)
a. Below 500 kVp	75	75	IX. Nuclear Electric Generating Station (per site)		
b. 500 kVp to 1 MeV (including accelerator and Van de Graaff)	150	150	Located in Louisiana		110,000
c. 1 MeV to 10 MeV	200	200	Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)		80,000
d. 10 MeV or greater	300	300			
3. Dental x-ray (per registration)	25	25			
4. Veterinary x-ray (per registration)	25	25			
5. Educational institution x-ray					

\* - Certain charges are one time and do not recur

Patricia L. Norton  
Secretary

## RULE

### Department of Environmental Quality Office of Air Quality

Under the authority of the Environmental Quality Act, La. R.S. 30:1051 et seq., in particular, Sections 1065 B and 1084 B(1) and in accordance with the Administrative Procedure Act, La. R.S. 49:950, the Secretary, Department of Environmental Quality adopted the revisions to Section 22.0 of the Louisiana Air Quality Regulations.

The proposed revisions to Section 22.0 are intended to control equipment leaks of Volatile Organic Compounds (VOC) from synthetic organic chemical and polymer manufacturing plants (SOCMI), natural gas/gasoline processing plants, and polyethylene, polypropylene and polystyrene plants. The adoption of these proposed revisions will set in place reasonable available control technology (RACT) requirements for these sources. The state was unable to demonstrate attainment of the ozone standard in East and West Baton Rouge Parishes by the statutory deadline of December 31, 1982. As the air program is statewide in Louisiana, EPA is requiring submittal of a State Implementation Plan (SIP) revision by February 1985. The revisions to Section 22.0 requiring RACT will be included as part of the SIP revision before EPA will approve this as a strategy to attain the ozone standard. If this deadline is not met, EPA has statutory authority with which to impose economic sanctions against Louisiana.

#### Proposed Revision to the Air Quality Regulations

To Abate VOC Equipment Leaks from Natural Gas Processing Plants, Polymer Manufacturing Industry and SOCMI  
Add the following definitions to Section 4.0 of the Air Quality Regulations:

- 4.XX1 Natural Gas Processing Plants - Facilities engaged in the separation of natural gas liquids from field gas and/or fractionation of the liquids into natural gas products, such as ethane, propane, butane, and natural gasoline. Excluded from the definition are compressor stations, dehydration units, sweetening units, field treatment, underground storage facilities, liquified natural gas units, and field gas gathering systems unless these facilities are located at gas plant.
- 4.XX2 Good Performance Level - An operating level reached when no more than two percent of the valves in VOC service at a facility are leaking at a rate of 10,000 ppmv or greater as determined by Reference Method 21 "Determination of Volatile Organic Compound Leaks" in the Division's Source Test Manual.
- 4.XX3 Heavy Liquid Service - An equipment component is in heavy liquid service if (1) Natural Gas Processing Plants - the percent material evaporated is less than 10 percent at 150°C as determined by ASTM METHOD D-86 (2) Polymer Manufacturing Industry and SOCMI - it is not in Gas/Vapor service or in light liquid service.
- 4.XX4 Polymer Manufacturing Industry - Operations which convert monomer or chemical intermediate materials obtained from the basic petrochemical industry and the synthetic organic chemical manufacturing industry into polymer products. Such products are polyethylene, polypropylene and polystyrene.
- 4.XX5 Light Liquid - A fluid with a vapor pressure greater than 0.3 kPa at 20°C.
- 4.XX6 Light Liquid Service - An equipment component is in light liquid service if (1) it contacts a fluid containing 20 percent or greater by weight light liquid, or (2) the percent

material evaporated is greater than 10 percent at 150°C as determined by ASTM Method D-86.

- 4.XX7 Gas/Vapor Service - A component is in gas/vapor service if it contains a process fluid that is in the gaseous state at operating conditions.
- 4.XX8 Synthetic Organic Chemical Manufacturing Industries (SOCMI) - The industry that produces, as intermediates or final products, one or more of the chemicals listed in Table 8 of the regulations.

#### Proposed Revisions to Section 22.0 of the Air Quality Regulations

Revise Section 22.3.1.2 to read as follows:

22.3.1.2 An external floating roof consisting of a pontoon type roof, double deck type roof or external floating cover which will rest or float on the surface of the liquid contents and is equipped with a continuous secondary seal (a rim mounted secondary) extending from the floating roof to the tank wall. A secondary seal is not required if:

a) The tank is a welded tank storing a VOC with a vapor pressure at storage conditions less than 4.0 psi and is also equipped with liquid mounted primary seals, metallic type shoe seals, or equivalent.

b) The storage vessels are external floating roof tanks having nominal storage capacities of 420,000 gallons (1,589,900 liters) or less used to store produced crude oil or condensate prior to lease custody transfer.

c) A metallic-type shoe seal is used in a welded tank which also has a secondary seal from the top of the shoe seal to the tank wall (i.e., a shoe-mounted secondary).

d) An alternate seal or seals can be used in lieu of the primary and secondary seals required herein provided the resulting emission is not greater than that which would have been resulted if primary and secondary seals were installed. The equivalency demonstration will be made to the satisfaction of the administrative authority. This control equipment shall not be permitted if the organic compounds have a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions.

Revise Section 22.3.1.2.1 to read as follows:

22.3.1.2.1 The seal closure devices required in this Section shall:

a) have no visible holes, tears, or other openings in the seal(s) or seal(s) fabric.

b) be intact and uniformly in place around the circumference of the floating roof and the tank wall.

c) not have gap areas, of gaps exceeding 1/8 inch (0.32 cm) in width between the secondary seal and the tank wall, in excess of 1.0 in<sup>2</sup> per foot of tank diameter (6.5cm<sup>2</sup> per 0.3m).

d) not have gap areas, of gaps exceeding 1/8 inch (0.32 cm) in width between the primary seal and the tank wall, in excess of 10.0 in<sup>2</sup> per foot of tank diameter (65 cm<sup>2</sup> per 0.3m).

Revise Section 22.3.1.2.3 as follows:

22.3.1.2.3 Compliance Test. The seal gap area shall be determined by measuring the length and width of the gaps around the entire circumference of the secondary seal. Only gaps greater than or equal to 1/8 inch (0.32cm) shall be used in computing the gap area. The area of the gaps shall be accumulated to determine compliance with Section 22.3.1.2.1(c) and (d). Compliance with the provisions specified in Section 22.3.1.2.1(a) and (b) may be determined by visual inspection.

Revise Section 22.3.1.2.4 to read as follows:

22.3.1.2.4 Monitoring and record keeping. The secondary gap seal measurements shall be made annually at any tank level provided the roof is off its legs. The primary gap seal measurements shall be made every five years at any tank level provided the roof is off its legs.

Conditions not in compliance with Section 22.3.1.2.1 shall be recorded along with date(s) of repair. Repairs must be initiated within 15 days by ordering appropriate parts. Repairs must be completed in a timely manner. Records shall be maintained for two years.

Revise Section 22.3.1.4 to read as follows:

22.3.1.4 Other equivalent equipment or means as may be approved by the administrative authority.

Revise Section 22.3.2 to read as follows:

22.3.2 The provisions of this Section (i.e., 22.3) do not apply to existing and new storage tanks used for crude or condensate having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to New Source Performance Standards. In addition, tanks 420,000 gallons or greater used in activities prior to lease custody transfer are exempt from the provisions of Section 22.3 unless such tanks are subject to New Source Performance Standards. In addition, the provisions of Section 22.3 do not apply to JP-4 fuels stored in horizontal, underground tanks.

Revise Section 22.3.3 to read as follows:

22.3.3 Any crude or condensate storage tank emitting 100 tons per year or more of volatile organic compounds shall control the emission as specified in Section 22.3.1.

Revise Section 22.4 to read as follows:

22.4 Storage of Volatile Organic Compounds (Small Tanks). No person shall place, store or hold in any stationary tank, reservoir or other container of more than 250 gallons (950 liters) capacity any volatile organic compounds unless the container is equipped with a submerged fill pipe or bottom fill or other equivalent equipment or means as may be approved by the Department.

Revise Section 22.5 to read as follows:

22.5 Volatile Organic Compounds. Any loading facility for volatile organic compounds servicing tanks, trucks or trailers having a capacity in excess of 200 gallons (760 liters) and having 20,000 gallons (75,700 liters) or more throughput per day for facilities, for which construction commenced after May 20, 1979, 40,000 gallons (151,400 liters) or more for facilities, construction commenced prior to May 20, 1979, averaged over any 30-day period must be equipped with a vapor collection and disposal system or equivalent means thereof, properly installed, in good working order. Provisions must be made to prevent spills during the attachment and disconnection of filling lines or arms. This Section does not apply to a) crude or condensate loading facilities, and b) ship and barge loading operations.

Revise Section 22.6.1 (d) as follows:

d) Other equivalent equipment or means as may be approved by the Department.

Revise Section 22.6.2 (d) as follows:

d) Other equivalent equipment or means as may be approved by the Department. This subsection does not apply to oil field separators.

Revise Section 22.7 as follows:

22.7 Pumps and Compressors. All pumps and compressors handling volatile organic compounds shall be equipped with mechanical seals or other equivalent equipment or means as may be approved by the Department.

22.8 Waste Gas Disposal. Any waste gas disposal stream containing organic compounds from any emission source including those emissions from process unit upsets, startups and shutdowns shall be controlled by one of the following methods:

a) Operations which commence construction prior to (insert date of Promulgation): Nonhalogenated hydrocarbons shall be burned at 1300°F (704°C) for 0.3 second or greater in a direct-flame afterburner or an equally effective device.

b) Operations which have commenced construction on or after (insert date of promulgation): Nonhalogenated hydrocarbons shall be burned at 1600°F (870°C) for 0.5 seconds or greater in a direct-flame afterburner or thermal incinerator. Other combustion devices will be accepted provided 98 percent or greater VOC destruction can be demonstrated.

c) The following sources in existing polypropylene plants using liquid phase processes shall be controlled as specified in (b) above:

- 1) polymerization reaction section (i.e., reactor vents)
- 2) material recovery section (i.e., decanter vents, neutralizer vents, by-product and diluent recovery operations vents), and
- 3) product finishing section (i.e., dryer vents and extrusion and pelletizing vents).

d) The following sources in existing high-density polyethylene plants using liquid phase slurry processes shall be controlled as specified in (b) above:

- 1) material recovery section (i.e., ethylene recycle treater vents), and
- 2) product finishing section (i.e., dryer vents and continuous mixer vents).

e) For polystyrene plants using continuous processes, the emissions from the material recovery section (i.e., product devolatilizer system) shall be limited to 0.12 kg VOC/1,000 kg of product.

f) Halogenated hydrocarbons shall be burned and the products of combustion subsequently controlled. The hydrocarbons shall be combusted and the halogenated products of combustion shall be reduced to an emission level acceptable to the administrative authority.

g) Other methods of control (such as, but not limited to, carbon absorption, refrigeration, catalytic and/or thermal reaction, secondary steam stripping, recycling or vapor recovery system) may be substituted for burning provided it is acceptable to the administrative authority.

22.8.1 Where it can be demonstrated to the administrative authority that the waste gas stream:

- 1) is not significant (i.e., less than 100 TPY),
- 2) will not support combustion without auxiliary fuel, or
- 3) disposal cannot be practically or safely accomplished by other means without causing economic hardship, the administrative authority may waive the requirement.

22.8.2 This Section (i.e., 22.8) does not apply to safety relief and vapor blowdown systems where control cannot be accomplished because of safety or economic consideration. However, the emissions from these systems shall be reported to the Department as required under Section 17.13. Emergency occurrences shall be reported under Section 17.11.

22.8.3 Sources affected by Sections 22.8 c, d and e shall achieve compliance as expeditiously as possible, but in no event later than December 31, 1987.

Revise Section 22.9.1 to read as follows:

22.9.1 Soldering Operations, Painting and Coating Operations, not listed in 22.9.2, and Dry Cleaning Operations Using Organic Solvents. Soldering Operations, Painting and Coating Operations, not listed in 22.9.2 and dry cleaning operations using organic solvents which are not considered photochemically reactive shall be considered for exemption from the requirements of Section 22.9 of the Air Quality Regulations.

For the purposes of the statement, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cycloolefinic type of unsaturation: five percent.

2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: eight percent.

3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

Revise Section 22.9.2 (a) and (f) to read as follows:

VOC Emission Lbs. Per Gal. of coating (minus water)	Limitation KG Per Liter of coating (minus water)
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Affected facility

a) Large Appliance Coating Industry. The following emission limits shall apply:

Prime, single or topcoat application area, flash-off area and oven	2.8	0.34
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f) Surface Coating of Assembly Line Automobiles and Light Duty Trucks. The following emission limits shall apply:

Prime application, flashoff area and oven	1.2	0.14
Primer surfacer application flashoff area and oven	2.8	0.34
Topcoat application, flashoff area and oven	2.8	0.34
Final repair application, flashoff area and oven		

Revise the last sentence in Section 22.9.2 (i.e., the sentence following (j)) to read as follows:

(j) Factory Surface Coating of Flat Wood Paneling. The following emission limits shall apply:

VOC Emission lbs per 1000 sq. ft. of coated surface	Limitation kg per 100 sq. meter of coated surface
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Printed interior wall panels made of hardwood plywood and thin particleboard	6.0	2.9
Natural finish hardwood plywood panels	12.0	5.8
Class II finishes for hardboard paneling	10.0	4.8

Revise Section 22.9.3 (a), (b) and (c) to read as follows:

### 22.9.3 Control Techniques.

a) If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, the volatile organic compound capture and abatement system shall be at least 80 percent efficient overall, (65 percent with energy recovery). All surface coating facilities shall submit to the administrative authority for approval design data for each capture system and emission control device which is proposed for use.

b) If a person wishes to use low solvent technology to meet any of the emission limits specified in Regulation 22.9.2(a) through (j) and if the technology to be used for any particular application is not now proven but is expected to be proven in a reasonable

length of time, he may request a compliance date extension from the administrative authority.

Compliance will be determined by the procedures specified in "Control of Volatile Organic Emissions for Existing Stationary Sources Vol. 2 - Surface Coating of Cans, Coils, Paper, Fabric, Autos and Lt. Duty Trucks", (EPA 450/2-77-008), the procedures specified in "Measurement of Volatile Organic Compounds" (EPA 450/2-78-041), a method approved by the administrative authority or certification from the paint manufacturer concerning the solvent makeup of the paint.

c) A plant-wide emission reduction plan may be approved by the administrative authority if it can be demonstrated by the surface coating facility that any emissions in excess of those allowed for a given coating line will be compensated for by reducing emissions from regulated sources within the surface coating facility.

Revise the last sentence in Section 22.9.3 (i.e., the sentence following (e)) to read as follows:

e) Soldering and surface coating facilities or portions thereof may request exemption from the requirements of Regulation 22.9.2 if all of the following conditions are met:

- 1) The affected portion of the facility will not emit more than 50 tons per year of VOC.
- 2) The only practical means of VOC control is thermal oxidation.
- 3) The substance to be emitted is not toxic.
- 4) The moles of fuel used would exceed the moles of VOC destroyed.
- 5) The reasonable control of the VOC would result in a net increase of emissions from the facility.

Revise Section 22.10 to read as follows:

22.10 Exemptions. The following compounds are considered exempt from the control requirements of Section 22.0 et al: methane, ethane, 1,1,1 trichloroethane (Methyl Chloroform), methylene chloride, trichlorotrifluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trichlorotrifluoroethane (Freon 113), trifluoromethane, dichlorotetrafluoroethane and chloropentafluoroethane.

Revise Section 22.11 to read as follows:

22.11 Variance. Where upon written application of the responsible person or persons the administrative authority finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship would be unreasonable, impractical or not feasible under the circumstances, the administrative authority may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention control or abatement of air pollution in harmony with the intent of the Act.

No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

Revise Section 22.12.4 to read as follows:

22.12.4 Exemptions. A vapor degreaser emitting 100 pounds (45 kilograms) or less of VOC in any consecutive 24 hour period (uncontrolled) is exempt from the provisions of this section provided the total emissions from all the vapor degreasers at the facility combined are less than 100 tons/year of VOC, uncontrolled. If these two conditions are not met, the provisions of Section 22.12 must apply.

Revise Section 22.13 to read as follows:

22.13 Cutback Paving Asphalt. No person may cause, allow or permit the manufacture, mixing, storage, use or application of cutback paving asphalts without approval of the administrative authority as provided below. The administrative authority may ap-



prove the manufacture, mixing, storage, use or application of cutback asphalts where:

- a) Long-life stockpile storage is necessary.
- b) The use or application at ambient temperatures less than 10°C (50°F) is necessary.
- c) The cutback paving asphalt is to be used solely as a penetrating prime coat.

Revise Section 22.14.3 to read as follows:

22.14.3 Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in Subparagraph 22.14.1 is provided to the administrative authority. Approval of any alternate vapor balance system shall not be valid unless it is received from the administrative authority in writing.

Revise Section 22.14.4 to read as follows:

22.14.4 Exemptions. The following are exempt from the requirements of Section 22.14.1 above:

- a) Affected facilities in attainment areas.
- b) Transfers made to storage tanks equipped with controls as required by Section 22.3 of these regulations.
- c) Any gasoline outlet whose throughput is less than 500,000 gallons (1,892,700 liters) per year (small outlet).

Revise Section 22.15.2 of the regulations to read as follows:

22.15.2 Exemptions. Gasoline bulk plants located in an attainment area and which do not service facilities controlled by Section 22.14 are exempt from the control requirements of Section 22.15.1.

Bulk plants servicing controlled and exempted facilities, are required to collect vapor from the controlled facilities.

Revise Section 22.16.1 of the regulations to read as follows:

22.16.1 No person may load gasoline into any tank trucks or trailers from any bulk gasoline terminal unless:

- 1) The bulk gasoline terminal is equipped with a vapor control system, capable of complying with Paragraph 22.16.2 of this Section, properly installed, in good working order in operation and consisting of one of the following:
  - i) An adsorber or condensation system which processes and recovers at least 90 percent by weight of all vapors and gases from the equipment being controlled.
  - ii) A vapor collection system which directs all vapors to a fuel gas system.
  - iii) A control system, demonstrated to have control efficiency equivalent to or greater than the above, and approved by the administrative authority.
- 2) All displaced vapors and gases are vented only to the vapor control system.
- 3) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.
- 4) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

Revise Section 22.16.4 to read as follows:

22.16.4 Exemptions. Gasoline bulk terminals located in an attainment area which do not service facilities controlled by Section 22.14 and Section 22.15 are exempt from the control requirements of Section 22.16.2. Bulk terminals servicing exempted and controlled facilities are required to collect vapors from controlled facilities.

Revise Section 22.17 as follows by eliminating the sentence following B:

B. Emissions of volatile organic compounds from a hotwell with a contact condenser shall be controlled by covering the hotwell and controlling the vapors by one of the applicable methods specified in Section 22.8.

Revise Section 22.18 to read as follows:

22.18 Refinery Process Unit Turnaround. Emissions of volatile organic compounds from petroleum refinery process unit turnarounds shall be controlled by pumping the liquid contents to storage and depressurizing the processing units to five psig (pounds per square inch gauge) or below before venting to the atmosphere. Control of the vapors during the depressurization prior to venting to atmosphere shall be accomplished by one of the applicable methods specified in Section 22.8.

22.21 Fugitive Emission Control.

22.21.1 Applicability - This regulation is applicable to equipment in petroleum refineries, natural gas processing plants, the synthetic organic chemical manufacturing industry (SOCMI), and the polymer manufacturing industry, containing or contacting a process stream with a VOC concentration of 10 percent by weight or more.

22.21.2 Fugitive Emission Control Requirements.

A. Any affected component shall be considered leaking when the emission rate results in a hydrocarbon concentration exceeding 10,000 parts per million (ppmv) when tested by Method 21 "Determination of Volatile Organic Compound Leaks" in the Division's Source Test Manual.

B. No valve, except safety pressure relief valves and valves on drain lines, shall be located at the end of a pipe or line containing volatile organic compounds unless the end of such line is sealed with a second valve, a blind flange, a plug, or a cap. Such sealing device may be removed only when the line is in use, for example, when a sample is being taken.

C. The operator shall make every reasonable effort to repair a leaking component, as described in Section 22.21.2A, within 15 days. If the repair of a component would require a unit shutdown, and if the shutdown would create more emissions than the repair would eliminate, the repair may be delayed to the next scheduled shutdown. An early unit shutdown may be ordered if leaking component losses become excessive.

22.21.3 Monitoring Requirements.

The monitoring of components containing volatile organic compounds shall be performed by the following schedule using the method described in Section 22.21.1A.

A. Petroleum Refineries.

1. Monitor with a VOC detection device one time per year (annually) the following items:

- a. Pump seals,
- b. Pipeline valves in liquid service, and
- c. Process drains.

2. Monitor with a VOC detection device four times per year (quarterly) the following items:

- a. Compressor seals,
  - b. Pipeline valves in gas service, and
  - c. Pressure relief valves in gas service.
3. Monitor pump seals visually 52 times a year (weekly).

B. Natural Gas Processing Plants.

1. Monitor pump seals and compressor seals visually 52 times a year (weekly).

2. Monitor with a VOC detection device four times a year (quarterly).

- a. Pumps.
- b. Valves.
- c. Pressure relief valves in gas service.

C. SOCMI and Polymer Manufacturing Industry.

1. Monitor with a VOC detection device four times a year (quarterly) the following items:

- a. Pumps in light liquid service,
- b. Valves in light liquid service,
- c. Valves in gas service,

- d. Compressors in gas service, and
- e. Safety/relief valves in gas service.

2. Monitor pumps in light liquid service visually 52 times a year (weekly).

D. All listed in A, B, and C above.

1. Monitor with a VOC detection device any pressure relief valve within 24 hours after it has vented to the atmosphere (For natural gas processing plants an immediate visual evaluation will be made).

2. Monitor immediately with a VOC detection device any component that appears to be leaking on the basis of sight, smell, or sound. In lieu of monitoring the operator may elect to implement actions as specified in Section 22.21.2C.

22.21.3.1 Monitoring is not required on the following:

A. Petroleum Refineries.

1. Pipeline flanges, inaccessible valves, tank valves or check valves (including similar devices not externally regulated),

2. Pressure relief valves in liquid service, and

3. Pressure relief devices which are tied to either a flare header or vapor recovery device.

4. Equipment operating under vacuum.

B. Natural Gas Processing Plants

1. Equipment operating under vacuum.

2. Equipment in heavy liquid service.

3. Plants with less than 40 MM cfd capacity that do not fractionate natural gas liquids.

4. Pipeline flanges and inaccessible valves.

C. SOCFI and Polymer Manufacturing Industry.

1. Pipeline flanges and inaccessible valves.

2. Pressure relief devices which are tied to either a flare header or vapor recovery device.

3. Equipment operating under vacuum.

22.21.4 Alternate Control Techniques.

The monitoring schedule in 22.21.3 may be modified as follows:

A. After at least two complete annual checks, the operator may request that the monitoring schedule be revised. This request shall include data to show a good performance level will be maintained by the revised schedule. Similarly, an alternate monitoring method may be approved if the operator can demonstrate that a good performance level will be maintained. Such request must be made in writing.

B. If there is an excessive number of leaks (greater than the good performance level), then an increase in the frequency of monitoring may be required.

22.21.5 Recordkeeping.

A. When a leak, as described in Section 22.21.2A is located, a weatherproof and readily visible tag bearing an identification number and the date the leak is located shall be affixed to the leaking component. The tag may be discarded after the leak is repaired.

B. A survey log shall be maintained by the operator which shall include the following:

1. The name of the process unit where the leaking component is located.

2. The name of the leaking component.

3. The stream identification at the leak.

4. The identification number from the tag required by Section 22.21.5A.

5. The date the leak was located.

6. The date maintenance was performed.

7. The date the component was rechecked after maintenance, as well as the instrument reading upon check (For natural gas processing plants the soap bubble test commonly performed in the industry is satisfactory).

8. A record of VOC detection device calibration.

9. A listing of leaks not repaired until turnaround.

10. A list of total number of items checked versus the total found leaking.

The operator shall retain the survey log for two years after the latter date specified in Section 22.21.5B 7 and make said log available to the administrative authority upon request.

22.21.6 Reporting Requirements.

The operator of the affected facility shall, after each quarterly monitoring has been performed, submit a report listing all leaks that were located but not repaired within the 15 day limit along with a demonstration of achieving "good performance level". These reports are due by the fifteenth day of January, April, July and October. Such report shall include the following:

A. The name of the unit where the leaking component is located, the date of last unit shutdown.

B. The name of the leaking component.

C. The stream identification at the leak.

D. The date the leak was located.

E. The date maintenance was attempted.

F. The date the leak will be repaired.

G. The reason repairs failed or were postponed.

H. The list of items awaiting turnaround for repair.

I. The number of items checked versus the number found leaking. The operator shall include in this report a signed statement attesting to the fact that all other monitoring has been performed as required by this rule.

22.21.7 Compliance Schedule.

All natural gas processing plants, SOCFI Plants and Polymer Manufacturing Plants affected by this regulation shall be in compliance as soon as practicable, but in no case later than December 31, 1987.

TABLE 8

Acetal.	p-chloronitrobenzene.	Ethylene dibromide.	Neopentanoic acid.	Vinyl acetate
acetaldehyde.	Chlorophenols.	Ethylene glycol.	o-nitroaniline.	Vinyl chloride.
Acetalol.	Chloroprene.	Ethylene glycol diacetate.	p-nitroaniline.	Vinylidene chloride.
Acetamide.	Chlorosulfonic acid.	Ethylene glycol dimethyl ether.	o-nitroanisole.	Vinyl toluene.
Acetanide.	m-chlorotoluene.	Ethylene glycol monobutyl ether.	p-nitroanisole.	Xylenes (mixed).
Acetic acid.	o-chlorotoluene.	Ethylene glycol monobutyl ether acetate.	Nitrobenzene.	o-xylene.
Acetic anhydride.	p-chlorotoluene.	Ethylene glycol monoethyl ether.	Nitrobenzoic acid (o,m, and p).	p-xylene.
Acetone.	Chloroethylfluoromethane.	Ethylene glycol monoethyl ether acetate.	Nitrocinane.	Xylenol.
Acetone cyanohydrin .	m-cresol.	Ethylene glycol monomethyl ether.	Nitromethane.	Xylylene
Acetonitrile.	o-cresol.	Ethylene glycol monomethyl ether acetate.	Nitrophenol.	
Acetophenone.	p-cresol.	Ethylene glycol monopropyl ether.	Nitropropene.	
Acetyl chloride.	Mixed cresols.	Ethylene oxide.	Nitrotoluene.	
Acetylene.	Cresylic acid.	Ethyl ether.	Nonene.	
Acrolein.	Crotonaldehyde.	Ethyl oxalate.	Nonyl phenol.	
Acrylamide.	Crotonic acid.	Ethyl orthoformate.	Octyl phenol.	
Acrylic acid and esters.	Cumene.	Ethyl oxalate.	Paraolchuyda.	
Acrylonitrile.	Cumene hydroperoxide.	Ethyl sodium oxalacetate.	Pentaerythritol.	
Adipic acid.	Cyanoacetic acid.	Formaldehyde.	n-pentane.	
Adiponitrile.	Cyanogen chloride.	Formamide.	1-pentene.	
Alkyl naphthalenes.	Cyanuric acid.	Formic acid.	Perchloroethylene.	
Allyl alcohol.	Cyanuric chloride.	Fumaric acid.	Pelchloromethyl mercaptan.	
Allyl chloride.	Cyclohexane.	Furfural.	o-phenetidine.	
Aminobenzoic acid.	Cyclohexanol.	Glycerol (Synthetic).	p-phenetidine.	
Aminoethylthandiamine.	Cyclohexanone.	Glycerol dichlorohydrin.	Phenol.	
p-Aminophenol.	Cyclohexylamine.	Glycerol triether.	Phenolsulfonic acids.	
Amyl acetates.	Cyclooctadiene.	Glycine.	Phenyl anthranilic acid.	
Amyl alcohols.	Decanol.	Glyoxal.	Phenylenediamine.	
Amyl amine.	Diacetone alcohol.	Hexachlorobenzene.	Phosgene.	
Amyl chloride.	Diaminobenzoic acid.	Hexachlorocyclohexane.	Phthalic anhydride.	
Amyl mercaptans.	Dichloroaniline.	Hexaocetyl alcohol.	Phthalimide.	
Amyl phenol.	m-d chlorobenzene.	Hexamethylenediamine.	β picoline.	
Aniline.	o-dichlorobenzene.	Hexamethylene glycol.	Piperazine.	
Aniline hydrochloride.	p-dichlorobenzene.	Hexamethylenetetramine.	Polybutenes.	
Ansidine.	Dichlorodifluoromethane.	Hydrogen cyanide.	Polyethylene glycol.	
Anisole.	Dichloroethyl ether.	Hydroquinone.	Polypropylene glycol.	
Anthranilic acid.	1,2-d chloroethane (EDC).	p-hydroxybenzoic acid.	Propionaldehyde.	
Antraquinone.	Dichlorohydrin.	Isocamylene.	Propionic acid.	
Benzaldehyde.	Dichloropropene.	Isobutanol.	n-propyl alcohol.	
Benzamide.	Dicyclohexylamine.	Isobutyl acetate.	Propylamine.	
Benzene.	Diethylamine.	Isobutylene.	Propyl chloride.	
Benzenedisulfonic acid.	Diethylene glycol.	Isobutyraldehyde.	Propylene.	
Benzenesulfonic acid.	Diethylene glycol diethyl ether.	Isobutyric acid.	Propylene chlorohydrin.	
Benzil.	Diethylene glycol dimethyl ether.	Isodecanol.	Propylene dichloride.	
Benzilic acid.	Diethylene glycol monobutyl ether.	Isocetyl alcohol.	Propylene glycol.	
Benzoic acid.	Diethylene glycol monobutyl ether acetate.	Isocentane.	Propylene oxide.	
Benzoin.	Diethylene glycol monoethyl ether.	Isocorone.	Pyridine.	
Benzoinitrile.	Diethylene glycol monoethyl ether acetate.	Isocyanic acid.	Quinone.	
Benzophenone.	Diethylene glycol monomethyl ether.	Isoprene.	Resorcinol.	
Benzotrifluoride.	Diethyl sulfate.	Isopropanol.	Resorcinol acid.	
Benzoyl chloride.	Difluoroethane.	Isopropyl acetate.	Saccharic acid.	
Benzyl alcohol.	Disobutylene.	Isopropylamine.	Sodium acetate.	
Benzyl amine.	Disopocetyl phthalate.	Isopropyl chloride.	Sodium benzoate.	
Benzyl benzoate.	Disocetyl phthalate.	Isopropylphenol.	Sodium carbonylmethyl cellulose.	
Benzyl chloride.	Diketene.	Ketene.	Sodium chloroacetate.	
Benzyl dicloride.	Dimethylamine.	Linear alkyl sulfonate.	Sodium formate.	
Biphenyl.	N,N-dimethylaniline.	Linear alkylbenzene.	Sodium phenate.	
Bisphenol A.	N,N-dimethyl ether.	Maleic acid.	Sorbic acid.	
Bromobenzene.	N,N-dimethylformamide.	Maleic anhydride.	Styrene.	
Bromonaphthalene.	Dimethylhydrazine.	Maleic acid.	Succinic acid.	
Butadiene.	Dimethyl sulfate.	Mesityl oxide.	Succinonitrile.	
1-butene.	Dimethyl sulfide.	Metanolic acid.	Sulfanilic acid.	
n-butyl acetate.	Dimethyl sulfoxide.	Methacrylic acid.	Sulfolane.	
n-butyl acrylate.	Dimethyl terephthalate.	Methallyl chloride.	Tannic acid.	
n-butyl alcohol.	3,5-dinitrobenzoic acid.	Methanol.	Terephthalic acid.	
n-butyl alcohol.	Dinitrophenol.	Methyl acetate.	Tetrachloroethanes.	
t-butyl alcohol.	Dinitrotoluene.	Methyl acetoacetate.	Tetrachlorophthalic anhydride.	
n-butylamine.	Dioxane.	Methylamine.	Tetraethyllead.	
s-butylamine.	Dioxolane.	n-methylaniline.	Tetrahydrophthalene.	
t-butylamine.	Diphenylamine.	Methyl bromide.	Tetrahydrophthalic anhydride.	
p-tert-butyl benzoic acid.	Diphenyl oxide.	Methyl butanol.	Tetramethyllead.	
1,3-butylene glycol.	Diphenyl thiourea.	Methyl chloride.	Tetramethylenediamine.	
n-butyraldehyde.	Dipropylene glycol.	Methyl cyclohexane.	Tetramethylthylenediamine.	
Butyric acid.	Dodecene.	Methyl cyclohexanone.	Toluene.	
Butyric anhydride.	Dodecylamine.	Methylene chloride.	Toluene 2,4-diamine.	
Butyronitrile.	Dodecylphenol.	Methyl cyanide.	Toluene 2,4-disocyanate.	
Caproactam.	Epichlorohydrin.	Methyl cyanide.	Toluene diisocyanates (mixture).	
Carbon disulfide.	Ethanol.	Methyl ethyl ketone.	Toluene sulfonamide.	
Carbon tetrabromide.	Ethanolamines.	Methyl formate.	Toluene sulfonic acids.	
Carbon tetrachloride.	Ethyl acetate.	Methyl isobutyl carbinol.	Toluene sulfonyl chloride.	
Cellulose acetate.	Ethyl acetoacetate.	Methyl isobutyl ketone.	Toulidines.	
Chloroacetic acid.	Ethyl acrylate.	Methyl methacrylate.	Tetrachlorobenzenes.	
m-chloroaniline.	Ethylamine.	Methyl pentynol.	1,1,1-trichloroethane.	
o-chloroaniline.	Ethylbenzene.	α-methylstyrene.	1,1,2-trichloroethane.	
p-chloroaniline.	Ethyl bromide.	Morpholine.	Trichloroethylene.	
Chlorobenzaldehyde.	Ethyl chloride.	o-naphthalene sulfonic acid.	Trichlorofluoromethane.	
Chlorobenzene.	Ethyl chloroacetate.	β-naphthalene sulfonic acid.	1,2,3-trichloropropane.	
Chlorobenzic acid.	Ethyl chloroacetate.	β-naphthol.	1,1,2-trichloro-1,2,2-trifluoroethane.	
Chlorobenzotrifluoride.	Ethylcyanoacetate.	Ethylene.	Triethylamine.	
Chlorobenzoyl chloride.	Ethylene.	Ethylene carbonate.	Triethylene glycol.	
Chlorodifluoromethane.	Ethylene carbonate.	Ethylene chlorohydrin.	Triethylene glycol dimethyl ether.	
Chlorodifluoromethane.	Ethylene chlorohydrin.	Ethylene diamine.	Triisobutylene.	
Chloroform.			Trimethylamine.	
Chloronaphthalene.				
o-chloronitrobenzene.				

Persons requesting copies and/or further information concerning the adoptions may contact Ms. Terrie deLorimier, Office of Air Quality, Box 44066, Baton Rouge, La. 70804-4066, phone (504) 342-9029.

Patricia L. Norton  
Secretary

## RULE

### Department of Environmental Quality Office of Solid and Hazardous Wastes

Notice is hereby given by the Secretary, Department of Environmental Quality, pursuant to Notice of Intent published on October 20, 1984 and under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and in particular Sections 1065 B and 1136 A(1) and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., that the following amendments to the Louisiana Hazardous Waste Regulations are hereby adopted as a rule. The final rule published herein supercedes all previously released versions.

#### AMENDMENTS

The following Sections of the rules and regulations for the Fee System of the Environmental Programs Governed by the Environmental Control Commission and administered by the corresponding divisions of the Office of Environmental Affairs are hereby rescinded.

1. 3.2
2. 3.2.1
3. 3.5.1
4. 3.6.1
5. 3.6.2
6. 3.6.3
7. 3.6.4
8. 3.6.5

Amendments to Chapters 3 and 7 of the Louisiana Hazardous Waste Regulations shall be as follows:

#### 3.2 Overview of the permit program

a) No later than 90 days after the promulgation or revision of these regulations all generators and transporters of hazardous waste, and all owners or generators of hazardous waste treatment, storage, or disposal facilities must file or have on file a notification of that activity using Notification Form HW-1, available from the administrative authority. For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the administrative authority.

#### 7.1 Applicability

f) A person who generates a hazardous waste as defined in Chapter 2 and further specified in Chapter 24 and 25 is subject to the requirements of these Chapters and shall register with the department in accordance with the applicable provisions of §3.2.

The Louisiana Hazardous Waste Regulations are hereby amended to ADD the following:

#### CHAPTER 25 Fee Schedules

25.1 Applicability - The regulations in this Chapter apply to generators of hazardous waste as well as treaters, storers, and disposers of hazardous waste except for those provisions as provided in 7.1 and 9.1.

25.2 Scope and Purpose - It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (La. R.S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

25.3 Authority - These regulations provide fees as required by La. R.S. 30:1065.

25.4 Definitions - See Chapter 2.

25.5 Application Fees - Treaters, Storers, and/or Disposers.

a) A one-time application fee is charged to cover application, evaluation, and other related program costs.

b) Each application thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified unless approved by the administrative authority. Major amendments may be considered as a separate application for purposes of calculating fees.

#### 25.6 Calculation of Application Fees

a) The applicant is required to calculate his appropriate application fee according to the schedule included in the permit application form. Payment of this fee must be attached to the application.

b) Fee schedule:

Item	Fee	
Site analysis - per acre site size	250	1)
Process and plan analysis	1,000	2)
Facility analysis - per facility	500	
Management/financial analysis	1,000	

NOTES: Fee equals total of the four items.

1) Up to 100 acres, no additional fee thereafter

2) Incinerator, landfarm, treatment pond, etc., each counted as a facility

25.7 Provision for collection of additional fees should application fees paid be less than program costs:

Operators who paid an application fee of \$15,000 will be assessed an additional fee equalling the deficit, apportioned equally, provided that no operator pays more than the calculated fee in 25.6.

25.8 Provision of funds collected in excess of program costs:

Excess funds over program cost generated by this fee shall be credited to the following year's budget.

25.9 Annual Maintenance Fees - Treaters, Storers, and/or Disposers

a) Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

25.10 Calculation of Annual Maintenance Fees  
Formula to apportion fees:

Fee per site + fee per facility + fee based on volume	
Fee Per Site:	
Off-site Disposer (Commercial)	\$25,000
Off-site Disposer (Non-commercial)	5,000
On-site Disposer	2,500
Fee Per Facility:	
Standard for all disposers (For each facility)	\$1,500 ea.
Fee Based on Volume:	
Less than 1,000 tons	1,000
Less than 10,000 tons	2,000
Less than 100,000 tons	3,000
Less than 1,000,000 tons	4,000
More than 1,000,000 tons	5,000
Maximum fee (cut-off):	
Off-site (Commercial)	\$40,000
Off-site (Non-commercial)	20,000
On-site	15,000

Note: The higher fee for off-site disposal is due to cost of the manifest system and emergency response to transport spills. (Neither cost is applicable to on-site disposers).

#### 25.11 Generators of Hazardous Waste

a) All generators of hazardous waste must file or have on file a notification of that facility, using Notification Form HW-1 available from the administrative authority (See 3.2a).

For generators of hazardous waste, the Notification Form

HW-1 shall be deemed a registration upon acceptance and approval by the administrative authority.

25.12 Registration Fees - Generators

a) An initial annual monitoring and maintenance fee is charged for each generator registration. There is no fee for modifying an existing registration based on any change of information submitted on Notification Form HW-1.

Initial fee \$5

25.13 Annual Monitoring and Maintenance Fee

a) Fee will annually be \$150

25.14 Method of Payment - Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the attention of the Hazardous Waste Division at the following address: Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, Box 44066, Baton Rouge, LA. 70804-4066.

25.15 Late Payment - Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

25.16 Failure to Pay - The prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

25.17 Effective Date - The application fees prescribed herein shall be required for all applications filed on or after these fee regulations are published in the *Louisiana Register* as adopted.

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with previous fee regulations for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted shall be credited against the fees and due and payable under these fee regulations.

Patricia L. Norton  
Secretary

**RULE**

**Office of the Governor  
Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs has deleted the policy that contractors' governing Boards should meet monthly. This policy change is effective as of December 20, 1984.

The policy was deleted so that there would be no conflict with subsection 501.B.3 which states the Council on Aging Board of Directors should meet quarterly.

Subsection 800, Chapter I, Number 7 of the Governor's Office of Elderly Affairs Policy Manual has been revised by deleting the following sentence: "To accomplish this, the Board should meet at least once a month."

Persons having copies of the GOEA Policy Manual may obtain copies of the revised page by writing Mrs. Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams  
Director

**RULE**

**Office of the Governor  
Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs has amended the rule governing Parish Council on Aging Board of Directors Meetings. This rule change is effective as of December 20, 1984.

The rule was amended to conform to the provisions of LA R.S. 42:4.2 A.(3) (Open Meetings Law), which defines a quorum for public meetings.

Subsection 501.B.3 of the Governor's Office of Elderly Affairs Policy Manual has been revised to read as follows:

"The board of directors shall meet at least once every three months. If an executive committee is established, it may meet in the months when the board of directors does not meet. There shall be an annual meeting of the board of directors and the general membership of the Council on Aging. All policy making, advisory, or administrative meetings shall be publicized in accordance with state public meetings laws (La. R.S. 42:4.1 et seq.) A simple majority of the policy making, advisory, or administrative body shall constitute a quorum. The Council on Aging by-laws shall contain a prohibition against proxy voting by policy making, advisory, or administrative bodies, as well as a description of voting procedures."

Persons having copies of the GOEA Policy Manual may obtain copies of the revised pages by writing Mrs. Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams  
Director

**RULE**

**Department of Health and Human Resources  
Board of Nursing**

The following revised rules on Standards and Requirements for Educational Programs in Nursing were adopted at the regularly scheduled meeting of the Board of Nursing on November 29, 1984. This action was taken pursuant to notice duly published in the August 20, 1984 issue of the *Louisiana Register*, and after meeting the requirements of R.S. 49:950 et seq.

**UNIT II**

R.N. 2.01 Duties of the Board Directly Related to Nursing Education Programs—The authority of the Board of Nursing relating to nursing educational programs is contained in the Louisiana Revised Statutes, Title 37, Chapter 11, Nurse, Part 1, Registered Nurses, Section 911-930, 1976, as amended through 1983.

Section 918 Duties of the Board states, "The Board shall:

A. Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed under this part;

B. Approve schools which meet the licensing requirements of the Board;

C. Provide for hearings for nurse educational programs when approval is denied or withdrawn; . . .

K. Adopt, and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part: . . ."

R.N. 2.02 Definitions

(1) Approval: A status indicating the program has met the legal standards established by the Board.

(2) Board: The Louisiana State Board of Nursing.

(3) Clinical Facility: An institution, agency or organization whose primary purpose is to provide care or services supportive to

the promotion and/or maintenance and/or restoration of health.

(4) **Clinical Facility—Major:** A clinical facility utilized to provide more than half of the clinical experiences to more than half of the students enrolled in the nursing education program.

(5) **Cooperating Agency:** An organization, institution or agency which by agreement accepts students for educational experiences selected by the nursing programs.

(6) **Course:** A distinct unit of instruction which has been organized for presentation with a specific time frame. This includes all related learning experiences deemed necessary by the faculty to meet the stated objectives.

(7) **Curriculum:** The planned studies and learning activities designed to lead to graduation and eligibility for registered nurse licensure.

(8) **Faculty:**

(a) **Nurse Faculty:** A registered nurse under written contractual agreement with a parent institution for administration, teaching, clinical supervision of students or research in programs preparing candidates for registered nurse licensure.

(b) **Support Faculty:** An individual with academic preparation and experience in his/her field of specialization who provides services or teaches support courses. A registered nurse hired as a support faculty member who does not have the academic preparation for a nurse faculty position may not be used in a nurse faculty role.

(c) **Preceptor:** A registered nurse who is selected and oriented by the educational program to enhance the learning experiences of a nursing student on a one to one basis for a specified time. (See R.N. 2.076)

(d) **Dual Appointment:** A registered nurse who has responsibilities in two separate agencies.

(e) **Joint Appointment:** A registered nurse employed by a clinical agency who holds at least the minimum qualifications of a nurse faculty member and who has predetermined responsibilities with both the educational institution and the clinical agency in the same time period. There shall be clearly defined schedules and financial agreements for both the educational program and the clinical agency.

(9) **Major Change in Curriculum:** Any one of the following shall be deemed to constitute a major change in curriculum:

(a) Alteration, other than editorial, in program's philosophy, purposes or objectives.

(b) Addition or deletion of more than 10 percent of the semester credit hours from the program of studies.

(c) Departure from current educational practices or methods.

(d) Addition or deletion of a major clinical facility providing students' clinical experiences.

(10) **Nursing Education Program:** A program whose purpose is to prepare beginning practitioners of nursing and whose graduates are eligible to apply to write the registered nurse licensing examination.

(a) **Associate Degree:** A program leading to an associate degree in nursing conducted by an educational unit that is an integral part of a community college, college or university.

(b) **Baccalaureate:** A program leading to a bachelor of nursing degree conducted by an educational unit, department, division, college or school, that is an integral part of a college or university.

(c) **Diploma:** A program leading to a diploma in nursing conducted by an educational unit that is an integral part of a hospital.

(11) **Objectives:** The aims or purposes of the nursing program.

(12) **Parent Institution:** The organization or agency re-

sponsible for the administration and operation of the nursing program.

(13) **Philosophy:** A statement which includes and identifies the beliefs accepted by the faculty and the parent institution related to nursing education.

(14) **Program Head:** The registered nurse with the authority and responsibility for the administration of the program and implementation of the curriculum. This title is used regardless of the person's official title in the parent institution.

(15) **Recommendations:** Statements focusing on areas where there are factors which may impinge on maintenance of standards.

(16) **Requirements:** Standards with which educational programs shall comply.

(17) **Shall:** A term used to denote a requirement which must be met.

(18) **Should:** A term used to denote a suggested method of meeting a requirement.

(19) **Standard:** A criterion by which performance is measured.

(20) **Survey:** The collection of information by the Board for its review in granting, continuing or denying approval of a program.

**R.N. 2.03 Approval—**All nursing education programs and courses in the State of Louisiana, preparing persons for examination, licensure and registration to practice shall be approved by the Louisiana State Board of Nursing. The authority of the Board is contained in Section 918 Duties of the Board, A, B, C, K, of the Louisiana Revised Statutes, Title 37, Chapter 11, Nurses, Part 1, Registered Nurses, Section 911-930, 1976, as amended through 1983.

#### R.N. 2.04 Purposes of Approval

(1) To promote the safe practice of nursing by establishing standards for programs preparing individuals seeking licensure as registered nurses in Louisiana.

(2) To grant legal recognition to nursing education programs which upon survey and evaluation are determined by the Board to have met the standards.

(3) To assure graduates of these programs that they meet the educational and legal requirements for admission to state board licensing examinations and to facilitate their endorsement to other states and countries.

(4) To assure continuous evaluation and improvement of nursing programs and nursing education.

(5) To provide the public and prospective students with a list of nursing programs that meet the standards established by the Board.

#### R.N. 2.05 Types of Approval

(1) **Initial:** Initial approval is granted to a new program, which upon application by the parent institution and after survey and Board evaluation, is determined by the Board to be eligible to admit students to the nursing educational program. (See R.N. 2.072)

(2) **Full:** Full approval is granted to a program that meets all standards established by the Board. (See R.N. 2.073)

(3) **Conditional:** A nursing education program shall be placed on conditional approval when the Board has determined that it fails to meet one or more of the established standards. (See R.N. 2.073)

#### R.N. 2.06 Standards and Requirements for Nursing Education Program

##### R.N. 2.061 Philosophy, Purpose and Objectives:

(1) The nursing education program shall have a clear

statement of philosophy, consistent with that of the parent institution and congruent with current concepts in nursing education.

(2) There shall be a statement of the purpose of the program that is congruent with the parent institution.

(3) There shall be written objectives that identify the expected competencies of the graduate.

#### R.N. 2.062 Administration, Organization and Control

(1) There shall be a governing body which has legal authority to conduct the nursing program, determine general policy and assume financial support.

(2) The parent institution shall be approved by the appropriate accrediting bodies.

(3) The program shall have comparable status with other educational units in the parent institution.

(4) The parent institution shall have an organizational chart showing relationships and channels of communication within the institution.

(5) The program shall notify the Board in writing when there has been a change in the control of the institution, administrative head of the program, or the accreditation status of the educational facilities.

(6) The program head shall have the authority and responsibility to administer the program in compliance with established policies of the parent institution. The program head shall provide for:

(a) Developing and maintaining relationships within the parent institution and the community.

(b) Participating in the preparation of the budget and administering monies allocated to the program.

(c) Recruiting, selecting and recommending candidates for faculty appointment, retention and promotion.

(d) Creating an environment conducive to curriculum development and scholarly pursuit.

(e) Assigning and evaluating faculty responsibilities.

(f) Making available current administrative policies.

(g) Maintaining reports and minutes of program committees.

(h) Storing of all program records to provide for privacy, and to prevent loss, destruction or unauthorized use. (See R.N. 2.075)

(i) Arranging for written contractual agreements between the nursing program and the providers of clinical resources.

#### R.N. 2.063 Faculty and Faculty Organization

(1) Faculty Body: There shall be a faculty body adequate in numbers to provide a safe, effective faculty/student/client ratio not to exceed 10 students to one faculty member in a clinical setting and to implement the program in nursing in relation to its stated philosophy, purposes and objectives. The number and size of classes taught each year, and the number of community agencies, and their geographic locations shall be considered in determining the number of faculty.

(2) Qualifications:

(a) The program head and each nurse faculty member shall hold a current license to practice as a registered nurse in Louisiana and shall be appointed in conformance with state and federal laws on non-discrimination.

(b) The program head shall hold a minimum of baccalaureate and masters degrees in nursing, and preferably an earned doctorate, and shall have a minimum of three years experience in the areas of nursing education and three years in clinical practice, effective January 1, 1986.

(c) The nurse faculty shall hold baccalaureate and masters degrees in nursing, effective January 1, 1986.

(d) Nurse faculty shall have had a minimum of two years of nursing practice in a clinical setting prior to their appointment.

(e) Nurse faculty shall maintain current knowledge and skills in their areas of responsibility and provide documentation of same.

(f) Exceptions to the academic qualifications established by the Board shall be justified to and approved by the Board. Such exceptions, if approved by the Board, shall be limited to a maximum of one calendar year.

(3) Resignation rate of faculty shall not exceed one-third of the total budgeted nurse positions in a given year.

(4) Nurse faculty shall function under the same policies established for other faculty in the parent institution.

(5) Policies for nurse faculty shall include but not be limited to:

(a) Qualifications for the position.

(b) Contract or letter of appointment to delineate terms of appointment, functions and responsibilities of the position.

(c) Salary scale, promotion, retirement, vacation, sick leave, leave of absence for personal and professional growth and health care benefits.

(6) A written plan for performance evaluation of faculty shall be established and utilized on a continuing basis.

(7) A nurse faculty organization shall be established consistent with the parent institution and shall have clearly delineated by-laws.

(8) Faculty workloads shall allow time for class and laboratory preparation, teaching, program revision, improvement in teaching methods, guidance of students, participation in faculty organizations and committees, research and scholarly endeavors, attendance at professional meetings and participation in continuing education programs.

(9) Nurse faculty shall select, teach, guide and evaluate all learning experiences in the classroom and clinical facilities.

(10) Nurse faculty shall be physically present within the clinical facility during the learning experiences of students unless the students are observing only.

#### R.N. 2.064 Student Selection and Guidance

(1) Admission standards for entry into the nursing major shall be established and published.

(2) Qualified applicants shall be admitted without discrimination in regard to age, marital status, sex, race, or ethnic origin.

(3) Placement and advisement in the program, by examinations, previous education, or both, shall be consistent with the parent institution.

(4) Promotion, transfer, termination and graduation policies shall be established and published.

(5) Information on the approval and accreditation status of the program, policies on tuition rebates, health care and counseling services shall be in writing.

(6) Accurate information about the program shall be presented in recruitment and related activities.

(7) Students shall be appointed or elected to serve on program committees.

(8) Students' records shall be safe guarded and their confidentiality shall be maintained. (See R.N. 2.062 (h))

#### R.N. 2.065 Facilities, Resources and Services

(1) An identifiable physical facility for nursing shall be provided by the parent institution.

(2) Classrooms, conference rooms, multipurpose rooms, learning laboratories and library shall be provided.

(3) Offices for administrative personnel, faculty and secretarial staff shall be provided.

(4) Storage space for safeguarding student and faculty records, for equipment and instructional materials shall be provided to meet the needs of the program. (See R.N. 2.062 (h))

(5) A library shall be provided and

(a) Holdings shall be organized, maintained, accessible to



students and faculty and shall include current references, books and periodicals on nursing and related subjects as well as historical references.

(b) A qualified librarian and staff shall be provided.

(6) Secretarial and support services shall be provided to meet the needs of the program.

(7) Clinical facilities shall be available in sufficient numbers and variety to meet the needs of the program. (See R.N. 2.070)

#### R.N. 2.066 Curriculum

(1) The faculty shall review, revise and evaluate philosophy, purposes and objectives of the program periodically.

(2) The philosophy shall include but not be limited to a definitive statement of faculty's beliefs about nursing, man, health, society, teaching and learning.

(3) The philosophy, purpose and objectives shall be used by the faculty in planning, implementing and evaluating the total program.

(4) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective and psychomotor capabilities of the graduate.

(5) The curriculum shall include, but not be limited to, content from the physical, biological and behavioral sciences and nursing.

(6) Provision shall be made for developing skills in utilization of the nursing process essential to the effective nursing care of patients in a variety of settings.

(7) Course objectives and content shall reflect society's concern with the bioethical and legal parameters of health care and professional practice.

(8) The nursing courses shall provide for classroom and clinical laboratory instruction so that concepts taught in the classroom and clinical instruction shall be concurrent and shall be under the supervision of a faculty member of the nursing program.

Provision shall be made for learning experiences with patients having nursing care needs in all age groups and stages of illness; with adults and children receiving medical and surgical therapy; with those having mental illness; and with mothers and infants.

(9) Provision shall be made for the development of other knowledge and skills as deemed necessary by the faculty.

#### R.N. 2.067 Program Evaluation

(1) A systematic, ongoing, written plan for evaluation of the program shall be implemented. The evaluation shall include but not be limited to:

(a) Philosophy, purposes and objectives of the curriculum

(b) Teaching/learning experiences

(c) Expected competencies of the graduate

(d) Student's evaluations of courses

(e) Instructors' evaluations of students

(f) Performance of graduates on the National Council Licensure Examinations (NCLEX-RN)

(g) Follow up studies of the graduates

(h) Employment functioning of the graduates

(2) The nursing education program shall have a pass rate of 80 percent or greater achieved by the graduates of the program writing the licensing examination in Louisiana for the first time in any one calendar year, or this program shall be placed on conditional approval.

R.N. 2.068 Major Curriculum Change—Major curriculum changes shall be approved by the Board at a regularly scheduled meeting of the Board at least six months prior to the date of implementation. (See R.N. 2.02 (19), R.N. 2.066 and R.N. 2.074)

#### R.N. 2.069 Records and Reports

(1) The nursing education program shall develop a systematic plan for maintaining records.

(a) Student Records:

1) Student records shall include application, progression, evaluation and graduation forms and shall be kept on file for a minimum of one year after graduation or three years after termination from the program if they do not graduate.

2) Application, graduation forms and final transcript shall be kept on file permanently.

(b) Faculty Records: Faculty records shall include application for present position, official transcript(s) of baccalaureate, masters and other academic degrees, letter of appointment and performance evaluations.

(c) Other Records: Other records shall be kept on file and shall include:

1) Current program bulletin

2) Current budget and fiscal reports

3) Current contracts with cooperating agencies

4) Minutes of nurse faculty committee meetings

5) Graduates' performance on NCLEX-RN

6) Follow up studies of the graduates

7) Program self-evaluation studies.

(2) The nursing education program shall submit to the Board the following reports:

(a) Annual report on the form provided by the Board

(b) Interim reports on the form provided by the Board

(c) Self-study report on the form provided by the Board

(d) Other reports as deemed necessary by the Board

#### R.N. 2.070 Selection and Use of Clinical Facilities

(1) Hospitals used for clinical experiences shall be accredited by J.C.A.H. Other health care agencies shall be accredited or approved by a recognized accrediting or approving agency.

(2) Board approval shall be secured at least *three months* prior to the projected time students are to be assigned to the agency for clinical experience.

(3) Faculty shall plan for the student's learning experiences in cooperation with agency personnel.

(4) Contractual agreements between the program and the agency shall be in writing, shall state rights and responsibilities of each party, shall include a termination clause and shall be reviewed annually.

(5) The facility shall have:

(a) A written philosophy of patient/client care which gives direction to nursing care.

(b) Qualified registered nurses to insure the safe care of the patient and to serve as role models for students.

(c) A sufficient number of patients/clients to provide learning experiences to meet the objectives of the courses.

(d) An environment in which the student is recognized as a learner.

(e) Provide for nursing care to be given in accordance with this Board's legal standards for nursing care.

(f) Criteria for making patient assignments.

(g) Complete and current policy and procedure manuals available.

(h) Available evidence of nursing quality assurance programs.

(i) Clearly defined written personnel policies, including job descriptions for all categories of nursing personnel.

(j) A planned program for orientation, inservice, and continuing education programs for nursing personnel.

(k) A means of communication between faculty and agency administrative personnel and between faculties of all nursing education programs using the agency.

(l) Evidence that the agency's personnel understand their relationship to faculty and students and that the responsibility for coordination is specifically identified.



(m) Designated conference areas on, or in close proximity to, units utilized for students' clinical practice.

(6) The program head shall notify the Board in writing when a clinical agency being used for students' clinical practice loses J.C.A.H. or other accreditation or approval status.

#### R.N. 2.071 Procedure for Terminating a Program

(1) Voluntary Termination:

(a) The Board shall be notified when a decision has been made to close a program.

(b) All of the Board's standards shall be maintained until all students have transferred to another program or have graduated.

(c) All students shall have assistance with transfers to another program and a list of these students shall be submitted to the Board.

(d) The following records shall be retained:

- 1) Student's application to the program
- 2) Student's final transcript
- 3) Each curriculum plan offered
- 4) List of each graduating class and date of graduation.

(2) Involuntary Termination:

(a) The Board shall be notified of the arrangements for safe storage of the permanent records of the program and its students' records.

(b) The following records shall be retained:

- 1) Student's application to the program
- 2) Student's final transcript
- 3) Each curriculum plan offered
- 4) List of each graduating class and date of graduation.

#### R.N. 2.072 Procedure for Establishing a New Program

##### Step 1

(1) A parent institution wishing to establish a new program in nursing shall submit, at least one year in advance of anticipated date for admission of students, 12 copies of the following:

(a) A written notice of intent to establish a new program in nursing stating the purpose and type of program.

(b) Documented evidence of approval from the parent institution to award the appropriate degree or diploma and a copy of the current bulletin or catalog.

(c) A report of a feasibility study documenting a need for the program. The study shall include evidence of:

1) Nurse manpower studies which validate need for the program as it relates to total state resources and nursing education in the state, and the potential impact on other nursing education programs within a geographical area of 100 miles.

2) Availability of qualified nurse faculty and support faculty.

3) Adequate academic and clinical facilities to meet the needs of the program.

4) Adequate financial resources for planning, implementing and continuing the program.

5) Commitment of administration to support the program.

6) Community support.

7) A proposed time schedule for initiating and expanding the program.

8) An available pool of potential students.

(2) Representatives of the parent institution shall meet with the Board at a regularly scheduled Board meeting to review the Notice of Intent, the report of the feasibility study and any other information submitted. Based on its review the Board shall give written notification to the parent institution that:

(a) Supplementary information is needed, or that

(b) The Notice of Intent to establish a new program is sanctioned and the parent institution may continue with the plan to establish the program; or

(c) Public announcements of the opening of the proposed program and pre-admission of students shall not occur prior to the receipt of initial Board approval.

(d) The application is not sanctioned, the reasons thereof, and all planning must cease.

##### Step II

(1) If the parent institution is granted sanction by the Board to proceed with the development of the program a qualified program head shall be employed a minimum of 12 months prior to the admission of the first class of students.

(2) The program head shall have the authority and responsibility to develop:

(a) An organizational structure for the program

(b) An organizational chart

(c) A constitution and by-laws

(d) Administrative policies and procedures

(e) Policies for screening and recommending candidates for faculty appointments and for retention and promotion of faculty (See R.N. 2.063)

(f) A budget

(g) A plan for the use of clinical and cooperating agencies

(h) A sample contractual agreement with clinical and cooperating agencies

(i) A plan for the use of academic facilities and resources.

(3) The program head shall appoint a minimum of four full time nurse faculty whose background includes:

(a) Experience in curriculum design

(b) Previous teaching experience in a nursing education program of the same academic level as the proposed program

(c) Clinical nursing practice for a minimum of two years.

(4) Faculty shall be appointed at least six months prior to admission of students.

(5) The nurse faculty shall develop the proposed program and plan for its implementation. They shall write:

(a) Philosophy, purpose and objectives

(b) Curriculum plan

(c) Course objectives

(d) Course outlines

(e) Evaluation plan and methods

(f) Admission, progression and graduation criteria

(g) Policies for protecting students' rights, their safety and welfare, and for guidance and counseling.

(h) Plan for utilization of clinical facilities and cooperating agencies.

(6) Upon completion of this phase of the development of the proposed program, the program head may petition the Board for an initial survey visit.

##### Step III

(1) Initial approval may be requested after an on-site survey by a representative of the Board.

(2) After initial approval is granted students may be admitted to the program.

##### Step IV

Within the first academic year a representative of the Board shall conduct an on-site survey of the program.

##### Step V

Full approval may be requested following graduation of the first class of students, receipt of results of first RN licensing examination by the graduates, on-site survey and upon presentation of evidence that standards of the Board continue to be met.

#### R.N. 2.073 Procedure for Continuing Full Approval

(1) On-site surveys are made at the discretion of the Board or upon request of the program.

(2) An on-site survey of a nursing education program shall

be conducted by an authorized representative of the Board at least every five years.

(3) The program shall submit a self-study report to the Board at least 21 days prior to the scheduled five year on-site survey on a form provided by the Board.

(4) A written report of the on-site survey is sent to the administrative officer of the parent institution, to the program head and to all Board members.

(5) The program head is at liberty to submit corrections, comments or additional data in response to the report of the on-site survey and also to be present when the Board reviews and acts upon the report.

(6) Action on the approval status of the program is taken by the Board after an evaluation of:

(a) The on-site survey report, or

(b) The program's annual report, or

(c) Evidence that indicates the program fails to meet the standards and requirements.

(7) The Board shall provide for an evaluation and hearing to determine if a program has met or has failed to meet the standards and requirements and shall:

(a) Give written notice that the standards have been met and shall continue full approval or restore approval, or

(b) Give written notice of specified deficiency(ies) and shall place the program on conditional approval for a period of one year.

(c) If the deficiency(ies) cannot be corrected in 12 months the program shall file a plan for meeting the standard(s) and may petition the Board to continue the conditional approval status.

(d) Conditional approval status shall not be granted to a program for more than three consecutive one year periods.

(8) A program has the right at any time to present evidence to the Board that the deficiency(ies) has been corrected and may petition the Board to restore full approval to the program.

(9) No later than 12 months from the date the program was placed on conditional approval, the program shall submit a written report to the Board with evidence that standard(s) have been met, and may petition the Board to restore full approval.

(10) After three consecutive years on conditional approval a program shall not admit any students into the nursing program until the Board has determined that all standards have been met.

(11) The right to appeal the Board's decision is afforded any program in accordance with Louisiana Revised Statutes 37:918 C and the Louisiana Administrative Procedure Act, Section 965 Appeals.

R.N. 2.074 Procedure for Proposed Major Change in Curriculum

A nursing education program proposing a major curriculum change shall submit to the Board, six months prior to date of implementation, the following:

(1) Evidence that the parent institution has approved the curriculum change.

(2) Rationale for the proposed change.

(3) Philosophy, program objectives, course objectives and course outlines.

(4) Concise presentation of current and proposed curriculum.

(5) Time table for implementation of the change in curriculum.

(6) An explanation of the anticipated effect on currently enrolled students.

(7) Planned method for evaluating the results of the change.

R.N. 2.075 Procedure for Submitting Required Forms and Reports

(1) Annual Report: The nursing education program shall

submit 12 copies of an annual report, on a form provided by the Board, on the designated date, and it shall be accompanied by one copy of a current school catalog.

(2) Interim Reports:

(a) New Faculty: A faculty qualification form shall be submitted on a form provided by the Board at the time a new faculty member is employed.

(b) New Clinical Facility: When a nursing education program determines that a new clinical facility is needed for students' clinical practice areas, a request for approval shall be submitted to the Board on a form provided. Board approval shall be secured three months prior to the time students are assigned to the new facility.

(3) Self Study: A self study shall be submitted to the Board 21 days prior to the scheduled five year on-site survey of the program on a form provided by the Board.

R.N. 2.076 Requirements for Preceptorship

(1) Preceptor experiences for students shall only occur during the last two academic semesters of the program of studies.

(2) The total amount of instruction under the supervision of a preceptor shall be limited to a maximum of three calendar months, per student.

(3) Preceptors shall be selected according to written criteria jointly developed by faculty and nursing administration in the clinical facility.

(4) Orientation and guidance of preceptor by faculty shall be based on written plans.

(5) Evaluation of student participating in a preceptorship shall be jointly conducted by the faculty member and the preceptor.

(6) The educational program shall maintain a ratio of not more than 10 students to one faculty member for the preceptor experience.

(7) There shall be sufficient staff in the clinical facility to allow the preceptor adequate time to devote to the preceptee.

(8) The faculty member shall confer with each preceptee and preceptor at least once during each shift.

(9) A faculty member shall be available for preceptors at all times. (See R.N. 2.063 (10))

(10) The preceptor shall have at least two years of clinical practice in the area in which the preceptorship occurs.

(11) The preceptor shall have attained the educational preparation of the graduates of the program conducting the preceptorship experience.

(12) There shall be one preceptor for each preceptee.

Merlyn M. Maillian, R.N.

Executive Director

## RULE

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

Notice is hereby given by the Louisiana Board of Pharmacy, pursuant to Notice of Intent published on October 20, 1984 and under the authority of R.S. 37:1178 and R.S. 37:1224 and in accordance to R.S. 49:950 et. seq., that Regulation Section 22 is adopted as a rule. The final rule as follows supersedes all previously adopted versions.

Pharmacies and pharmacists are prohibited from using, directly or indirectly, any name, slogan, trademark, or advertisement in any form, including but not limited to radio, television, print media, or signs, that refers to prescription drug prices or pricing policies in a manner that is false, deceptive, or misleading.

Howard B. Bolton

Executive Director

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt a 4.2 percent increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (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 along with the new AFDC and GA Need Standards based on a 4.2 percent increase in the cost of living:

**Urban-Orleans, Jefferson, East Baton Rouge  
and St. Bernard**

Size of Household	Non-Urban		Urban-Orleans, Jefferson, East Baton Rouge and St. Bernard	
	Current Need Standard	Increased Need Standard	Current Need Standard	Increased Need Standard
1	\$ 192.00	\$ 200.00	\$ 209.00	\$ 217.00
2	358.00	373.00	400.00	416.00
3	507.00	528.00	556.00	579.00
4	632.00	658.00	684.00	712.00
5	752.00	783.00	808.00	841.00
6	863.00	899.00	920.00	958.00
7	976.00	1,016.00	1028.00	1,071.00
8	1084.00	1,129.00	1138.00	1,185.00
9	1187.00	1,236.00	1242.00	1,294.00
10	1293.00	1,347.00	1347.00	1,403.00
11	1406.00	1,465.00	1461.00	1,522.00
12	1522.00	1,585.00	1578.00	1,644.00
13	1645.00	1,714.00	1691.00	1,762.00
14	1765.00	1,839.00	1810.00	1,886.00
15	1887.00	1,966.00	1933.00	2,014.00
16	2007.00	2,091.00	2063.00	2,149.00
17	2130.00	2,219.00	2164.00	2,254.00
18	2251.00	2,345.00	2300.00	2,396.00

To determine the need standard amount for households exceeding 18 persons, the need standard amount for the number in excess of 18 shall be added to the need standard amount for 18 persons.

**GA NEED STANDARD**

Size of Household	Current	Increased
1	\$317.00	\$330.00
2	\$400.00	\$416.00

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

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall provide for imposition of civil penalties for provider fraud and misrepresentation and for agency review of suspected cases of violation of any state or federal statute or regulation governing the Medical Assistance Program.

Act 858 of the 1984 Regular Session of the Louisiana Legislature authorizes these changes.

**RULE**

A. Effective January 1, 1985, any health care provider determined by the Office of Family Security, pursuant to an Administrative Procedure Act adjudication hearing, to have wrongfully

and fraudulently received payment for furnishing any service or merchandise under the Medical Assistance Program by means of intentional fraud, an intentional false statement, or intentional concealment of a material fact, and any health care provider who has pled guilty or has been convicted of a violation of R.S. 14:70.1 shall, in addition to any other penalty provided by law, be liable for civil penalties of:

1. Payment of interest on the amount of the excess payments at the maximum rate of legal interest provided by Article 2924 of the Civil Code from the date upon which payment was made to the date upon which repayment is made to the state, and
2. Payment in the sum of \$2,000 for each fraudulent claim submitted for providing any service or merchandise.

B. Civil action may be brought to recover the penalties specified in Subsection A only after the agency adjudication or criminal conviction becomes final, and in no case shall civil action be brought more than one year after the date such agency adjudication or criminal conviction becomes final. If the judicial review of any agency adjudication is sought, a civil suit may be filed for recovery of any civil penalty provided herein during the pendency of such judicial review, and the reviewing court shall consolidate both actions and hear them concurrently. A criminal action need not be brought against the health care provider before civil liability attaches under this statute.

C. In cases where the Office of Family Security has any reason to believe that a health care provider has violated any state or federal statute or regulation governing the Medical Assistance Program, it shall conduct an investigation of such matter in com-

pliance with the terms and conditions of 42 CFR 455.10 through 42 CFR 455.22. If the preliminary investigation indicates that a possible violation may have occurred, the secretary of the Department of Health and Human Resources or his/her designee shall conduct a personal interview with such provider at which time the provider may present documentation in support of his or her position. Following such investigation, the department may refer such cases to other state or federal agencies for action if the department has reasonable cause to believe that a violation has occurred.

D. For purposes of this rule, "health care provider" shall mean any person, firm, corporation, partnership, or other legal entity furnishing a service or merchandise under the Medical Assistance Program.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

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

## RULE

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rules in the Aid to Families with Dependent Children (AFDC) Program. These rules will be effective October 1, 1984 as mandated by the Deficit Reduction Act of 1984 (P.L. 98-369) and published in the *Federal Register* of Monday, September 10, 1984, Vol. 49, No. 176, pages 35586-35606.

## RULES

### I. Gross Income Limitation

The gross income limitation shall be increased to 185 percent of the state's standard of need.

### II. Work Expense Deduction

The first \$75 of monthly earnings for full and part-time employment shall be disregarded.

### III. Extension of \$30 Disregard

The \$30 disregard shall be applied for the first 12 consecutive months in excess of the standard work expense (\$75) and dependent care disregards.

### IV. Extension of Medicaid/Work Transition Status

A work transition period which provides Medicaid coverage for 9 months to families who lose eligibility for AFDC because of the termination of the one-third disregard shall be established.

Families who have been terminated from AFDC prior to October 1, 1984, because of the loss of the \$30 plus one-third disregard also are eligible for the work transition status and Medicaid, but must disclose any private health insurance coverage at the time of application, must apply within six months from the date regulations become final, and must have been continuously eligible for AFDC if the \$30 and one-third disregard had been applied.

### V. Exclusion of Burial Plots, Funeral Agreements, and Certain Property From Resource Test

One burial plot and one funeral agreement per family member shall be exempt from the AFDC resource limitation. Real property which the family is making a good faith effort to sell also shall be exempt for 9 months, provided the family agrees to repay the AFDC benefits received during that time.

### VI. Monthly Reporting

The following characteristics have been revised or added to the list of characteristics which determine which AFDC and Ref-

ugee Resettlement Case households will be included in monthly reporting:

- (1) When stepparents income is budgeted
- (2) When income is deemed from parents to a minor unmarried mother.

Certifications in which deprivation is based on incapacity (AFDC only) shall be removed as a characteristic.

### VII. Treatment of Earned Income Tax Credit

Earned Income Tax Credit shall be counted as income only when actually received.

### VIII. Work and Training Requirements For Pregnant Women

Any woman beginning from the sixth month of pregnancy shall be exempt from the work registration requirement.

### IX. Recalculate Lump Sum Income In Certain Circumstances

The period of ineligibility based on lump sum income may be recalculated when one or more of the following applies:

(1) As a result of yearly increases in the Need Standard, action to adjust the period of ineligibility as a result of Need Standard increases is required only if the former recipient reapplies for assistance during the period of ineligibility.

(2) Life threatening circumstances arise prior to its expiration which require the assistance unit to expend all or part of the lump sum income in meeting the expenses related to such circumstances.

(3) The lump sum or a portion of the lump sum becomes unavailable as a result of circumstances beyond the client's control, such as verified loss or theft, or the person who received the lump sum leaves the home and makes the money unavailable to the remaining assistance unit.

### X. Overpayment Recoupment

Recovery of an overpayment will be waived when it can be reasonably assumed that the cost to collect the overpayment will exceed the amount owed. Nonfraud overpayments of less than \$35 to former recipients will automatically be waived.

### XI. Protective Payments

Protective payments may be made to a sanctioned individual who is not in compliance with work program or certain child support requirements.

Protective payments may be made to the sanctioned individual only if, after all reasonable efforts have been made, the OFS is unable to identify a suitable protective payee, and prolonging the search may prove detrimental to the child's well-being.

### XII. Eligibility Requirements For Aliens

An alien is ineligible for benefits, for three years from date of entry into the U.S., when an agency or organization has executed an affidavit of support as a sponsor for that alien's entry into the U.S., unless the OFS determines that the sponsoring agency or organization is no longer in existence, or that it does not have the financial ability to meet the alien's needs.

### XIII. Information With Respect To Fugitive Felons

OFS may disclose, to state and local law enforcement officers, the current address of any AFDC recipients who are fugitive felons if the law enforcement officer gives the agency the recipient's name and social security number and satisfactorily demonstrates that the recipient is a fugitive felon.

### XIV. Standard Filing Unit and Child Support Disregard

Parents and all minor siblings living with a dependent child who applies for or receives AFDC shall be included in the filing unit. SSI recipients, stepbrothers and stepsisters are excluded from this requirement. In addition, if a minor who is living in the same home as his/her parents applies for aid as the parent of a needy child, the income of the minor's parents will be counted as available to the filing unit (after applying the same disregards as are applied to the income of stepparents). In addition, the provision establishes a monthly disregard of \$50 of child support received by a family. This

disregard is applied both at eligibility determination and at benefit calculation.

#### XV. *Earned Income of Full-time Students*

For purposes of applying the gross income limitation, the earned income of an AFDC child who is a full-time student may be disregarded under the same limitations with respect to amounts and period of time (not to exceed six months) as are applied in the case of dependent children who participate in a program under the Job Training Partnership Act.

It is necessary to adopt this Notice of Intent to allow for timely implementation of the Deficit Reduction Act of 1984 (P.L. 98-369).

Emergency rulemaking was invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, *Louisiana Register* (Volume 10, Number 9).

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

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Food Stamp Program. The rule entitled "Standard Utility Allowance for the Food Stamp Program" which was published in the *Louisiana Register* of January 20, 1984, Volume 10, Number 1, Page 9 is hereby amended.

#### **RULE**

Effective October 1, 1984, the standard utility allowance in the Food Stamp Program shall be \$161.

Emergency rulemaking was invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984 *Louisiana Register* (Volume 10, Number 9).

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

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Title XIX Medical Assistance Program.

#### **RULE**

Effective January 1, 1985, the following rules concerning therapeutic leave days for residents of Intermediate Care Facilities for the Handicapped (ICFs/H) shall be rescinded:

1. Emergency Rule adopted June 1, 1984, as published in the *Louisiana Register* on June 20, 1984, Volume 10, Number 6, Page 451. This rule rescinded the following two rules:

(a) Rule adopted February 1, 1983, as published in the *Louisiana Register* on January 20, 1983, in Volume 9, Number 1, Page 14. This rule allotted a number of therapeutic leave days per facility to be reimbursable under Title XIX based on the number of certified recipients enrolled in the facility as of January 1, 1983. This number would have been recomputed annually based on a specified formula. This policy change was disapproved by the Health Care Financing Administration (HCFA) in a letter dated January 20, 1984.

(b) Rule adopted April 20, 1983, as published in the *Louisiana Register* on April 20, 1983, in Volume 9, Number 4, Page 214. This rule amended the first rule by imposing limits for the number of days reimbursable under Title XIX for certain types of absences which are exempt from consideration as therapeutic leave days.

The Medical Assistance Program simultaneously, with the rescission of the above rules, reinstated policy concerning therapeutic leave days as it existed prior to February 1, 1983. This policy is found in the Title XIX State Plan in Attachment 4.19C, Pages 1 and 2 and Attachment 4.19D, Pages 21 and 23.

2. Rule adopted February 1, 1983, as published in the *Louisiana Register* on January 20, 1983, in Volume 9, Number 1, Page 14. This rule allotted a number of therapeutic leave days per facility to be reimbursable under Title XIX based on the number of certified recipients enrolled in the facility as of January 1, 1983. This number would have been recomputed annually based on a specified formula. This change was disapproved by HCFA in a letter dated January 20, 1984.

3. Rule adopted April 20, 1983, as published in the *Louisiana Register* on April 20, 1983, in Volume 9, Number 4, Page 214. This rule amended the first rule by imposing limits for the number of days reimbursable under Title XIX for certain types of absences which are exempt from consideration as therapeutic leave days.

Effective January 1, 1985, the Medical Assistance Program hereby amends the policy regarding the number of therapeutic leave days which are reimbursable under Title XIX for residents of ICFs/H from the current limit of 25 days per recipient per calendar year to 45 days per recipient per fiscal year where permitted by the recipient's plan of care. For the fiscal year 1984-85, the 45-day limitation will begin on September 1, 1984. For subsequent fiscal years, the 45-day limitation will be recomputed each July 1.

Leave days for the following purposes shall be excluded from the annual 45-day limitation per recipient:

1. Special Olympics
2. Roadrunner sponsored events
3. Louisiana planned conferences
4. Trial discharge leaves—limited to 15 days per occurrence

The above exclusions shall be applicable to all Title XIX ICF/H recipients effective January 1, 1984. When absences for the above purposes exceed the limit, additional days may only be reimbursed under Title XIX if included in the total number of therapeutic leave days claimed for the ICF/H recipient within the recipient's allotment of leave days.

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

Emergency rulemaking has been invoked to implement this policy effective September 1, 1984. The Emergency Rule was published in the September 20, 1984, *Louisiana Register*, (Volume 10, Number 9).

The Emergency Rule was necessary to institute an equitable leave day policy which promotes the health and well-being of recipients in ICFs/H as dictated in each recipient's plan of care. The recent change in the number of leave days from 25 to 50 and back to 25 in June, 1984, has resulted in some recipients depleting their 25 days for 1984. This means that some recipients will not be able to visit their families for the two approaching major holidays. This is a significant problem because of the special needs of these recipients diagnosed as mentally retarded. They may be living some distance from their families and, therefore, need overnight visits during the approaching holidays. The policy had to be effective immediately to enable recipients with no leave days for 1984 to spend the Thanksgiving and Christmas holidays with their families.

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

## RULE

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

The Department of Health and Human Resources, Office of Family Security, is hereby amending the Title XIX State Plan to provide vendor payment when a recipient is absent from any long term care facility in order to be admitted to a psychiatric hospital. Current policy excluded vendor payment for this specific type of absence. This exclusion is being deleted from the State Plan, and the revised policy is as follows:

#### RULE

Effective January 1, 1985, the Title XIX State Plan, Attachment 4.19-D, page 23, paragraph D shall read as follows:  
D. *PAYMENT DURING A TEMPORARY ABSENCE OF THE RECIPIENT FROM THE FACILITY*

A temporary absence of a recipient from a long term care facility, including a tuberculosis or mental hospital, shall not interrupt the monthly payment to the facility provided:

- (1) the facility keeps a bed available for the recipient's return;
- (2) the absence is for:
  - (a) hospitalization for an acute condition and does not exceed 15 days per hospitalization, or
  - (b) a leave of absence, defined as a visit with relatives or friends and included in the individual plan of care, not to exceed 18 days per calendar year.

The period of absence shall be determined by counting as the first day of absence the day the recipient left the facility. Only a period of 24 hours or more shall be considered an absence. Likewise, a leave of absence for hospitalization or home visit is broken only if the recipient returns to the facility for 24 hours or longer.

Upon admission, a recipient must remain in the facility at least 24 hours for a claim to be made for payment for a day of service by the facility or for the recipient's bed to be reserved. For example, an individual admitted to a long term care facility in the morning and transferred to the hospital that afternoon would not be eligible for any payment for long term care facility services.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

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

## RULE

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Medical Assistance Program.

#### RULE

Effective January 1, 1985, recipients of Medical Assistance (Title XIX) shall, as a condition of eligibility, be required to assign the right to any medical support or third party resource(s) to the Department of Health and Human Resources for that portion of medical benefits paid by the Medical Assistance Program in their behalf or in behalf of those for whom they are legally responsible.

Emergency rulemaking has been invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, Louisiana Register (Volume 10, Number 9). This action was necessary to insure timely implementa-

tion as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

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

## RULE

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rules in the Title XIX Medical Assistance Program.

#### RULES

Effective January 1, 1985, the following policy will be adopted in the Medical Assistance Program.

I. The Medical Assistance Program shall enact Medicaid coverage for first-time pregnant women from medical verification of pregnancy. This group of eligibles must meet AFDC eligibility requirements. This group is currently covered only in the last trimester of pregnancy.

II. The Medical Assistance Program shall enact Medicaid coverage for pregnant women in two-parent families. Eligibility for Medicaid coverage begins from verification of pregnancy and when the principal breadwinner becomes unemployed or underemployed. This group of eligibles must meet AFDC income and resource requirements. The AFDC eligibility factors of deprivation, WIN/work registration and referral to Child Support Enforcement Services are not required.

AFDC-unemployed parent eligibility for Medicaid assistance requires that the principal wage earner be unemployed or underemployed (less than 100 hours per month) for a minimum of 30 days, have an earnings history, not be unemployed as a result of a strike, or not refuse a bona fide offer of employment within the 30-day period without good cause. AFDC-unemployed parent eligibility begins on the expiration of the 30-day waiting period, and only the pregnant woman qualifies for Medical Assistance benefits.

III. The Medical Assistance Program shall implement policy which deems eligible a child born to a woman eligible for and receiving Medicaid at the time of birth. The child's deemed eligibility is applicable for one year or as long as the woman remains eligible and the child remains a member of the household.

IV. The Medical Assistance Program shall implement policy to provide Medicaid coverage to children born on or after October 1, 1983, up to age five, if the family meets all AFDC eligibility criteria. Deprivation will not be an eligibility factor for this group, and children in two-parent families may be eligible under this provision.

V. The Medical Assistance Program shall implement Supplemental Security Income (SSI) resource policy for determining countable resources with regard to retroactive SSI and OASDI benefit payments. Social Security Administration and SSI retroactive payments shall not be considered as a resource for six months after the month in which the payment is received.

VI. AFDC recipients who become ineligible for a grant as a result (wholly or partly) of the collection or increased collection of child or spousal support, and who have received such aid in at least three of the six months immediately preceding the month in which such ineligibility begins, shall be deemed Medicaid eligible for an additional four calendar months beginning with the month in which such ineligibility began.

Emergency rulemaking has been invoked to implement this

policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, *Louisiana Register* (Volume 10, Number 9). This action was necessary to insure timely implementation as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

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

## RULE

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

The Department of Health and Human Resources, Office of Family Security, adopts the following policy in the Title XIX Medical Assistance Program.

#### RULE

Effective January 1, 1985, the following changes will be adopted in the Medical Transportation Program.

1. Title XIX recipients may choose the Title XIX certified transportation provider in their service area to provide medical transportation services for them. If the recipient does not make a choice, then the Office of Family Security will assign the least expensive transportation suitable to meet his/her needs. If there is no difference in cost and no choice of providers, recipients will be assigned on a rotating basis to available providers.

2. The Medical Assistance Program will no longer pay for the transport of an attendant for a Title XIX recipient. Transportation providers are expected to transport an attendant at no charge to the Program.

3. Providers shall complete an annual update form by January 1 of each year. The completion of the form will be a condition of participation in the Program.

4. All providers, except those who provide services for only one recipient, are required to have minimum liability insurance coverage of \$50,000 per person and \$125,000 per accident. A Certificate of Insurance will be filed with the State Office of Family Security. The certificate must indicate that the Office of Family Security, at Box 44065, Baton Rouge, LA 70804 will be notified immediately if the insurance policy is cancelled.

5. All drivers, except those who provide services for one individual must have:

- a. a Chauffeur's License
- b. completed an approved defensive driving course
- c. completed an approved basic first aid course

Each provider must provide a signed statement to the effect that all drivers meet the above requirements.

6. All vehicles except those providing services for one recipient must contain a basic first aid kit and fire extinguisher. Each provider must provide a signed statement that his vehicles are equipped with these items.

7. Vehicles designed to provide services for non ambulatory recipients must be equipped with:

- a. a wheelchair lift, manual or
- b. a wheelchair lift, hydraulic or
- c. a wheelchair ramp with toe cleats which must be 28" wide
- d. appropriate wheelchair restraints such as locks or wells

or tie downs.

e. Stretcher (optional) - non-ambulatory vehicles are not required to carry stretchers. However, if they carry one, the vehicle must have the appropriate locks or tie downs for the stretcher.

Each provider must provide a statement that his vehicles are equipped with these items if he intends to provide services for non-ambulatory patients.

8. Vehicles, except those that provide services for one recipient, will be inspected prior to Certification and annually to determine if they contain the required equipment.

#### 9. Definitions

a. A *non-ambulatory recipient* is considered to be any person who requires the use of a wheelchair to be transported to the vehicle and from the vehicle to the officer of the medical provider. This also includes recipients who require the use of a stretcher while being transported in a non-ambulance vehicle.

b. An *ambulatory recipient* is any individual who does not fit the description of a non-ambulatory recipient.

10. All transportation providers shall execute a Hold Harmless Agreement in favor of the state. A copy of this document must be made available to the State Office of Family Security and is a condition for participation in the Program.

#### 11. Complaint Procedure

a. Any person having knowledge that the quality of service provided by a transportation company is sub-standard and potentially detrimental to the welfare of the Title XIX recipient may make a complaint to the Office of Family Security orally or in writing.

b. When a complaint is received, the parish Office of Family Security will obtain as much factual information about the complaint as possible and forward the findings to State Office, Attention: SUR/S Unit, Medical Assistance Program.

c. Where grounds for investigation do exist, the complaint will be investigated within 30 days of its receipt and the parish office will receive a report of the results.

d. If the complaint is found to be valid, the State Office of Family Security will issue a plan for corrective action. If the situation presents a threat to the health and/or safety of Title XIX recipients being transported, the Office of Family Security may take immediate corrective action which may include suspension of the provider from the Program for an indefinite period of time.

e. Where violations continue to exist after corrective action has been taken, the provider may be terminated from the Program.

#### 12. Method of Payment

a. Payment for emergency medical transportation services is in the amount of the provider's rate for the service established by the Office of Family Security, minus the amount which any third party coverage would pay for that provider. Reimbursement for mileage is made for travel outside the provider's geographical base region. The Office of Family Security may, on a selective basis, require the ambulance provider to provide evidence of the appropriateness of the hospital to which the recipient was transported.

b. Payment for providers of non-emergency medical transportation services shall be at the provider's usual rate for such services as established by the Office of Family Security, minus the amount which any third party coverage would pay. In instances in which the provider has no usual rate for services, the reimbursement shall be based upon mileage traveled. The rate shall be the same rate as is paid state employees for the use of their personal vehicle for job-oriented activities.

13. Upon notification that a provider is in violation of any policy or standard applicable to the Medical Transportation Program, he will be given 30 days to provide proof of compliance or be terminated from the program. Providers will have the right to appeal any decision by OFS which adversely affects the provider.

As a result of a Federal Audit Target Area report that the non-emergency Medical Transportation Program received May, 1984, it was determined that the above listed changes would be in the best interest of the program. It has become apparent that



there is a need for standards to be applied to the program relating to vehicles and drivers. The OFS requires more flexibility to be able to respond to the need for rate adjustments to assure that expenditures do not exceed the amount budgeted for the Medical Transportation Program. The proposed changes will also make it less difficult for the agency to suspend, terminate or sanction a provider in the program, for the violation of any policy or standard applicable to the Program.

Emergency rulemaking is being invoked to implement this policy effective October 1, 1984. The Emergency Rule is being published simultaneously with the publication of this Notice of Intent.

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

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

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Medical Assistance Program.

#### **RULE**

Effective January 1, 1985, Attachment 4.19-D, page 29, first paragraph of the Title XIX State Plan shall be amended to read as follows:

Physician recertification is required every 30, 60 and 90 days after admission to the facility and every 60 days thereafter for recipients residing in Skilled Nursing Facilities (SNFs). Recipients residing in Intermediate Care Facilities (ICFs) shall be recertified 60 and 180 days after admission, at 12, 18, and 24 months after admission, and annually thereafter. A ten-day grace period will be allowed if it can be shown that the physician had good cause for missing the deadline.

Emergency rulemaking has been invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, Louisiana Register (Volume 10, Number 9). This action was necessary to insure timely implementation as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

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

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security adopts the following rule in the Title XIX Medical Assistance program:

#### **RULE**

The Title XIX State Plan, Attachment 4.19B, Item 2a (Outpatient Hospital Services), and Item 3 (Other Laboratory and x-ray services in a setting other than a hospital outpatient department or clinic), shall be amended to specify that payment for clinical diagnostic laboratory tests shall be the lower of billed charges

or the Medicare fee schedule amount for that service in accordance with Section 2303 of the Deficit Reduction Act of 1984 (Public Law 98-369). This limit also applies to physicians providing the specified laboratory services in their offices and to nonroutine ESRD lab services that are not included in the composite rate. For independent laboratories, physicians, and hospital laboratories acting as independent laboratories (i.e., furnishing tests to nonhospital patients), the fee schedule is set initially at 60 percent of prevailing charges; for hospital laboratories serving hospital outpatients, the initial level is 62 percent of prevailing charges.

All laboratory tests in codes 80002 through 89399 of the *Physician's Current Procedural Terminology Fourth Edition* (CPT-4), published in 1984, except those listed below are subject to the fee schedule.

#### **EXCLUDED CODES**

85095 – 85109  
85120  
88000 – 88139  
88141 – 88149  
88151 – 88154  
88156 – 88399

Additionally, Medicaid shall no longer pay coinsurance or deductible for laboratory tests subject to the fee schedule when Medicare assignment has been accepted, as Medicare reimburses these services at 100 percent of the fee schedule amount (or, if lower, the actual charge). Medicaid may pay coinsurance and deductible when Medicare assignment is not accepted, as Medicare reimburses these services at 80 percent of the fee schedule amount, subject to deductible and coinsurance.

Independent and hospital laboratories who furnish laboratory services may bill a nominal amount for the collection of a patient specimen. However, only one collection fee per patient encounter will be permitted.

Physicians may bill for laboratory services only when they personally perform or supervise the test. Hospital laboratories will no longer be reimbursed for outpatient or nonpatient laboratory services furnished under arrangements with independent laboratories or other hospitals, except where the hospital performed some of the tests. Where a hospital performs some of the tests and refers the specimen to another hospital or independent laboratory, either the hospital may bill for all tests or the hospital and the reference laboratory may each bill for the service they provide.

Emergency rulemaking has been invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, Louisiana Register (Volume 10, Number 9).

This action was necessary in order to ensure compliance with Section 2303 of the Deficit Reduction Act of 1984 which requires that payment of these services after October 1, 1984, must be in compliance with the fee schedule. Federal matching funds will not be available to the extent that the state paid more for a laboratory test than would be paid for such a test under the Medicare fee schedule.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

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

#### **RULE**

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

The Department of Health and Human Resources, Office



of Family Security, shall adopt the following rule in the Medical Assistance Program as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

#### RULE

Effective January 1, 1985, the maximum countable resource limit for an SSI-related Medicaid individual will be \$1,600.00. The maximum countable resource limit for an SSI-related Medicaid couple will be \$2,400.00.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

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

#### RULE

##### **Department of Health and Human Resources Office of Preventive and Public Health Services**

Effective December 20, 1984, the Department of Health and Human Resources, Office of Preventive and Public Health Services, Food and Drug Control Unit, in order to implement the provisions of LSA R.S. 40:601 et seq. is adopting this regulation to amend the Meat and Meat Products Regulations of the Louisiana Food, Drug and Cosmetic Regulations, dated September, 1968 (the "Red Book"). This regulation will provide for a definition and standard of identity for fish sausage and crayfish sausage and will allow for the use of fish and crayfish in the preparation thereof. §§3.0403 and 3.1903 of the Louisiana Food, Drug and Cosmetic Regulations are hereby amended as follows:

##### 3.0403 Product Definitions and Standards.

11(a) Fish sausage or crayfish sausage is the sausage product prepared from wholesome, edible fish or crayfish species, comprising not more than 50 percent beef or pork suet and not more than three percent added water. Edible fish species are any species of fish that are considered to be edible and non-toxic to humans by demonstrable, scientific facts or scientific opinion. With proper labeling declaration, optional ingredients permitted are monosodium glutamate, salt, sugar, seasonings, spices, ascorbic acid, sodium ascorbate, erythorbic acid and sodium erythorbate. Fish sausage or crayfish sausage may be colored with a coloring agent approved by the Department of Health and Human Resources/OPPHS, Food and Drug Control Unit specifically for that purpose.

(b) Fresh fish and crayfish received shall be inspected and adequately washed before processing. Only sound, wholesome fish and crayfish, free from adulteration and organoleptically detectable spoilage, shall be processed.

(c) The name of the product described in Paragraph (a) above shall be "fish sausage" or "crayfish sausage" and all fish sausage and crayfish sausage shall be labeled as such.

3.1903 Except as otherwise provided by this regulation, prepared sausage or sausage meat shall be made from meat or meat and meat by-products, fish or crayfish seasoned with condimental proportions of condimental substances. The term "sausage" shall be construed to include head cheese, liver pudding, blood pudding, fish sausage and crayfish sausage.

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

#### RULE

##### **Department of Health and Human Resources Office of Preventive and Public Health Services**

The Department of Health and Human Resources, Office

of Preventive and Public Health Services is adopting the following rule effective December 20, 1984, pursuant to LSA-R.S. 40:1299.80 et seq. as recommended by the Cancer and Lung Trust Fund Board.

LSA-R.S. 40:1299.80 et seq., provides for the establishment of "a statewide registry program for the purpose of gathering statistical data to aid in the assessment of the presence, extent, possible causes of specific cancers and other related aspects of cancer cases in Louisiana."

#### GENERAL RULE

##### I. DEFINITIONS

A. *Louisiana Tumor Registry/LTR*: The section in the Office of Preventive and Public Health Services of the Department of Health and Human Resources which administers a population-based statewide tumor registry.

B. *Regional Tumor Registry*: An organization which has contracted with LTR to provide centralized services to all hospitals in the region. Services to be provided by regional registries include but are not limited to: training of hospital personnel, coordination of data gathering, quality control and furnishing abstracts to LTR from all hospitals in a specified region.

C. *Hospital Tumor Registry*: A section in a hospital where one or more employees have been assigned by the hospital to abstract cancer data on all patients and to provide follow-up.

D. *Follow-up Information*: Information that is used to determine survival rates for various types of cancer. The information consists of the patient name, case number, vital status, and date of last contact with the patient.

##### II. PARTICIPATION

A. All hospitals and pathology laboratories shall participate in the tumor registry as required by R.S. 40:1299.84.

B. For the purpose of classifying data collection, the State of Louisiana shall be divided into eight regions. A copy of a State of Louisiana map designating these regions is attached as Appendix A.

C. The LTR may make contracts with regional registries in order to assure that all newly diagnosed cases of cancer in the region are included in the data collected and that the quality of cases abstracted in the region is acceptable.

D. Using a standardized report, abstractors shall collect data from the medical chart for each patient diagnosed with cancer or receiving treatment for cancer diagnosed within the last four months. The standardized report forms shall be provided by regional registries in a manner that is compatible with the LTR data processing system. Completed forms containing the minimum data set forth in Section G shall be returned to the regional registries by the hospitals.

E. Follow-up information shall be sent to LTR by regional registries and by hospital tumor registries.

F. Medical charts to be abstracted include both "reportable diagnoses" and "reportable by agreement."

1. The "reportable diagnoses" are cases that are diagnosed and reported as malignant in the reporting facilities. Any neoplasm which warrants a morphology code ending in a number of two or greater (according to the morphology section of the International Classification of Diseases for Oncology published in 1976 by the World Health Organization) is considered a reportable diagnosis. However, the only malignant non-melanoma skin cancers which are reportable are:

- a. Mycosis Fungoides
- b. Kaposi's Sarcoma
- c. Paget's Disease of the Nipple
- d. Sezary's Disease
- e. Skin of Penis, Scrotum
- f. Skin of Vulva, Vagina

- g. Skin of Anus
- h. Skin of Vermillion Border, Lip
- i. Dermatofibrosarcoma Protuberans

2. Certain diagnostic entities are considered malignant by some pathologists, benign by others, pre-cancerous by some and doubtful by still others. To insure uniformity, this rule (which is being promulgated in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., so as to have the force and effect of law) requires the reporting of the diagnoses listed below which are identified as benign, or have undetermined malignancy or are otherwise not considered malignant by the hospital or pathology laboratory.

- a. Neoplasm benign (Brain)
- b. Tumor, NOS (Bladder)
- c. Papilloma, NOS (Bladder), Papillomatosis, NOS (Bladder), Transitional Cell Papilloma (Bladder)
- d. Carcinoid Tumor, Benign (GI Tract not including appendix), Carcinoid Tumor, NOS (GI Tract not including appendix), Carcinoid Tumor, Argentaffinoma, NOS (GI Tract not including appendix)
- e. Bronchial Adenoma, benign, NOS (Lung), Bronchial Adenoma, Carcinoid type (Lung), Bronchial Adenoma, Cylindroid type (Lung)
- f. Mucoepidermoid Tumor (Any site)
- g. Choroid Plexus Papilloma (Brain)
- h. Granulosa cell tumor (Ovary), Granulosa cell-theca tumor (Ovary)
- i. Mixed Tumor, NOS (Salivary Gland), Chondroid Syringoma (Salivary Gland)
- j. Ameloblastoma (mandible)
- k. Ependymoma, NOS (Brain), Epithelial Ependymoma (Brain), Papillary Ependymoma (Brain), Myxopapillary Ependymoma (Brain)

- l. Meningioma, NOS (Cerebral and Spinal Meninges), Meningothelial Meningioma, Fibroblastic Meningioma, Psammomatous Meningioma, Angioblastic Meningioma, Hemangiopericytic Meningioma, Mixed Meningioma, Papillary Meningioma

- m. Craniopharyngioma
- n. Glioma, benign
- o. Pinealoma (endocrine)
- p. Myeloproliferative disease (Bone Marrow)
- q. Polycythemia rubra vera (Bone Marrow)
- r. Hydatidiform mole (Placental Membranes)

G. The standardized report of cancer shall include the following information as a minimum:

- a. Report Source
- b. Date of Admission
- c. Hospital Chart Number
- d. Patient's Name
- e. Date of Birth
- f. Sex
- g. Race
- h. Residence Status
- i. Address (street, parish, state)
- j. Zip Code
- k. Census tract
- l. Birthplace
- m. Age at Diagnosis
- n. Social Security Number
- o. Marital Status
- p. Usual Occupation
- q. Ethnic Background
- r. Smoking History
- s. Religion
- t. Class of Case: Analytic/Non-Analytic

- u. Date of First Diagnosis
- v. Primary Site
- w. Laterality
- x. Histology
- y. Behavior
- z. Grade
- aa. Diagnosis Confirmed
- bb. Diagnostic Procedures
- cc. Tumor Size
- dd. Nodes Examined
- ee. Nodes Positive
- ff. Site Metastasized
- gg. Extent of Disease
- hh. Date First Treatment
- ii. Description of First Course of Treatment
- jj. Family History
- kk. Sequence Number of Primaries
- ll. Vital Status
- mm. Date of Death
- nn. Cause of Death

H. Each hospital shall permit periodic quality control reviews of both the casefinding and abstracting processes by regional registry personnel. Regional registries shall also offer tumor registrar training for hospital personnel.

### III. CONFIDENTIALITY

The following procedures shall be implemented in order to protect the confidentiality of the patient, physician, and hospital.

A. Each employee of the Louisiana Tumor Registry and the regional registries must sign an "Agreement to Maintain Confidentiality of Data". Those agreements shall be kept on file in the respective offices.

B. Reports that are published or released to any researcher shall be in the form of statistical summary reports. LTR shall not identify any individual physician or patient in its reports. Information identifying individual hospitals shall be furnished only to that hospital.

C. In the event that an audit of the medical records of a hospital or regional registry is required, such an audit shall be done only by medical personnel approved by the Louisiana Cancer and Lung Trust Fund Board. An "Agreement to Maintain Confidentiality of Data" shall be signed by each auditor. Such agreements shall be filed at LTR and a copy shall be presented to the Hospital or Regional Registry whose medical records are to be audited.

D. For information requests requiring identifying information, LTR shall serve primarily as an intermediary between the requestor and the original data source. LTR shall transmit to the original data source the request being considered. If the source authorizes in writing the utilization of the registry information, the records shall be made available to the requestor, provided he signs the "Agreement to Maintain Confidentiality of Data".

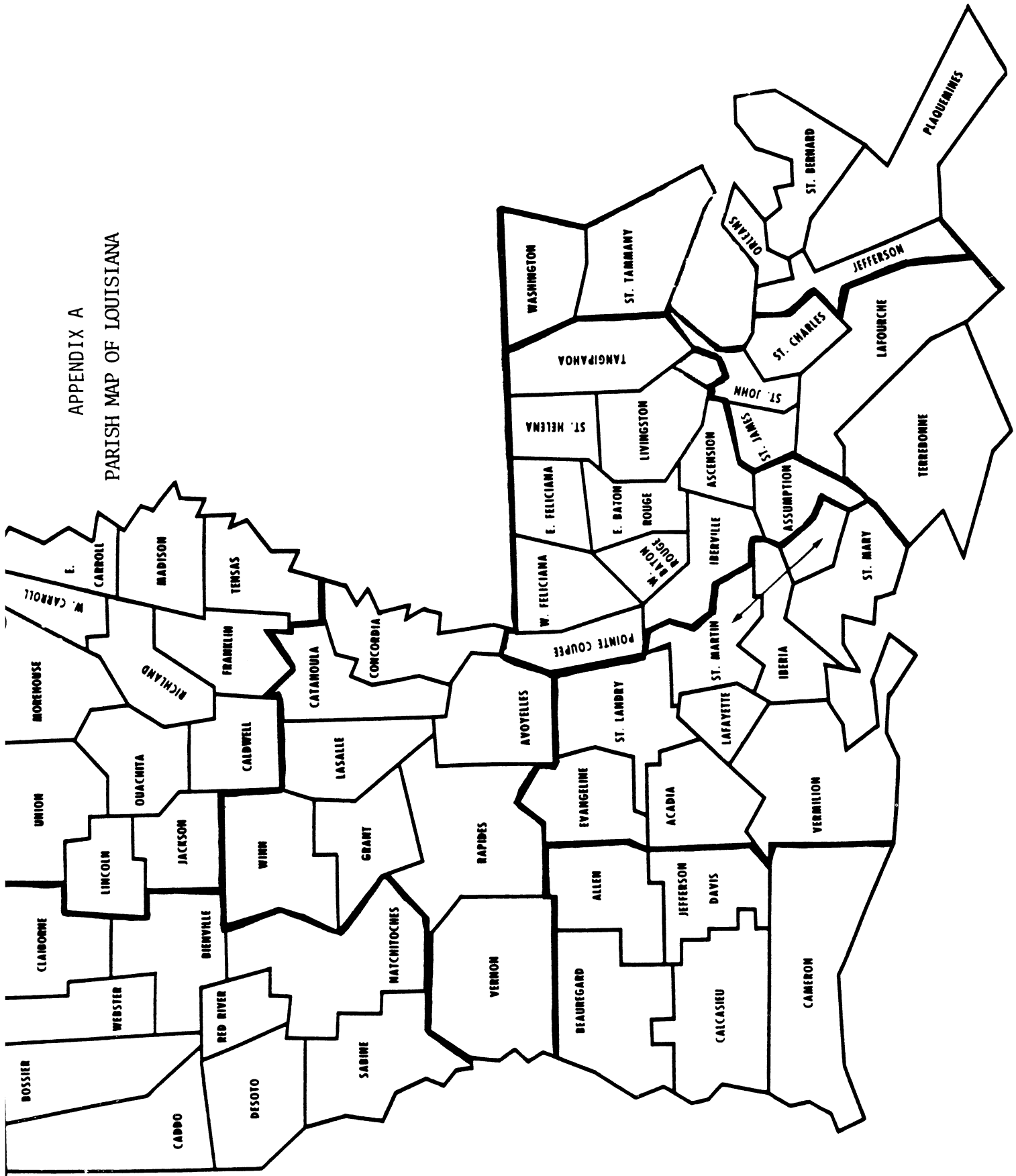
### IV. REPORTS

A. LTR shall serve as the data base to be utilized by the State Government and the scientific community in activities directed toward the improved understanding and control of cancer in Louisiana. LTR may provide information to qualified persons working towards these aims provided that the following regulations are honored:

1. Requests of information which do not include patient, physician, or hospital identifiers may be provided by LTR when it is determined that the existing data base contains the necessary information. Such requests will be received by the LTR administrator and processed following as much as possible the chronologic order of the requests.

2. The LTR administrator is authorized to issue the reports and may consult with the registry epidemiologist when necessary.

APPENDIX A  
 PARISH MAP OF LOUISIANA



3. The requests shall be answered in such a way as not to interfere with data collection and editing. Each request shall be evaluated on a cost benefit basis utilizing the following factors; computer time required, personnel hours required, and public health significance of the research request.

B. A detailed statistical report shall be prepared for the Office of Preventive and Public Health Services, the Louisiana Cancer and Lung Trust Fund Board, and each participating hospital and registry at the completion of each year's data collection cycle.

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

## **RULE**

### **Department of Natural Resources Office of Forestry and Department of Revenue and Taxation Tax Commission**

The Louisiana Forestry Commission and Tax Commission, as required by L.R.S. 56:1543, adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1985:

- |   |                     |
|---|---------------------|
| 1. Pine Sawtimber                       | \$188 per M bd. ft. |
| 2. All Hardwoods & Cypress<br>Sawtimber | 67 per M bd. ft.    |
| 3. Pine Pulpwood                        | 18 per Cord         |
| 4. Hardwood Pulpwood                    | 4 per Cord          |

Michael P. Mety, State Forester  
Office of Forestry

Jamar W. Adcock, Chairman  
Louisiana Tax Commission

## **RULE**

### **Department of Revenue and Taxation Excise Taxes Section**

Regulations for the administration and enforcement of the five percent tax on the sale at retail of alcoholic beverages.

Article 26:431. Imposition of Tax.

R.S. 26:431 imposes a tax on the sale at retail of alcoholic beverages, and beverages containing alcohol, in the amount of five percent of the retail price. This tax shall be in addition to all other taxes applicable to the manufacture and sale of alcoholic beverages. This tax does not replace any other tax currently being levied and collected.

The following terms have the respective meanings ascribed to them, except in those instances where the context indicates a different meaning:

(1) "Alcoholic beverages" - means any fluid or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent alcohol by volume, including malt, vinous, spiritous, alcoholic or intoxicating liquors, beer, porter, ale, stout fruit juices, cider, or wine.

(2) Class "A" Permit - Authorizes the retailer to sell alcoholic beverages for consumption on and/or off the licensed premises.

(3) Class "B" permit - Authorizes the retailer to sell alcoholic beverages in sealed containers prepared for transportation, for consumption off the licensed premises only.

(4) "Premises" or "premises to be licensed" - means the building, or that part of the building as defined in the application for the permit, in which alcoholic beverages and/or beverages

containing alcohol are sold, except when such beverages are regularly sold or served outside the building, in which cases the terms shall also include such outside area.

(5) "RAB" - This is the abbreviation used to represent the five percent tax on the sale at retail of alcoholic beverages and/or beverages containing alcohol imposed by R. S. 26:431.

(6) "Retail dealer" - means every person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells alcoholic beverages and/or beverages containing alcohol in any quantity to persons other than licensed wholesale dealers, licensed retail dealers, and persons who hold the Class "A" and/or Class "B" liquor and/or beer permits.

(7) "Retail price" - means, for computing the five percent RAB tax only, the total amount for which the alcoholic beverage and/or beverage containing alcohol is sold at retail, exclusive of the applicable sales tax. Sales tax is due in addition to the RAB tax and should be stated separately.

When a business establishment assesses a cover charge or other service charge that is a set fee charged at all times and stated separately, this charge is not subject to the RAB tax. However, if this charge is increased, with an accompanying reduction in the price of the alcoholic beverages and/or beverages containing alcohol, the net increase in the charge is considered as part of the "retail price" of the alcoholic beverage and/or beverage containing alcohol and is subject to the five percent RAB tax.

In the case where a retail dealer holding a Class "A" permit withdraws alcoholic beverages from his inventory for his personal consumption, the five percent RAB tax is due. The retail dealer shall include the cost of any alcoholic beverage withdrawn for personal consumption with the "Gross Sales of Alcoholic Beverages" as shown on Line 1 of the RAB tax return.

(8) "Secretary" - means the Secretary of the Department of Revenue and Taxation for Louisiana, or the Secretary's duly authorized agent.

(9) "Wholesale dealer" - means any person who sells alcoholic beverages to licensed wholesale dealers or licensed retail dealers exclusively, within the state or to any person for delivery beyond the borders of the state, and who conducts a bona fide wholesale business and maintains a warehouse or warehouses for the storage and warehousing of alcoholic beverages in the area where domiciled and licensed by the state, and conducts and maintains systematic and regular solicitations, distribution, deliveries, and sales of said beverages to licensed retail dealers located within the boundary of each parish and municipality in which the wholesale dealer makes any sale or delivery.  
Article 26:432. Collection of tax.

#### **A. General.**

The tax levied in R.S. 26:431 shall be collected from all persons holding only a Class "A" permit pursuant to the provisions of R. S. 26:71(A)(3)(a), R. S. 26:71.1, and R. S. 26:271. In the case where a person holds both a Class "A" and a Class "B" permit as provided for in R. S. 26:80.1 and R. S. 26:272.1, only those sales made pursuant to the Class "A" permit shall be subject to this tax.

In the case where a person holds both a Class "A" permit and a Class "B" permit for the same business location, he must submit a floor plan of his business to this Department designating which area is for Class "A" sales and which area is for Class "B" sales. The retail dealer is required to maintain separate records for his purchases and sales under each class of permit. Inventories must be kept separate and merchandise shall not be transferred from one inventory to the other. If separate records are not adequately maintained and if all of the provisions of the law and regulations pertaining to the holding of both Class "A" and Class "B" permits

are not followed, all sales will be considered Class "A" sales and subject to the five percent RAB tax.

All wholesale dealers are required to maintain separate records on the amount of sales made to businesses holding either Class "A" or Class "B" liquor and/or beer permits. In the case where a retail dealer has both classes of permits, sales made by the wholesaler to the retail dealer under each class of permit shall be invoiced separately. Failure of a wholesaler to comply with this provision shall subject the wholesaler to the same fines and penalties as outlined in Sub-section I of this Article.

#### B. Treatment of tax by retail dealer.

R. S. 26:432 places the burden for operation of the RAB tax system upon the retail dealer. If a retail dealer fails or refuses to collect the tax, he is liable for payment of the tax, and also subjects himself to a fine of \$100.

The retail dealer is required to add the tax to the selling price or charge. These regulations provide that the tax shall be a debt from the consumer to the retail dealer, recoverable at law in the same manner as any other debt. A retail dealer is specifically prohibited from advertising or representing to the public in any way, directly or indirectly, that he will absorb all or any part of the tax or that he will relieve the purchaser from the payment of all or any part of the tax. The retail dealer who violates this provision shall be fined not less than \$25 nor more than \$250. For second or subsequent offenses, the penalty is doubled. In support of this provision, the regulations require that the retail dealer must state and collect the RAB tax separately from the price paid by the purchaser for the alcoholic beverage and/or the beverage containing alcohol.

In cases where the total amount of Louisiana RAB taxes collected under this Chapter exceed that percentage applicable to the sale of alcoholic beverages and/or beverages containing alcohol, such excess must be remitted to the Secretary of the Department of Revenue and Taxation.

#### C. Returns and payment of tax.

All persons and retail dealers who are subject to the tax under this Chapter are required to file a tax return monthly, unless otherwise provided, and to remit the amount of tax due to the Secretary. Forms will be provided by the Secretary; and although the forms are usually mailed to each retail dealer, failure to receive same through the mail will not relieve the retail dealer of the necessity of filing and remitting the tax currently due.

After a retail dealer is properly registered for RAB tax purposes, an identifying RAB tax number is assigned to that dealer. This number should correspond with any other registration information and account number that the retail dealer currently has on file with this Department. If any of the registration information does not match, the retail dealer is required to notify the Department of Revenue and Taxation of any differences. The retail dealer must supply this Department with his correct account number(s), owner name, trade name, mailing address, and business location. Failure to supply this Department with the necessary information could subject the retail dealer to having his beer and/or liquor permit(s) revoked following a hearing by the ABC Board.

The assignment of a regular RAB tax number requires a retail dealer to file a timely return, and failure to do so will result in the sending of a computer-estimated proposed assessment. For months where the retail dealer has no taxable sales or amounts to report, the return should be marked "no sales or taxable amounts," signed by the retailer dealer, and filed with the Secretary.

Upon registration, all retail dealers are required to file monthly returns. After a retail dealer has operated for six months, the Secretary may grant the retail dealer permission to file on other than a monthly basis.

Monthly returns should be filed with the Secretary on or

before the twentieth day of the month in which the tax becomes due. Quarterly returns should be filed on or before the twentieth day of the first month of the next succeeding quarter. Irregular RAB tax returns should be filed on or before the twentieth day of the month in which the tax becomes due. The returns should be prepared in a manner that will enable the Secretary to ascertain the correctness of the tax computed to be due; accordingly, each line of the tax return must be completed and all amounts not taxable must be identified.

The retail dealer is compensated for accounting for and remitting the tax levied by this Chapter at the rate of one and one-half percent of the amount of tax accounted for, by deducting the amount from the total tax due and payable to the Secretary. Such compensation is allowable only when the return is filed correctly, and in no instance can the compensation be allowed if the return is delinquent.

The tax computed to be due by the retail dealer is payable at the time the return is filed, and failure to do so shall result in a ten-day demand assessment. Failure to file the returns on or before the due date will subject the retail dealer to delinquency charges, loss of vendor's compensation, and other charges as prescribed by law.

The Secretary, for good cause, may extend the time for making any returns required under the provisions of this Chapter, but such extension shall not exceed 30 days. Failure of the retail dealer to abide by the agreement and file returns and remittances as required will result in an immediate cancellation of the extension agreement by the Secretary.

For the purpose of collecting and remitting to the state the tax imposed by this Chapter, the dealer is hereby declared to be the agent of the state.

#### D. Reports from wholesalers.

Every wholesaler is required to file a report on a monthly basis with the Secretary, disclosing the total of Class "A" permit sales and Class "B" permit sales. These reports shall be filed by the twentieth day of the month following the month in which the sales were made. Failure to file said report subjects wholesaler to a fine of \$100. For second or subsequent offenses, the penalty is doubled.

#### E. Secretary's authority to determine the tax in certain cases.

R.S. 47:1541 imposes a direct burden and responsibility upon the Secretary of Revenue and Taxation to determine that the tax reported by any taxpayer is correct. R.S. 47:1562 provides in part that if a taxpayer fails to make and file any return or report required, or if the return or report made and filed does not correctly compute the liability of said taxpayer, the Secretary of Revenue and Taxation shall cause an audit, investigation, or examination to be made to determine the tax, penalty, and interest due, or shall determine the tax, penalty, and interest due by estimate or otherwise. Upon having made the audit, investigation, examination, or estimate, the Secretary of Revenue and Taxation is further directed by the statute to assess all taxes, penalties, and interest. The amount assessed is considered to be prima facie correct, with the burden on the retail dealer to prove contrary.

Under the provisions of R.S. 47:1605, if any taxpayer fails to file a return, or files a grossly incorrect return, or a false or fraudulent return, and the Secretary of Revenue and Taxation, in performance of this duty to ascertain the amount of tax due, makes an examination of books, records, or documents, or an audit thereof, or conducts a hearing, or subpoenas witnesses, then there may be added to the amount of tax found to be due a specific penalty, in addition any other penalty provided, in an amount to compensate for all costs incurred in making such examination or audit, or in holding hearings or subpoenaing and compensating wit-

nesses. The costs and penalties assessed will be collected in the same manner in which the tax is collected.

F. Termination or transfer of a business.

A special rule is provided for filing of returns and payment of any taxes due in the case of any retail dealer who sells his business or his stock of goods or who closes a business. Under continuing operation conditions, a retail dealer is required to file his return and pay the amount due by the twentieth day following the close of the taxable period covered by the return; however, if a retail dealer discontinues business, he is required to file a final return and to make payment within fifteen days after the date of selling or closing the business, instead of the twenty days allowed a continuing business.

In order to ensure that all taxes are paid by a discontinuing business, the successor, successors, or assigns, if there are any, must withhold sufficient of the purchase price to cover any taxes, penalties, and interest due and unpaid at the time of the purchase. These funds must be withheld by the purchaser until the former owner can produce a receipt from the Secretary of Revenue and Taxation showing that the taxes have been paid or a certificate from the Secretary stating that there are no taxes, interest, or penalties due. If the purchaser of the business or of the stocks of goods fails to withhold sufficient funds with which to pay any taxes, penalties, or interest found to be due, he shall be held personally liable for the payment of the amount due.

G. Retail dealers and wholesalers required to keep records.

Every person required to collect or remit the tax imposed under this Chapter shall keep a permanent record of all transactions and any other information concerning the collection and enforcement of this tax in sufficient detail to be of value in determining the correct tax liability under this Chapter. The records to be kept shall include all sales invoices, purchase orders, merchandise records, inventory records, credit memoranda, debit memoranda, bills of lading, shipping records, and all other records pertaining to any and all purchases, sales, or use of alcoholic beverages and/or beverages containing alcohol, whether or not the person believes them to be taxable under this Chapter. The dealers must also keep all summaries, recapitulations, totals, journal entries, ledger accounts, accounts receivable records, accounts payable records, statements, tax returns, and other documents, listing, summarizing, or pertaining to such sales, purchases, inventories, shipments, or other transactions dealing with alcoholic beverages and/or beverages containing alcohol.

Where such records are voluminous, they must be kept in chronological order, or in some other systematized order compatible with the taxpayer's regular bookkeeping system which will enable the Secretary to verify the accuracy of information contained in the tax returns.

Records kept on punch cards, magnetic tape, or other mechanical or electronic record-keeping devices are permissible, provided the taxpayer makes available all necessary codes and equipment to enable the Secretary to audit such records, or provides the Secretary with written transcripts of those parts of the records which the Secretary wishes to examine.

The books and records must contain complete information pertaining to both taxable and non-taxable items which are the subject of taxes imposed herein, and must be retained for a period of no less than three years from the end of the year in which the transaction took place. If a notice of assessment has been issued by the Secretary of Revenue and Taxation, the records for the period covered by the notice must be retained until such time as the issues involved in the assessment have been completely disposed of. Records required by this Section must be available at all times during the regular business hours of the day, for inspection by the Secretary of Revenue and Taxation or his duly authorized agents.

Any person who fails to keep the records required herein,

who refuses to make the records available for inspection by the Secretary of Revenue and Taxation, or who keeps records which are insufficient for use by the Secretary in determining the correct tax liability, makes himself liable for a fine of up to \$500.

H. Failure to pay tax; rule to cease business.

The failure to pay any tax when due as provided in the Alcoholic Beverage Tax Law and regulations pertaining thereto shall cause said tax, interest, penalty, and cost to become immediately delinquent. The Secretary of Revenue and Taxation has the authority to use summary process in any court of competent jurisdiction to require the dealer owing the tax to show cause why he should not be ordered to cease from further pursuit of his business. The rule to show cause shall be set for hearing at least two but not more than ten days, exclusive of holidays, after it is filed. It may be tried out of turn, in chambers, with preference and priority over all other proceedings. There is prima facie presumption that all alcoholic beverages and/or beverages containing alcohol held in this state by persons holding a Class "A" permit are subject to the RAB tax. If the rule is absolute, said retail dealer shall be prohibited from further pursuit of his business until such time as the delinquent tax, interest, penalties, and costs have been paid. Any violation shall be considered contempt of court and thereby punishable according to law.

I. General penalty.

Except where a different penalty is specifically provided herein, whoever violates any provisions of this part shall be subject to the penalty provided by R.S. 26:521. The penalty levied under R.S. 26:521 shall not be less than \$100 nor more than \$500 or imprisonment for not less than thirty days nor more than six months, or both, for the first offense. For any subsequent violation, the penalties are doubled.

Article 26:433. Exemptions; fairs and festivals.

The sale of alcoholic beverages at a fair or festival held annually for not more than four days and sponsored by a civic or religious nonprofit organization, shall be exempt from the five percent retail alcoholic beverages tax if the application for the exemption is approved by the Secretary of the Department of Revenue and Taxation. This application must be in writing and must be received and approved by the Secretary or his authorized representative prior to the holding of the fair or festival. There shall be no retroactive approvals.

Shirley McNamara  
Secretary

**RULE**

**Department of State  
Elections Integrity Commission**

In accordance with the Notice of Intent published in the September 1984 Register, the Louisiana Elections Integrity Commission with the Department of State announces the adoption of the following rules, effective December 20, 1984:

Rule 1. Purpose—The purpose of these rules is to implement the responsibilities of the Louisiana Elections Integrity Commission as set out in Part IV of Chapter 2 of Title 18 of the Louisiana Revised Statutes, as amended.

Rule 2. Powers and duties of the Commission—The powers and duties of the Commission are:

(1) To investigate any aspect of an election for governor, lieutenant governor, secretary of state, state treasurer, attorney general, commissioner of elections, commissioner of agriculture, commissioner of insurance, state superintendent of education, United States Senator, United States Congressman, public service commissioner, member of the state board of elementary and sec-

ondary education, and justice of the supreme court, other than alleged violations of the Campaign Finance Disclosure Act.

(2) To report annually, or at such other time as the Commission may deem appropriate, to the legislature any findings, observations, or recommendations concerning elections in this state which it determines, in the course of its investigations or otherwise, should be brought to the attention of the legislature.

(3) The Commission may intervene in any suit instituted by any other party to contest an election for the same cause or causes.

**Rule 3. Information and Recommendations Solicited**—All citizens are encouraged to submit information and recommendations to the Commission which may be of assistance to the Commission in its responsibility to maintain the integrity of the elections process and in making its reports and recommendations to the legislature. None of the formal requirements for filing a complaint, as set out in Rule 6, shall apply.

**Rule 4. Domicile and Mailing Address**—The Louisiana Elections Integrity Commission is domiciled at Baton Rouge, Louisiana. Its office address is 635 Main Street, Baton Rouge, Louisiana 70801. Its mailing address is Box 44321, Baton Rouge, Louisiana 70804.

**Rule 5. Filing Complaints with the Commission**—Any registered voter of this state may file a complaint with the Commission. The complaint must be in writing and must be sworn to by the complainant before a notary or other person authorized to administer oaths under Louisiana law.

The complaint must contain the following:

(1) The complainant's full name, home address and mailing address (if different), official title, office, occupation or profession and telephone number.

(2) An allegation of error, fraud, irregularity, or other unlawful activity in the conduct of an election for an office as listed in Rule 2.(1).

(3) A statement of the facts which form the basis of the complaint including the names and addresses, if known, of the persons involved, the dates of the occurrences, places where they occurred and the names and addresses, if known, of all witnesses who have information bearing on the complaint.

(4) A certificate from the registrar of voters showing that the complainant is a registered voter shall be attached to the complaint.

**Rule 6. Filing through United States Mail, Return Receipt Requested**—The complaint must be delivered to the Commission through the United States mail, registered or certified, return receipt requested, addressed to the chairman of the Louisiana Elections Integrity Commission, Box 44321, Baton Rouge, Louisiana 70804.

In order to expedite the complaint, in addition to mailing, a copy may be hand delivered to the executive director, or a member of the Commission staff, at its office in Baton Rouge. When hand delivered, the complaint shall contain a verification that the complaint has been deposited in the United States mail as required in this rule.

**Rule 7. Acknowledgment of Receipt of Complaint**—The Commission, through its chairman or designated representative, shall acknowledge the receipt of the complaint as soon as possible. The acknowledgment shall inform the complainant that the proceedings and actions of the Commission are confidential and that no information relative to the complaint can be disclosed except as provided in Rule 9 of these rules.

**Rule 8. Consideration of Complaints**—Upon the filing of a complaint, or if the Commission deems it appropriate, the Commission shall meet prior to or following an election for officers listed in Rule 2.(1) for the purpose of considering the complaints. Other

meetings may be called by the chairman or upon the request of three or more members.

**Rule 9. Confidentiality of Proceedings**—All proceedings in connection with any investigation by the Commission shall be conducted in closed session, and for that purpose, such proceedings shall be exempt from the provisions of the Public Meetings Law. All records pertaining to such proceedings shall be exempt from the provisions of the Public Records Law. They shall remain confidential and not be open for public inspection unless and until they are entered into the record of any court, except as specifically provided in R.S. 18:44(C). However, the records and findings of the Commission pertaining to any such proceedings shall be made available to the attorney general, to any district attorney having jurisdiction of the matter contained in such records or findings upon formal written request, or in response to the order of any court having jurisdiction of the matter contained in such records or findings.

**Rule 10. Conduct of Hearings**—The hearing shall not be conducted as an adversary proceeding. To that end, the Commission shall examine into any fact, ask any question, subpoena any witness, record or other evidence which it deems necessary to determine the facts. The Commission may be assisted in such examination by its designated attorney or staff member.

The strict rules of evidence applicable to adversary proceedings shall not be mandatory in the conduct of such hearings.

Any person appearing before the Commission shall have the right of counsel to protect his legal rights. No witness or his counsel shall be permitted to remain in the hearing room except for the purpose of giving testimony. All witnesses shall testify under oath administered by the chairman or other person designated for that purpose.

**Rule 11. Issuing Subpoenas**—Subpoenas shall be issued by the Commission through its chairman or designated representative. They may be served by United States mail, return receipt requested, or in person by an individual or officer designated by the Commission through its chairman. The subpoenas shall contain the following:

(1) Name of the person or persons to whom it is directed and the address of such persons, if known.

(2) When the production of records is required, the name or description of the documents or other items to be produced.

(3) The date, time and place of appearance and/or the filing of the documents or other matter subpoenaed.

(4) A declaration that the subpoena is issued in connection with a hearing or investigation being conducted by the Louisiana Elections Integrity Commission.

**Rule 12. Penalties**—Failure to comply with any order of the Commission, issued in accordance with or under authority hereof, refusal to testify, or any act of disrespect or of disorderly or contemptuous behavior before the Commission shall constitute contempt of the Commission, and the Commission shall have the power and authority to institute proceedings in any court of competent jurisdiction for the punishment thereof as provided by the constitution and laws. False swearing or perjury before the Commission shall in like manner be punished in accordance with the laws of this state.

**Rule 13. Assistance to Commission by other State Agencies**—Every officer, department, board or commission of the state or any of its political subdivisions shall provide assistance, including the use of facilities and investigatory personnel, upon the request of the Commission.

Nancy Michell  
Secretary to the Commission



# Notices of Intent

## NOTICE OF INTENT

### Department of State Civil Service

The State Civil Service Commission will hold a public hearing on January 9, 1985, to consider proposed changes in the Classification and Pay Plan.

THE HEARING WILL BE HELD AT 8:00 a.m. AND WILL BE HELD IN THE AUDITORIUM, ADMINISTRATION BUILDING, STATE POLICE TRAINING ACADEMY, 7901 INDEPENDENCE BOULEVARD, BATON ROUGE, LA.

The Commission will consider only the following proposals:

1. Exhibit A - Classes Given Interim Approval since the Pay Hearing on June 2, 1982.
2. Exhibit B - Abolished Classes
3. Exhibit C - Revisions in Class Concepts
4. Exhibit D - Revisions in Qualifications Requirements Only
5. Exhibit E - Adjustments of all Pay Ranges by Seven Percent (7%) with Recommended Implementation Date of September, 1, 1984.

Persons interested in making comments relative to these proposals may do so at the public hearing or in writing to the following address: Director, Department of State Civil Service, Box 44111, Baton Rouge, LA 70804

Herbert L. Sumrall  
Director

## NOTICE OF INTENT

### Department of Commerce Office of Commerce and Industry Division of Financial Programs Administration

The Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, advertises its intent to amend the rules of the Louisiana Enterprise Zone Program to implement legislative changes to R. S. 51:1781-1789, to provide clarification of filing requirements, and to require the creation of a minimum of five new permanent jobs rather than the previous two positions required.

#### RULE 1 Use of Louisiana Manufacturers and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or, in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

#### RULE 2 Endorsement Resolution

The request for such exemption must be accompanied by an endorsement resolution approved by the governing body of the

appropriate municipality, parish, port district, or industrial development board in whose jurisdiction the establishment is to be located.

#### RULE 3 Documentation of Location

The business must document its location within the boundaries of a particular Enterprise Zone.

#### RULE 4 Qualified Employees - Urban Zones

A business located in an urban Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

- (a) Are residents of the same or a contiguous Enterprise Zone as the location of the business; or
- (b) Were receiving some form of public assistance prior to employment; or
- (c) Were considered unemployable by traditional standards, or lacking in basic skills; or
- (d) Any combination of the above. Such certification must be updated annually if the business is to continue receiving the benefits of the Enterprise Zone Program.

#### RULE 5 Qualified Employees - Rural Zones

A business located in a rural Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

- (a) Are residents of the same parish as the location of the business; or
- (b) Were receiving some form of public assistance prior to employment; or
- (c) Were considered unemployable by traditional standards, or lacking in basic skills; or
- (d) Any combination of the above. Such certification must be updated annually in order for the business to continue receiving the benefits of the Enterprise Zone Program.

#### RULE 6 Branch Operations

Multi-location businesses will qualify provided that the branch located within an Enterprise Zone is treated as a separate entity for sales tax and income tax if a partnership or sole proprietorship. For a corporate multi-location business to qualify, the business location within the Enterprise Zone must be established as a separate operating division.

#### RULE 7 Arbitrary Termination of Employees

The Board will not accept an application from a business which has arbitrarily terminated employees and hired others in order to qualify for the benefits of this program.

#### RULE 8 Items Eligible for Sales/Use Tax Exemption

Only material used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise, and machinery and equipment used in that enterprise will be considered eligible for exemption of sales/use taxes.

#### RULE 9 Filing of Applications

The applicant shall submit an application on the required forms for the exemptions from taxes allowed under this act to the Office of Commerce and Industry together with the certifications required under Rules 4 and 5. The Office of Commerce and Industry shall verify the information given in the applications. Applications shall be submitted to the Office of Commerce and Industry prior to the beginning of construction and at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

The business applicant proposing a project with a construction period greater than two years must file a separate application for each construction phase. The business applicant must comply with Rule 18 requiring the creation of new permanent jobs on each application he files on the project.

#### RULE 10 Recommendations of the Secretaries of Commerce and Revenue and Taxation



The Office of Commerce and Industry shall forward the application with its recommendations to the secretary of Commerce and the secretary of Revenue and Taxation for their review. Within 30 days after the receipt of the application the secretaries of Commerce and Revenue and Taxation shall submit their recommendations (the secretary of Revenue and Taxation shall submit a LETTER OF NO OBJECTION in lieu of a letter of RECOMMENDATION) in writing to the assistant secretary for Commerce and Industry.

**RULE 11 Application Shall Be Presented to the Board of Commerce and Industry**

The Office of Commerce and Industry shall present an agenda of applications to the Board of Commerce and Industry with the written recommendations of the secretaries of Commerce and Revenue and Taxation and the endorsement resolutions outlined in Rule 2 and shall make recommendations to the Board based upon its findings.

**RULE 12 Board of Commerce and Industry Shall Enter Into Contract**

Upon approval of the application, the Board of Commerce and Industry shall enter into contract with the applicant for exemptions of the taxes allowed by R.S. 51:1781-1789. The contract shall be for five years. A copy of the contract shall be sent to the Department of Revenue and Taxation and the local taxing authority.

**RULE 13 Refund on Sales/Use Taxes**

The contract will not authorize the applicant to make tax-free purchases from vendors. The tax exemption for state sales and use taxes will be effected through issuance of tax refunds by the Department of Revenue and Taxation.

Refunds will be secured by the filing of affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

(1) A listing of purchases made during the month of movable property that is intended to be used on the Enterprise Zone project and the contract number of the project. The listing must include a brief description of each item, the vendor's name, date of the sale, sales price and the amount of four percent state sales tax paid. The items included in the listing must have been purchased by the owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.

(2) A certification that the materials included in the listing are reasonably expected to qualify upon completion of the project for the exemption under provision of the statute.

(3) A certification that the sales/use taxes have actually been paid on the items included in the listing.

The affidavit may be filed on official Department of Revenue and Taxation "Claim for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information on the application, a refund check will be issued for the amount of state sales/use taxes paid.

Local sales and use tax exemptions will be handled in the manner prescribed by the local taxing authority.

**RULE 14 Contractees Must File State Franchise and Income Tax Returns**

Contractees qualifying for the \$2,500 tax credit per new employee employed in the business located in the Enterprise Zone shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if no credit were due.

Each yearly return will have the contract number of the exemption, a certification attached showing the annual increase in employment as determined by the company's average annual

employment reported to the Office of Employment Security, and the unused credits from previous years. If total tax credits are less than the total taxes, remittance in the amount of the difference must be enclosed with the return.

Partnerships and sole proprietorships shall file the same returns as would be required if the exemption had not been granted. In addition, each return must include a profit and loss statement for the business located in the Enterprise Zone.

**RULE 15 Violations of Rules, Statutes, or Documents**

On the initiative of the Board of Commerce and Industry or whenever a written complaint of violation of the terms of tax exemption rules, the documents or the statute is received, the assistant secretary for the Office of Commerce and Industry shall cause to be made a full investigation on behalf of the Board, and shall have full authority for such investigation including, but not exclusively, authority to call for reports or pertinent records or other information from the contractors. If the investigation substantiates a violation, the assistant secretary may present the subject contract to the Board for formal cancellation. The contractee shall then remit any and all taxes that would have been imposed but for the issuance of a contract.

**RULE 16 Affidavits Certifying Eligibility Filed Annually**

On January 1 of each year, the contractee will file an affidavit with the Office of Commerce and Industry certifying that the business still qualifies under Rule 4 or 5. If the affidavit shows the company no longer qualifies under this rule, the Board of Commerce and Industry shall cancel the contract and no further exemptions will be granted. The Department of Commerce will notify the Department of Revenue and Taxation within 30 days after revocation of a contract.

**RULE 17 Benefits Accrued Prior to Application Submission**

From the first day of January 1983, the effective date for Sales and Use Tax exemptions shall be the date an application is received in the Office of Commerce and Industry.

**RULE 18 Job Creation Requirements**

For a business to qualify for the benefits of this Chapter, there must be an expansion in the capacity for new employees and/or a minimum of five new jobs must be created.

(1) A "new employee" shall be a person residing and domiciled in this state, hired by the taxpayer to fill a position for a job in this state which previously did not exist in the business enterprise during the taxable year for which the credit allowed by this Section is claimed. In no case shall the new employees allowed for purpose of the credit exceed the total increase in employment. A person shall be deemed to be so engaged if such person performs duties in connection with the operation of the business enterprise on:

- (a) a regular, full-time basis;
- (b) a part-time basis, provided such person is customarily performing such duties at least twenty hours per week for at least six months during the taxable year.

**RULE 19 Ineligibility of Business**

Businesses that move their facility from an *original* enterprise zone/enumeration district (identified prior to 18 July, 1982), into an *alternative* enterprise (designated after 18 July, 1982), for the sole purpose of receiving the benefits of this Chapter, will not be eligible to apply for these benefits.

**RULE 20 Multi-Tenant Operations**

In the case of a facility where there are more than one occupant/tenant, an owner applicant for the benefits of this Chapter must occupy a minimum of 33 percent of the total floor area of the building.

**RULE 21 Application/Alternative Designation Requests Review Process**

All applicants for benefits of this Chapter and requests for

the designation of alternative Enterprise Zones must submit their proposals to an area-wide review board/clearinghouse.

#### RULE 22 Alternative Designation of Enterprise Zones

The alternative designation of an enterprise zone will be on a one time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority will be limited a maximum of 10 percent of the total number of *originally* qualified enumeration districts to be exchanged. A local governing authority requesting the alternative designation of an enterprise zone must provide valid reasons for requesting an exchange. In order for an applicant to meet the requirements of Rule 4, those employees who live in an enumeration district/enterprise zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.

#### RULE 23 Appeals Procedure

Applicants who wish to appeal the action of the Board of Commerce and Industry must submit their appeals along with any necessary documentation to the Office of Commerce and Industry at least 30 days prior to the meeting of the Board of Commerce and Industry during which their appeal will be heard.

#### RULE 24 Income and Franchise Tax Requirements

In order for owners of a business to benefit from the Income and Corporate Franchise Tax benefits of this Chapter, they must be listed along with their estimated five year Income and Franchise Tax liability. This information will be held in the strictest confidence and will be used only to estimate the potential tax relief lost to the state.

#### RULE 25 Exclusion of Residential Developments

A business engaging in residential-type development (construction, selling or leasing of single-family/multi-family dwellings, apartment buildings, condominiums, townhouses, etc.) shall not be eligible for the benefits of this Chapter.

Copies of the proposed rules may be obtained by telephoning Robert Paul Adams, Director, Division of Financial Programs Administration, at 504/342-5398 or writing to Box 94185, Baton Rouge, LA 70804-9185. All interested parties may submit written comments relative to the rules through January 2, 1985.

Robert Paul Adams  
Director

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Enterprise Zone**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There should be no increase in costs to the state or to local governments.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Revenue collections for sales/use taxes, corporate franchise taxes and/or income taxes would decrease. However, if new jobs are created and filled by the unemployed, this would be offset by the decreased need for public assistance and the increase in buying power of the newly employed. Revenue collections may increase by granting a tax credit against corporate franchise/income tax instead of an exemption. Too, the present rules allow the renewal of contracts for urban projects for an additional five years. This rule change will limit the program benefits to five years.

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

Business applicants will receive tax exemptions/credits

in exchange for locating in an enterprise zone and creating new permanent jobs. Residents of enterprise zones will have new jobs.

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

There should be no impact on competition, but employment should be impacted positively as the creation of new permanent jobs is required in order to receive the enterprise zone program benefits.

Robert Paul Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Commerce Office of Commerce and Industry Division of Financial Programs Administration**

The Louisiana Board of Commerce and Industry advertises its intent to adopt the following amendments to the rules regarding Industrial Ad Valorem Tax Exemption under Article 7, Part 2, Section 21 (F) of the Louisiana Constitution of 1974. The proposed amendments are:

#### Rule 2. TIME LIMITS FOR FILING APPLICATIONS

(a) A written notification of intent to apply for tax exemption must be filed with the Office of Commerce and Industry on the prescribed form at least 90 days prior to the beginning of construction or installation of facilities.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed not later than three months before completion of the project or the beginning of operations, whichever occurs first.

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

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

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

#### Rule 3. MISCELLANEOUS CAPITAL ADDITIONS

Tax exemption applications on miscellaneous capital additions totaling less than \$3,000,000 may be filed in the following manner:

(a) (Capital additions totaling less than \$3,000,000 in one calendar year.)

Not later than March 31 of each year, application for tax exemption shall be filed on the prescribed form with the Office of Commerce and Industry, listing the nature, the date and the amount of the miscellaneous capital additions completed during the preceding calendar year, and deducting therefrom such replacements made, if any, at their original cost. Such amounts shall be clearly identifiable on the records of the manufacturer.

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

(b) (Capital additions reaching an accumulated total of \$3,000,000 during the calendar year.)

Application for tax exemption on the prescribed forms must be filed with the Office of Commerce and Industry whenever miscellaneous capital additions on which exemption is to be requested reach an accumulated amount of \$3,000,000.

**Rule 9. ASSESSED PROPERTY**

The Board of Commerce and Industry will not consider for tax exemption any manufacturing establishment, or addition thereto, once such establishment or addition has been in operation for a period of six months unless the assessor of the parish in which the establishment or addition is located certifies in writing that said establishment or addition is not on the tax rolls. If the establishment or addition is on the tax rolls the Board of Commerce and Industry will consider granting tax exemption if the assessor and the Louisiana Tax Commission both agree in writing to remove the establishment or addition from the tax rolls should the tax exemption be granted.

Under no circumstance will the Board of Commerce and Industry consider for tax exemption any manufacturing establishment or addition thereto once ad valorem taxes have been paid on said establishment or addition.

Copies of the proposed amendments may be obtained by telephoning Robert Paul Adams, Director, Division of Financial Programs Administration at 504/342-5398 or writing to Box 94185, Baton Rouge, LA 70804-9185. All interested parties may submit written comments relative to the rules through January 2, 1985.

Robert Paul Adams  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Industrial Ad Valorem  
Tax Exemption**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
It is difficult to measure the total cost impact on the Office of Commerce and Industry and to the State. There should be a savings of five to ten percent of the manhours spent of the program because of the rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None.

Robert Paul Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Office of Commerce and Industry  
Division of Financial Programs Administration**

The Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, advertises its intent to adopt new rules to implement the amendments to R.S. 47:4311-4319, the Restoration Tax Abatement Program, authorized by Act 783 of the 1984 Legislative session.

The proposed rules provide for a local governing authority review and approval before the Board of Commerce and Industry considers an application and restricts the exemption to existing commercial structures.

Rules of the Board of Commerce and Industry for Governing Article VII, Part II, Section 21(H) of the Louisiana Constitution and LA. R. S. 47:4311-4319

**Restoration Tax Abatement Program**

This is a limited exemption which allows the Board of Commerce and Industry with the approval of the governor and the local governing authority to enter into a contract granting to a property owner who expands, restores, improves, or develops an existing structure or structures in a downtown, historic, or economic development district established by a local governing authority or in accordance with law, the right for five years after completion of the work to pay ad valorem taxes based upon the assessed valuation of the property for the year prior to the commencement of the expansion, restoration, improvement or development.

**APPLICATION PROCESS**

Applications are filed with the Department of Commerce who assigns the application a number and determines that the application contains all the basic information required by the Department of Commerce and Board of Commerce and Industry.

The Department of Commerce then forwards the application to the appropriate local governing authority who then determines whether additional information is required, conducts a public hearing and notifies the Department of Commerce of its decision within 60 days of receipt of the application.

When the Department of Commerce receives the local governing authority decision, it reviews the application, determines if it meets the requirements of the statutes and rules and regulations of the program and makes a recommendation to the Board of Commerce and Industry.

If the Board of Commerce and Industry recommends approval of the project, it is forwarded to the governor for his recommendation. The governor has 30 days to notify the Board of Commerce and Industry and the Department of Commerce of his decision.

If the governor, Board of Commerce and Industry and local governing authority all recommend approval, the Department of Commerce will enter into a contract with the property owner for the limited exemption.

**Rule 1. TIME LIMITS FOR FILING APPLICATION**

Application to the Board of Commerce and Industry for the right for five years after completion of the work to pay ad valorem taxes based upon the assessed valuation of property for the year prior to the commencement of the expansion, restoration, improvement or development shall be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed not later than the two hundred seventieth day after start of construction. The Department of Commerce will forward the application to the local governing authority for review.

**Rule 2. SEPARATE APPLICATION MUST BE FILED FOR EACH STRUCTURE AND FOR EACH TWO YEAR CONSTRUCTION INCREMENT**

If the construction period is longer than two years, a separate application must be filed for each two year increment. A separate application must be filed for each structure being restored, renovated, improved or developed.

**Rule 3. PROJECT DOCUMENTATION**

The property owner must submit the following to the Department of Commerce as part of his application.

- (a) Proof of ownership of the structure;
- (b) Legal property description;
- (c) Copy of the tax invoice on the structure from the parish assessor for the year prior to commencement of the project; and
- (d) Copy of the certification or application for certification

if the structure is or is pending being designated as a certified historic structure.

**Rule 4. LOCAL GOVERNING AUTHORITIES MUST CERTIFY APPROVAL**

Approval of the exemption must be certified by each local governing authority.

Upon receipt of the application, the local governing authority shall notify each tax recipient body affected by the contract for a limited exemption and shall make available to each body the application and all supporting documents.

Before notifying the board of its approval or disapproval of the application, the local governing authority shall conduct a public hearing. Each affected tax recipient body shall be given written notice of the hearing at least 10 days prior to such hearing. After such hearing, the local governing authority shall determine whether to approve or disapprove the application.

The local governing authority shall, within 60 days after receipt of the application from the Department of Commerce, file with the department a statement of its decision to approve or disapprove the application, the reasons therefor, and any supporting documents.

**Rule 5. LOCAL GOVERNING AUTHORITIES MUST CERTIFY STRUCTURE IS LOCATED IN QUALIFYING AREA**

The parish or municipal governing authority shall certify that the property on which the expansion, restoration, improvement or development is being made is located within an established downtown, historic, or economic development district, whether established by a local governing authority or in accordance with law. This certification shall be submitted to the Department of Commerce with its decision to approve or disapprove.

**Rule 6. LOCAL GOVERNING AUTHORITY SHALL CERTIFY COMMERCIAL USAGE**

The local governing authority shall determine whether the applicant's land usage meets the definition of "commercial property" based on their zoning ordinance, land use plan, downtown or economic revitalization plan, or any other development code and shall certify that the property meets their criteria. This certification shall be submitted to the Department of Commerce along with their recommendation.

**Rule 7. ASSESSED PROPERTY**

The Board of Commerce and Industry will not consider for tax exemption any expansion, restoration, improvement or development project if substantial completion occurred prior to October 15, 1982.

Under no circumstances will the Board of Commerce and Industry consider an application for abatement on any project for expansion, restoration, improvement or development once ad valorem taxes have been paid on the basis of an assessed valuation which reflects the improvements made by the project.

**Rule 8. CERTIFIED HISTORIC STRUCTURE**

The expansion, restoration, improvement or development of a certified historic structure shall also be required to meet any requirements for eligibility for federal historic preservation tax incentives, including but not limited to P. L. 97-34 and P. L. 97-248. The property owner must submit a copy of the National Park Service document designating the expansion, restoration, improvement or development of the structure as a "certified rehabilitation." This document must be submitted to verify eligibility for the limited tax exemption of the Restoration Tax Abatement Program.

**Rule 9. EFFECTIVE DATE OF CONTRACT**

The owner of the existing structure or structures shall carefully document the beginning date of the effective use of the structure, and also document the date that construction is essentially complete. The contractee must file that information with the Office of Commerce and Industry on the prescribed Project Completion

Report within 30 days following the last day of the month after effective use of the structure has begun or construction is essentially completed, whichever occurs first. The Office of Commerce and Industry will indicate with a return of a copy of that report the effective date of the tax exemption contract, which shall be December 31 of the year in which effective use of the structure began or construction was essentially complete, whichever was sooner.

As the assessment date for Orleans Parish is August 1, the effective date of contract for a structure located in Orleans Parish shall be July 31 of the applicable year.

**Rule 10. AFFIDAVIT OF FINAL COST**

Within six months after construction has been completed, an affidavit of final cost showing complete cost of the exempted project shall be filed on the prescribed form.

**Rule 11. PROPERTY MUST BE REPORTED TO PARISH ASSESSOR AS REQUIRED BY LAW**

The property owner agrees to file annually with the assessor of the parish in which the structure is located any taxpayer's report required by law on forms furnished by the assessor in order that the exempted property may be separately listed on the assessment rolls. Notwithstanding the fact, taxes will be collected on the exempt property during the period of exemption at the assessed valuation of the property the year prior to the commencement of the expansion, restoration, improvement, or development of the property.

**Rule 12. CONTRACT CAN BE TRANSFERRED**

If the property for which the limited exemption has been granted is sold, the limited exemption may be transferred for the remainder of its terms to the new owner, provided such transfer is approved by the local governing authority, the governor and the Board.

**Rule 13. VIOLATION OF RULES OR DOCUMENTS**

On the Board's initiative or whenever a written complaint or violation of terms of the tax exemption rules or contract is received, the assistant secretary of the Office of Commerce and Industry shall cause to be made a full investigation on behalf of the Board, and he shall have full authority for such investigation including, but not exclusively, authority to call for reports or other pertinent records or other information from the contractee. If the investigation substantiates a violation, he may present the subject contract to the Board for formal cancellation.

Copies of the proposed rules may be obtained by telephoning Robert Paul Adams, Director, Division of Financial Programs Administration, at 504/342-5398 or writing to Box 94185, Baton Rouge, LA 70804-9185. All interested parties may submit written comments relative to the proposed rules through January 2, 1985.

Robert Paul Adams  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Restoration Tax Abatement Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation of the rule change will not affect the costs of this agency or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Since the taxes to be abated or frozen are ad valorem (local property taxes) and it is assumed that without the benefits of the program the improvement of property would not have taken place (and therefore, taxes would not have been

increased), there should be no fiscal impact on state or local revenues associated with this program.

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

Applicants for the benefits of this program will benefit from the tax freeze by not paying the higher property tax normally associated with property improvements for the five years of the contractual period. They will, however, begin paying a higher rate based on the reassessed valuation at the end of the five year period.

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

There should be no effect on competition and the impact on employment should be positive.

Robert Paul Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

**Division of Financial Programs Administration**

The Louisiana Board of Commerce and Industry advertises its intent to adopt the following amendments to its rules regarding the Sales and Use Tax Exemption on Energy Conservation property as authorized by R.S. 47:305.31. The proposed amendments are:

Rule 7. QUALIFYING PROJECTS

(a) No application will be considered for exemption by the Board of Commerce and Industry unless the total energy saved per year is projected to be greater than thirty billion BTU's under Rule 3(a) or the project will permit the use of an alternate substance as fuel or feedstock under Rule 3(b).

(b) The project must be completed and in operation within four years after the application is filed.

Rule 8. TIME LIMITS FOR FILING OF APPLICATIONS

(a) An application for exemption shall be filed with the Office of Commerce and Industry on the form prescribed at least 60 days prior to any purchases of materials, machinery or equipment for qualifying projects.

(b) After approval by the Board of Commerce and Industry, the effective date of the exemption shall be the date the application was received in the Office of Commerce and Industry.

(c) A cutoff date for processing applications to be considered for exemption is four weeks prior to the Board meeting.

Rule 9. ISSUANCE OF CERTIFICATE OF EXEMPTION

Approval by the Board of Commerce and Industry shall be part of the application. Upon approval of the application by the Board of Commerce and Industry, a notification shall be sent to the Department of Revenue and Taxation which shall issue a Certificate of Exemption to the applicant.

Rule 10. SALES TAX REFUND

The certificate of exemption will formally notify the applicant of the action of the Board of Commerce and Industry in approving the tax exemption on the specific project, but will not authorize the applicant to make tax-free purchases from vendors. The tax exemption will be effected through issuance of tax refunds by the Department of Revenue and Taxation.

Refunds will be secured by the filing of affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

(1) A listing of purchases, made during the month, of movable property that is intended to be used as "energy conservation property" in the approved project. The listing must include

a brief description of each item, the name of the vendor, date of the sale, sales price and the amount of four percent state sales tax paid. The items included in the listing must have been purchased by the owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.

(2) A certification that the materials included in the listing are reasonably expected to qualify upon completion of the project as "energy conservation", as the term is defined in the statute.

(3) A certification that the sales/use tax has actually been paid on the items included in the listing.

The affidavits may be filed on official Department of Revenue and Taxation "Claim for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information on the application, a refund check will be issued for the amount of state sales and use tax paid.

Inquiries concerning the proposed rule changes should be made to Robert Paul Adams, Director, Division of Financial Programs Administration, at 504/342-5398 or in writing to Box 94185, Baton Rouge, Louisiana 70804-9185. All interested parties may submit written comments relative to the proposed rules through January 2, 1985.

Robert Paul Adams  
Director

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

**Rule Title: Sales and Use Tax Exemption on  
Energy Conservation Property**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

These rules will have no effect on the functions of either the Department of Commerce and Industry or the Department of Revenue and Taxation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no anticipated revenue impact as a result of these rules.

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

The rules establishing a specific starting date for a project and requiring competition within four years may impact applicants which have planned very long term projects of energy conservation.

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

None.

Robert Paul Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Office of State Parks, Department of Culture, Recreation and Tourism, intends to adopt rules and regulations for the establishment and posting of boundaries for all agency property holdings including but not limited to State Parks, State Commemorative Areas, State Preservation Areas, State Preservation Sites, and special holdings authorized pursuant to R.S. 56:1684 and R.S. 56:1687(1), (2), and (3). This action is further authorized pursuant

to Act 157 of the 1984 Regular Session of the Louisiana Legislature.

### Proposed Rules and Regulations

The procedures and requirements described herein shall be used for the purpose of establishing the boundaries of the areas on which the enforcement authority of the Office of State Parks may be exercised pursuant to R.S. 56:1688(c). Notwithstanding any provisions of the law to the contrary, posting in accordance with such requirements shall be construed as being in compliance with the posting requirements of state law and local ordinances for the purpose of defining the crime of trespass and shall not constitute an affirmative defense to a charge of trespass in violation of such law or ordinances on lands under the jurisdiction and control of the Office of State Parks.

## SECTION 16. BOUNDARY DESIGNATION/PROPERTY POSTING

R 16.1 Effective January 1, 1985, all lands under the jurisdiction of the Office of State Parks shall be posted and for the purpose of defining trespass and to provide for the enforcement of rules and regulations of the Office of State Parks and laws of the State of Louisiana the following definitions are adopted:

R 16.1.1 "Posted Property" shall mean any real immovable property including but not limited to lands, water, marsh areas or other such property administered by the Office of State Parks for the purpose of delineating boundaries, limiting use and access, preventing unlawful trespass and providing for jurisdiction for the enforcement of agency law enforcement authority. Physical and visual markings and signs shall be designated herein which shall determine the method for establishing the limits of such "posted property."

R 16.1.2 "Developed Property" shall mean areas administered by the Office of State Parks which are operated in whole or part for public use and benefit.

R 16.1.3 "Undeveloped Property" shall mean areas administered by the Office of State Parks which are not operated for public use and benefit. Such areas are usually acquired for future use and development by the agency.

R 16.2 Criteria for posting and establishing boundaries.

R 16.2.1 Developed property shall be designated as posted property when the following conditions have been met:

The Office of State Parks shall place or cause to be placed and maintain signs along the boundaries of such property, which sign shall be written in the English language and shall contain the following wording: "POSTED," the characters of which shall be at least four inches in height; followed by the words: "Office of State Parks," the characters of which shall be at least one inch in height; followed by the words: "Do Not Enter Except At Public Access Points," the characters of which shall be at least one-half inch in height.

The color of such signs shall be yellow background overprinted in black characters.

The Office of State Parks shall place and maintain such signs along the boundary of all developed property at intervals of not more than one-eighth mile. Such signs shall face in a direction so as to be visible before entering upon State Parks property.

Such signs shall be placed on trees, posts or other supports at a distance of at least three feet above ground level and not more than 10 feet above ground level.

Public access points to developed areas shall be clearly identified with entrance signs or other obvious means of establishing public entry.

R 16.2.2 Undeveloped property shall be designated as posted property when the following conditions have been met:

The Office of State Parks shall place or cause to be placed and maintain signs along the boundaries of such property, which

sign shall be written in the English language and shall contain the following wording: "POSTED," the characters of which shall be at least four inches in height; followed by the words: "NO HUNTING, NO TRESPASSING, Office of State Parks," the characters of which shall be at least one inch in height.

The color of such signs shall be yellow background overprinted in black characters.

The Office of State Parks shall place and maintain such signs along the boundary of all undeveloped property at intervals of not more than one-eighth mile. Such signs shall face in a direction so as to be visible before entering upon State Parks property.

Such signs shall be placed on trees, posts or other supports at a distance of at least three feet above ground level and not more than 10 feet above ground level.

R 16.2.3 In areas such as marsh lands or where boundaries occur over water bodies, signs shall be placed at major points of ingress to the area.

### R 16.3 Penalties

R 16.3.1 Any person entering any such area as herein posted except at designated public access points or unless possessing written permits or permission from authorized agents of State Parks, shall be cited for criminal trespass violations and shall be subject to fines for each such violation of not less than \$15 nor more than \$250 (L.R.S. 56:1689).

R 16.3.2 Any person who removes, destroys or willfully damages any posted signs as herein described or relocates such signs from its original location shall be subject to fines for each such violation of not less than \$15 or more than \$250 (L.R.S. 56:1689).

Written comments may be addressed to Gerald F. Guindroz, Ph.D., Assistant Secretary, Office of State Parks, Department of Culture, Recreation and Tourism, Drawer 1111, Baton Rouge, LA 70821.

Noelle LeBlanc  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Posting State Properties, Policies and Procedures

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The estimated implementation cost would be approximately \$6,600. The \$6,600 will be the initial/one-time cost. This is the approximate cost of having 5,000 posting signs printed. Periodic reprinting would be required based on loss or damage to signs and property expansion; however, this amount will be minimal and will be absorbed in State Parks' annual budget, when necessary.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collection of state or local governmental units as a result of adoption of these rules being that these rules simply provide a uniform method of posting boundaries of state parks.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.



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

Adoption of these rules will have no effect on competition and employment.

Gerald F. Guidroz  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

1. The Board directed that talented be redefined as follows in the appropriate Bulletins (1508 and 1706): "Talented is possession of measurable abilities that give clear evidence of unique talent in visual or performing arts or both."

2. The Board changed the classification of exceptional children from "mentally retarded" to "mentally handicapped" in Bulletins 1508 and 1706.

3. The Board approved the following out-of-state tuition fees for students in vocational-technical schools:

**NON-RESIDENT FEES**

A) It shall be the policy of the Board of Elementary and Secondary Education that each state postsecondary vocational-technical school charge and collect from any non-resident student enrolling in a course of study a non-refundable registration fee and tuition.

B) A non-refundable registration fee of \$100 shall be collected from any non-resident student enrolling in a course of study. A tuition fee of \$100 per month shall be charged for a full time course of instruction, defined as six hours of course work per day or 30 hours per week of classroom study.

C) A tuition fee of \$50 per month shall be charged for part-time course of instruction, defined as fewer than six hours of course work per day or fewer than 30 hours per week of classroom study.

D) The state postsecondary vocational-technical school shall collect the tuition fees for each non-resident student, reported on a monthly basis on their school monthly report. It shall be the responsibility of each state postsecondary vocational-technical school to insure that the residency status of each enrolled student is properly documented.

Definition of non-resident student:

1. Any applicant 18 years of age or younger whose parent or guardian has not resided in Louisiana for the past 12 months.

2. Any applicant above 18 years of age who has not resided in Louisiana for the past 12 months.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

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

**Rule Title: Definition of Talented**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Estimated implementation cost to the Education Department (state general fund) is \$75. This cost is calculated on printing a notification page and inserting it in each Education

Department produced document which currently includes the definition of "talented." Revising and printing bulletins and forms will be completed during 1985-86 at no additional cost and will reflect the definition change. There will be no implementation costs to local education agencies.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The adoption of this rule would not effect revenue collections of state or local governmental units.

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

No other groups or agencies would be affected directly by this rule.

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

Adoption of this rule will not effect competition and employment.

Joseph F. Kyle  
Deputy Superintendent for  
Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

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

**Rule Title: Exceptional Children**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Estimated implementation cost to the Education Department (state general fund) is \$75.00. This cost is calculated on printing a notification page and inserting it in each Education Department produced document which currently includes the term "mentally retarded." Revising and printing bulletins and forms will be completed during 1985-86 at no additional cost and will reflect the terminology change.

The Education Department will encourage Local Education Agencies to print a similar notification page and insert it into their existing documents.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The adoption of this rule would not affect revenue collections of state or local governmental units.

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

No other groups of agencies would be affected directly by this rule.

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

Adoption of this rule will not affect competition and employment.

Joseph F. Kyle  
Deputy Superintendent for  
Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

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

**Rule Title: Non-Resident Fees**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no anticipated increase in cost to implement this proposed action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The state will collect approximately \$5,000 more in fees this fiscal year and approximately \$15,000 more in fees for fiscal year 1985-86.

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

Non-residents of Louisiana would be the only group affected. They would be required to show proof of residency and pay the appropriate fees.

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

There will be no effect on employment and little effect on competition. All of the proprietary schools charge more now that the state schools would charge if this action is approved.

James V. Soileau  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Solid and Hazardous Waste  
Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and particularly Sections 1061 D(1), 1136 A(1), and 1141, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary gives notice that rule-making procedures have been initiated to amend the Louisiana Hazardous Waste Regulations.

The proposed amendments will conform certain provisions of Chapter 20 of the Louisiana Hazardous Waste Regulations with the Louisiana Environmental Quality Act as amended by Act 97 of 1983 and Act 795 of 1984.

The primary purpose of the proposed amendments is to revise certain financial assurance documents for operation and closure of hazardous facilities by replacing references to the Department of Natural Resources with the Department of Environmental Quality, and to replace references to the assistant secretary, Office of Environmental Affairs with the secretary, Department of Environmental Quality. The rules require that financial assurance documents be submitted in the exact language set forth in the regulations. The current language of the provisions of Chapter 20 would result in the submission of legally unacceptable documents. The proposed revisions would make documents completed in accordance with the revised provisions legally acceptable.

A public hearing will be held at 10 a.m. on January 7, 1985, in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendment. Such comments should be submitted no later than January 7, 1985, to George Badge Eldredge, general counsel, Legal Division, Louisiana Department of Environmental Quality, Box 44066, Baton Rouge, LA 70804. The agency contact responsible for responding to inquiries concerning the proposed amendments is Mr. Eldredge, who may be contacted at the address above, or telephone (504) 342-1240. A copy of the proposed fee schedule may be obtained from the Legal Division at the address provided above.

Patricia L. Norton  
Secretary

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

**Rule Title: Hazardous Waste Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is anticipated that this rule change may have the effect of decreasing some administrative costs to the Department in that the number of documents from a particular regulated person would be minimized. Currently, documents submitted in accordance with the regulations must be reviewed and then returned to the company for revisions to make the documents legally acceptable. Once revised, they are returned to the Department where they must again be reviewed. The change in the regulations would insure that only one review would be necessary when the documents are submitted in accordance with the regulations. However, actual cost savings are impossible to determine since there is no way to determine the actual number of submissions which may be submitted entirely in compliance with the regulations as currently written.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

If this rule change is adopted, it is estimated that there would be no effect on revenue collections of state or governmental units.

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

Adoption of the proposed amendments may have some effect in reducing certain processing costs of the regulated community relating to financial assurance documents for operation and closure of hazardous waste facilities. This reduction would be due to a lower cost in processing such documentation since documents submitted in accordance with the rule as revised would be acceptable to the Department without further action of the regulated persons; however, it is difficult to determine the amount of cost reductions to affected persons or nongovernmental groups.

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

There is no anticipated effect on competition and employment. The requirement to submit such financial assurance documentation is not being changed, but rather, the rules are being changed to insure the documentation submitted will be legally acceptable.

George B. Eldredge  
General Counsel

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 implement the following policy as mandated by Act 259 of the 1984 Regular Session of the Louisiana Legislature.

**PROPOSED RULE**

Effective March 1, 1985, the Title XIX State Plan, Attachment 3.1-A, Item 12a, pages 1, and Attachment 4.19-B, Item 12a, pages 2, 4, and 5 will be amended to reflect that vendor payment will be made to pharmacies for prescriptions by dentists for drugs covered by the program for eligible recipients.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX pol-



icy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on January 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

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

#### **Rule Title: Enrolled dentists to be reimbursed for prescription drugs for Title XIX recipients**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Minimal implementation costs are anticipated based on the assumption that there will be no significant increase in utilization. No additional recipients will become eligible and no additional medications will be provided by this legislation as these prescriptions are currently issued by physicians when recipients are not EPSDT eligible.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

There will be no effect on revenue collections.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups

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

There will be no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, hereafter referred to as the agency, proposes to make available to persons who are eligible for Medicaid benefits under Title XIX, inpatient hospital services, outpatient hospital services, and all other services incident to professional treatment provided by a licensed dentist when the treatment and service is otherwise authorized and included in the Title XIX State Plan for medical and dental assistance when provided by a physician or any other licensed practitioner of the healing arts, provided that the dental health care shall be within the scope of dental professional practice as defined by R.S. 37:751 *et seq.*

This change is mandated by Act 259 of the 1984 session of the Louisiana Legislature.

### **PROPOSED RULE**

Effective March 1, 1985, the following sections of Title XIX State Plan will be amended:

(1) Attachment 4.19-B, Item 6, page will include a 6d as follows:

#### *Dental Services*

##### **I. Methods of Payment**

Dentists will be reimbursed under the same methodology used to reimburse physician providers.

##### **II. Standards for Payment**

A. Reimbursement is limited to dentists who are licensed by the state and who engage in the practice of their profession in accordance with all rules and regulations set forth by the Louisiana State Board of Dental Examiners.

B. To be reimbursed for services, a provider must have on file with the Office of Family Security, a valid provider enrollment form.

C. Reimbursement will be limited to those services involving diseases or conditions involving the head and neck commonly accepted as being within the scope of the practitioners' training and expertise.

D. Providers of services must submit a properly executed claim form for each individual recipient treated.

E. The claim form must be signed and dated by the provider as certification that all billed services have been completed as of that date.

(2) Attachment 3.1-A, Item 6, will include a new page 2, Item 6d, as follows:

#### *Dental Services*

The Office of Family Security makes payment to dentists for their services under the following conditions:

1) Reimbursement is limited to dentists who are licensed by the state and who engage in the practice of their profession in accordance with all rules and regulations set forth by the Louisiana State Board of Dental Examiners.

2) Reimbursement will be limited to those services involving diseases or conditions involving the head and neck commonly accepted as being within the scope of the practitioners' training and expertise.

(3) Attachment 3.1-A, Page 2, will be amended to show that the services of dentists will be reimbursed under Title XIX, with limitations. Said services shall include inpatient hospital services, outpatient hospital services, and all other services incident to professional treatment provided by a licensed dentist when the treatment and service is otherwise authorized and included in the Title XIX State Plan for medical and dental assistance when provided by a physician or any other licensed practitioner.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on January 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

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

**Rule Title: Enrolled oral surgeons to be  
reimbursed for certain select services**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

According to the Office of Family Security, the intent of this rule is to limit Title XIX reimbursement to certain procedures which are normally performed only by oral surgeons except in those instances where an oral surgeon is unavailable. Since these procedures are currently reimbursed when provided by physicians, OFS estimates there will be no additional fiscal impact because the rule will allow licensed dentists to perform these same procedures but will not cause any increase in the number or type of procedures performed. OFS has further indicated that services for recipients over age 21 in connection with the treatment, filling, extraction or replacement of teeth, root canal therapy and surgery for impacted teeth will continue to be non-reimbursable.

However, if the language in this rule allows reimbursement for the above listed services which are routinely performed by any licensed dentist, the fiscal impact could be very significant. The number of Title XIX eligibles who would be in need of routine dental care, the frequency at which such services would be provided and the cost per service cannot be determined at this time.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

On the assumption that there will be no additional services provided and no increased utilization of existing services, the amount of federal Title XIX revenue will not be affected.

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

On the assumption that there will be no additional services provided and no increased utilization of existing services, there will be no costs or economic benefits associated with this change.

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

Since no additional recipients will become eligible and no additional services provided, the only effect on competition would be a possible dilution of those physicians' practices who deal with disease and conditions of the head and neck.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to increase the allowable monthly income limit for Long Term Care and Home and Community Based services applicants/recipients.

**PROPOSED RULE**

Effective March 1, 1985, the maximum allowable monthly income limit (CAP) rate for Long Term Care and Home and Community Based services eligibility for an individual will be increased from \$942 to \$975. For a couple occupying the same room in a long term care facility, the double rate of \$1,950 will apply.

Implementation of this proposed rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the

provisions of this proposed rule and current policy will remain in effect.

Emergency rulemaking has been invoked to implement this policy effective January 1, 1985. The Emergency Rule was published in the December 20, 1984, *Louisiana Register* (Volume 10, Number 12). This action was necessary to remain in compliance with Federal Regulation 42 CFR 435.1005, which sets the maximum income limit, before deductions, at 300 percent of the Supplemental Security Income (SSI) payment. The monthly SSI payment will be increased by \$11 to \$325 on January 1, 1985, in accordance with a notice in the *Federal Register*, (Volume 49, Number 212, page 43775,) published October 31, 1984.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on January 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LTC and HCBS Cap Rate**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Costs to implement this rule are estimated as follows: \$1,731 for 1984-85, including \$628 state and \$1,103 federal; \$6,057 for 1985-86, including \$2,182 state and \$3,875 federal; and \$9,519 for 1986-87, including \$3,445 state and \$6,074 federal. These estimates assume four additional persons will become eligible for services as of the effective date of the emergency rule (January 1, 1985) and two additional persons will become eligible each six months thereafter.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

The effect of this rule on federal Title XIX revenues is estimated to be an increase of \$1,103 in 1984-85, \$3,875 in 1985-86 and \$6,074 in 1986-87.

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

The Long Term Care or Home and Community Based Services applicant/recipient with income below the proposed maximum allowable monthly income limit would be financially eligible for Long Term Care or Home and Community Based Services.

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

No effect on competition and employment is anticipated as a result of this proposed rule change.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement the following rule in the Title XIX Medical Assistance Program.

#### PROPOSED RULE

Effective March 1, 1985, the Title XIX State Plan, Attachment 4.19-D, Page 122 will be amended to read as follows:

##### 1. General

All providers who elect to participate in the Title XIX Program shall be subject to audit. A sufficient representative sample of each type of long term care provider will be audited each year to insure the fiscal integrity of the Louisiana Title XIX Program.

Auditing of long term care providers is a contracted service and the contractor will be responsible for developing a method for selecting the providers to be audited. State approval of the selection criteria and the providers selected are required. The state reserves the right to designate specific homes to be audited.

The audits will be full scope, on-site audits conducted in accordance with generally accepted auditing standards. Audits will generally follow procedures outlined in the attached Audit Program. The purpose of the audit is to verify that only allowable costs have been included in the cost report and that these costs have been allocated properly to reflect program expenditures.

At the conclusion of the audit, the auditor will submit to the state agency an audit report of his findings. The audit report will contain the auditor's opinion as to whether, in all material respects, the cost report complies with all applicable state and federal regulations.

The provider will be furnished a copy of the finalized audit report and will be allowed an opportunity to question any adjustments with which he does not agree.

The agency is responsible for reporting any audit findings which result in overpayments on HCFA-64 no later than the second quarter following the quarter in which the final overpayment was determined.

The state agency shall maintain for a period of five years a provider file which will include a copy of the cost report and for the years audited, a copy of the audit report.

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

Emergency rulemaking has been invoked to implement this policy effective November 9, 1984. The Emergency Rule was published in the December 20, 1984, *Louisiana Register* (Volume 10, Number 12). This action was necessary to avoid federal sanctions.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on January 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LTC Audits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no cost/benefits to affected groups or persons.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition or employment.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Office of Preventive and Public Health Services

Effective February 20, 1985, the Department of Health and Human Resources, Office of Preventive and Public Health Services, Food and Drug Control Unit, in order to implement the provisions of LSA R.S. 40:601 et seq. proposes to adopt this regulation to amend the Food Regulations of the Louisiana Food, Drug and Cosmetic Regulations, dated September, 1968 (the "Red Book"). This regulation will provide for a definition for bottled water and shall exclude sparkling water or any soda water product. Sparkling water, or any soda water product labels, must still be approved in accordance with general regulations for the registration of food products pursuant to LSA R.S. 40:627. §§2.110 of the Louisiana Food, Drug and Cosmetic Regulations are hereby amended as follows:

#### 2.110 Definitions.

3. Bottled Water. The term "bottled water" means water that is sealed in bottles or other containers and intended for human consumption. Bottled water includes spring water, artesian water, Purified Water and drinking water, but does not include mineral water, sparkling water or any soda water products.

Interested persons may submit comments on the proposed rule to the following address: Daneta Daniel Bardsley, Ed.D., Acting Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Bottled Water Definition

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None. The Food and Drug Control Program already inspects bottled water plants and requires registration of products with review of product labels.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None. This Regulation does not, in any way, affect the collection of revenues under the registration provisions of the Statute.

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

None. This Regulation; however, will make the Louisiana Law uniform with the Federal Food and Drug Law, thereby, making it easier for industry to comply with Federal and State Statutes.

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

The proposed rule will have no effect on competition and employment.

Daneta Daniel Bardsley, Ed.D.  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Preventive and Public Health Services

The Department of Health and Human Resources, Office of Preventive and Public Health Services, intends to formally adopt the policies and procedures used in operation of the State Hemophilia Program in accordance with the Administrative Procedure Act L.R.S. 46:950-970. These policies and procedures will specifically cover eligibility criteria for services, procedures for collection of third-party payments, and will establish the guidelines for and responsibilities of the Hemophilia Advisory Committee.

#### I. ELIGIBILITY

To be eligible for the program a client has to reside in Louisiana and have medically diagnosed hemophilia, as defined in Louisiana R.S. 40:1299.5, and must have a medical evaluation at least once annually at the Louisiana Comprehensive Hemophilia Care Center.

#### II. COLLECTIONS

Insurance carriers, Medicare and Medicaid are charged by the program for the blood products and medical supplies (syringes and needles). Costs are determined by charges made to the program for the blood products and medical supplies, plus an administrative fee for dispensing, shipping and delivery by the state. Amount paid is considered full payment of charges.

#### III. HEMOPHILIA ADVISORY COMMITTEE

1. The Hemophilia Advisory Committee shall be composed of not more than 17 members made up of such citizens who are knowledgeable of and/or have an interest in hemophilia and related bleeding disorders. The membership shall reflect a geographic cross section of the State of Louisiana.

2. Vacancies on the committee shall be filled by the secretary, Department of Health and Human Resources, under the provisions of R.S. 36:254 B(2), from nominees submitted by the assistant secretary, Office of Preventive and Public Health Services.

3. The committee chairman shall be appointed by the secretary of the Department of Health and Human Resources in accordance with the provisions of R.S. 36:254 B(2).

4. The committee shall advise the Office of Preventive and Public Health Services and its Division of Personal Health Services of the Department of Health and Human Resources in the implementation of R.S. 40:1299.5.

5. The committee shall adopt necessary rules to govern its operations and procedures including provisions for removal of inactive members.

6. The committee shall meet as often as necessary to conduct its business in a timely fashion but meetings shall be held at least quarterly.

7. The meeting site shall be determined by the committee.

8. Travel expenses of the committee to the committee meetings shall be provided in the budget of the Louisiana State Hemophilia Program. Expenses for such travel shall be kept to a minimum. Reimbursement of expenses shall be governed by the provisions of the State Travel Regulations (PPM 49) as implemented by the Department of Health and Human Resources (Policy 77-1306-1).

9. The committee shall:

a. Advise in developing standards for the implementation of R.S. 40:1299.5.

b. Advise in establishing criteria for eligibility for participation in the State of Louisiana's Hemophilia Program.

c. Advise the Office of Preventive and Public Health Services and its Division of Personal Health Services of the Department of Health and Human Resources in the preparation of an annual budget for the operation of the State of Louisiana's Hemophilia Program.

d. Advise and participate in instituting and maintaining educational programs among physicians, dentists, hospitals, public health units and departments, schools, and the public concerning hemophilia, including dissemination of information and the conducting of educational programs, concerning the methods of care and treatment of persons suffering from hemophilia and other bleeding disorders.

e. Advise and participate in monitoring the use of blood and blood products by those Louisiana citizens who are participants in the Louisiana Hemophilia Program.

f. Advise and participate in monitoring the Office of Preventive and Public Health Services in the operation of the Louisiana Hemophilia Comprehensive Care Center.

g. Advise the Department of Health and Human Resources and its Office of Preventive and Public Health Services regarding the promulgation of rules and regulations necessary to effectuate the Louisiana Hemophilia Program.

10. The director of the Division of Personal Health Services shall be an ex-officio member of the committee without voting privileges and shall be the principal liaison between the committee and the Office of Preventive and Public Health Services.

IV. Interested persons may submit comments to Daneta Daniel Bardsley, Ed.D., Acting Assistant Secretary, Office of Preventive and Public Health Services, 325 Loyola Avenue, Room 513, New Orleans; mailing address - Box 60630, New Orleans, LA 70160.

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

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Hemophilia Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no agency implementation costs nor savings as the activities stated in the rule are currently being carried out.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no effects on revenue collections.

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

There are no additional costs nor benefits to affected groups as the requirements of the rule are already in effect.

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

There is no effect on competition and employment as Program operation will remain the same.

Daneta Daniel Bardsley  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Preventive and Public Health Services

The Louisiana Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to adopt the following corrections and minor additions to the Louisiana Sanitary Code which was adopted on March 20, 1984 pursuant to LSA-R.S. 40:4.

##### Chapter 3, The Control of Rabies

Section 3:001 is amended to delete the definition for "Dog".

Section 3:002 is amended and reenacted as follows:

3:002 No person shall own, keep or have in his custody a dog or cat over three months of age that has not been vaccinated against rabies by a licensed veterinarian. Every owner of a dog or cat shall cause said animal to be vaccinated at three months of age and said animal shall be revaccinated each year thereafter; or prove that the dog or cat was vaccinated at one year of age or older with a vaccine which, according to the 1984 Compendium of Animal Rabies Vaccines, prepared by The National Association of State Public Health Veterinarians, Inc., confers a three year duration of rabies immunity. In the latter case the owner shall then be required to revaccinate the dog or cat at least every three years thereafter.

Section 3:003 is amended and reenacted as follows:

3:003 When any dog or cat bites a human being, said animal shall be confined (as described in Section 3:007) for a minimum of 10 days following the bite, or said animal shall be killed and the head submitted immediately to a laboratory of the Louisiana Department of Health and Human Resources for examination for rabies. Any dog or cat that develops any symptoms during the 10 day observation period shall be reported immediately to the local health authority and provided such symptoms are compatible with rabies as determined by a licensed veterinarian or the local health authority representative, the animal shall be killed and the head submitted to a laboratory of the Louisiana Department of Health and Human Resources for examination.

Section 3:004 is amended and reenacted as follows:

3:004 When bitten by a rabid animal, unvaccinated dogs and cats shall be destroyed immediately or, if the owner is unwilling to have this done, the unvaccinated animal shall be confined (as described in Section 3:007) for six months and the animal shall be vaccinated one month before being released. Dogs and cats that are currently vaccinated shall be revaccinated immediately and confined (as described in Section 3:007) for 90 days.

Section 3:007 is enacted as follows:

3:007 When confinement is required, the owner, veterinarian, animal shelter or other custodian of the animal shall confine said animal in a cage, on a leash, or in another manner such that the animal cannot contact any person or other animal.

##### Chapter 6, Food, Drug, and Cosmetics

Amend and reenact Section 6:056 as follows:

6:056 Inadequately drained areas that may contribute contamination to food products through seepage or food-borne filth and by providing a breeding place for insects or microorganisms.

If the plant grounds are bordered by grounds of the kind described in Sections 6:053-6:055 of this Chapter which are not under the operator's control, then care must be exercised in the

plant through inspection, extermination or other means in order to eliminate pests, dirt and other filth that may be a source of food contamination.

Amend and reenact Section 6:130 as follows:

6:130 BULK PLACARD REQUIREMENTS: Bulk food that has been salvaged shall have a placard prominently displayed immediately adjacent to such bulk display. Such placard shall be in easily legible bold face print or type of such color contrast that it may be easily read and shall be labelled according to Section 6:129 of this Code.

##### Chapter 7, Milk and Dairy

Section 7:001 is amended and reenacted to change "minimum" to "maximum" in the definition of Low Fat Cottage Cheese as follows:

LOW FAT COTTAGE CHEESE\* is the same as Cottage Cheese except that it contains 0.5 percent to 2.0 percent butterfat by weight and a maximum of 82.5 percent moisture. The label must bear the phrase "contains not more than 2 percent butterfat".

Section 7:094 is amended and reenacted to change "Grade B" to "Grade A" as follows:

7:094 Grade A PASTEURIZED MILK: Grade A pasteurized milk is Grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in milk plant conforming with all of the sections of sanitation in this Chapter. In all cases milk shall show efficient pasteurization as evidenced by satisfactory phosphatase test. At no time after pasteurization and until delivery shall milk have a bacterial plate count exceeding 20,000 per milliliter or a coliform count exceeding 10 per milliliter in more than one of the last four samples.

Section 7:119 is amended and reenacted as follows:

7:119 Country butter shall comply with all the provisions for labeling butter and, in addition, shall carry the words "Pasteurized Country Butter" if the product has been pasteurized, or the words "Raw Country Butter" if the product has been manufactured from raw milk or cream. The words shall be displayed in bold face type in such a way that these words are equally large and legible as any other portion of the label.

Section 7:114-1(5) is amended and reenacted as follows:

(5) have scorched particle content not greater than DISC B (15.0 mg.);

Section 7:144-3(5) is amended and reenacted as follows:

(5) have scorched particle content not greater than DISC B (15.0 mg.);

Section 7:145-1(5) is amended and reenacted as follows:

(5) have scorched particle content not greater than DISC C (22.5 mg.);

Section 7:145-2(5) is amended and reenacted as follows:

(5) have scorched particle content not greater than DISC C (22.5 mg.);

##### Chapter 9, Seafood

Section 9:015 is amended and reenacted to change "cement" to "concrete" as follows:

9:015 Floors shall be constructed of concrete, tile, glazed brick, or other impervious construction to facilitate cleaning. Drainage of all water therefrom shall be complete and rapid.

Section 9:017 is amended and reenacted to change "cement" to "concrete" as follows:

9:017 Cleaning, skinning, shucking, picking or peeling benches shall be of concrete, non-toxic and non-corrosive metal, or other materials approved by the State Health Officer, and shall be cleaned thoroughly at the end of each day's operation. Walls immediately adjacent to such benches shall be of smooth hard material to a height of three feet above said benches and so constructed as to be easily and thoroughly cleaned.

Chapter 12, Water Supplies

Section 12:018 is amended and reenacted to insert "not" as follows:

12:018 CONNECTIONS TO PUBLIC WATER SUPPLY: Inhabited premises and buildings located within 300 feet of an approved public water supply shall be connected with such supply, provided that the property owner is legally entitled to make such a connection, and has not been given permission to use water from some other source by the State Health Officer.

Chapter 14, Plumbing

Table 14:034 is amended and reenacted to add the following:

NONMETALLIC PIPING	ASTM
PB Plastic Pipe for hot/cold water distribution	D3309-83
PB Plastic Insert Fittings	F845-84

Section 14:057-2 is amended and reenacted to change "sanitary sewers" to "manholes" as follows:

14:057-2 LARGER PIPES: For underground piping over 10 inches, manholes shall be provided and located at every change in direction and at intervals of not more than 150 feet.

Table 14:098 is amended and reenacted to add "45" as follows:

Type of Building or Occupancy	Lavatories
Office Buildings and Public Buildings	Over 125 - Add 1 for each 45 additional persons

Section 14:113-1 is amended and reenacted to add "plastic" as follows:

Material

14:113-1 WATER DISTRIBUTING PIPE, TUBING AND FITTINGS: Materials for water distributing pipes and tubing shall be of brass, copper, plastic, cast iron, wrought iron, open hearth iron, or steel, with appropriate approved fittings. All cast iron pipe and fittings shall be coal-tar enamel coated. All threaded ferrous pipe and fittings shall be galvanized (zinc coated) or cement lined. When used underground in soil known to be corrosive, all wrought ferrous pipe and fittings shall be coal tar enamel coated, and the threaded joints shall be coated and wrapped after installation.

Chapter 16, Campsites

The definition for "Disposal Site" in Section 16:001 is amended and reenacted to change "Department of Natural Resources" to "Department of Environmental Quality" as follows:

DISPOSAL SITE is a place or site in or on any camp where refuse materials are routinely disposed of by incineration, landfill, compost, or other disposal method approved by the Louisiana Department of Environmental Quality.

Section 16:037 is amended and reenacted to change "Department of Natural Resources" to "Department of Environmental Quality" as follows:

Garbage and Refuse

16:037 Garbage and refuse shall be handled and disposed of in accordance with the requirements of the Louisiana Department of Environmental Quality.

Chapter 18, Jails, Prisons and Other Institutions of Detention or Incarceration

Section 18:015 is deleted.

Chapter 19, Hospitals

Section 19:016 is amended and reenacted to change "Department of Natural Resources" to "Department of Environmental Quality" as follows:

19:016 Sewage shall be disposed of in accordance with Chapter XIII of this Code and with the Environmental Protection Agency (EPA) and Louisiana Department of Environmental Quality (DEQ) hazardous waste regulations.

Section 19:017 is amended and reenacted to change "DNR" to "DEQ" as follows:

19:017 Garbage and trash shall be stored and disposed of in accordance with Chapter XIII of this Code and with DEQ regulations. Compactors, dumpsters and other equipment shall be maintained in a sanitary condition.

Section 19:024 is amended and reenacted to change "DNR" to "DEQ" as follows:

Laboratory

19:024 Microbiological cultures shall be disposed of in an incinerator approved by the Air Quality Division of the DEQ or sterilized prior to disposal. Smoking and eating are not allowed in laboratory areas. Laboratories, especially horizontal work surfaces, shall be cleaned and disinfected at the end of each work day.

Section 19:207 is amended and reenacted to change "DNR" to "DEQ" as follows:

Radiation Control

19:207 All equipment and handled materials providing a source of radiation and disposal of radioactive waste shall be shielded as required by the Nuclear Division of DEQ's Office of Environmental Affairs. All radiation equipment operators shall be provided with the proper clothing and equipped with an approved radiation monitoring device. Certificates of registration shall be obtained from DEQ's Nuclear Control Board and available for review.

Chapter 22, Retail Food Markets

Section 22:034 is amended and reenacted as follows:

22:034 When the facility is used for both cleaning and handwashing, a potable water supply of at least 20 gallons shall be provided. When the facility is used for handwashing only, a potable supply of at least five gallons shall be provided.

Section 22:035 is amended and reenacted as follows:

22:035 Vehicles shall include a waste tank that is in compliance with Chapter XXIII, Section 23:121 on Mobile Food Units.

Chapter 23, Eating and Drinking Establishments

Section 23:080-2 is amended and reenacted as follows:

23:080-2 Where garbage or refuse is burned on the premises, it shall be done by incineration in accordance with the rules and regulations of the Department of Environmental Quality. Areas around incineration facilities shall be clean and orderly.

Chapter 24, Artificial Swimming Pools and Natural or Semi-Artificial Swimming or Bathing Places

Section 24:009 is amended and reenacted to change "cement" to "concrete" as follows:

24:009 GENERAL CONSTRUCTION: The pool walls shall be vertical for a distance of four feet down from the top except where steps enter the pool. The walls and floor shall be constructed with light colored tile and concrete, or other impervious material. The surfaces shall be smooth and permit easy cleaning. The top edge of the pool wall shall be designed to provide a satisfactory handhold for swimmers.

Section 24:013 is amended and reenacted to change "pool" to "bathing" as follows:

24:013 PLUMBING FIXTURES: One water closet and one urinal shall be provided for each 60 males or fraction thereof. One water closet shall be provided for each 40 females or fraction thereof. Female urinals, if provided, may be used in the same proportion as for men above. One lavatory with hot and cold water, under pressure delivered through a mixing faucet and soap shall be provided for each 60 patrons or fraction thereof. Circular foot-operated lavatories, serving several persons at one time, may be used in some situations, such as in schools. One shower shall be provided for each 40 persons or fraction thereof. One drinking fountain shall be provided for each 100 persons or fraction thereof. Number of persons shall be calculated on the basis of bathing load

as described in Section 24:020. (An equal distribution of males and females will be assumed unless otherwise indicated.)

A public hearing on this proposed rule will be held on January 3, 1985 at 10 a.m. at 325 Loyola Ave., Room 511, New Orleans, La. 70112.

Daneta Daniel Bardsley, Ed.D., Acting Assistant Secretary of OPPHS is the person responsible for inquiries regarding the rule. Comments may be addressed to her at the Office of Preventive and Public Health Services, Box 60630, Room 513, New Orleans, LA 70160.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Sanitary Code**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no estimated implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no estimated effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The only estimated cost would be the cost to cat owners of vaccinating their cats against rabies.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no estimated effect on competition and employment.

Daneta Daniel Bardsley, Ed.D.  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Labor  
Office of Employment Security**

The Department of Labor, Office of Employment Security, intends to revise the following regulation under the provisions of the Administrative Procedure Act, R.S. 49:950 et. seq. Regulation 37. Types of Employment  
For the purposes of R.S. 23:1601(1):

This regulation now reads:

“Regular Employment” is employment of an individual on a regular basis with a reasonable expectation of continuance in that employment.

“Full-Time Employment” is employment which requires the individual’s presence for the major portion of the normal work-day, week, or month. Full-time employment is that employment which normally provides an individual with the major portion of his earnings.

“Interim Employment” is employment performed by individuals who are on temporary lay-off or are otherwise separated from their full-time regular employment and expect to return to their full-time regular employment within a reasonable time, not to exceed 90 days.

“Part-Time Employment” is employment which requires an individual’s presence less than the normal work-day, week, or month and is normally used to supplement income from full-time work.

The Department of Labor, Office of Employment Security, intends to revise paragraph three of the regulation to read:

“Interim Employment” is employment performed by individuals who are on temporary lay-off or are otherwise separated from their full-time regular employment and expect to return to their full-time regular employment within a reasonable time.

Interested persons may submit written comments on this proposed revision to George Whitfield, Administrator, Office of Employment Security, Box 94094, Capitol Station, Baton Rouge, LA 70804.

George Whitfield  
Administrator

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Reg. 37**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no accurate way of estimating costs or savings to state or local governmental units because it is impossible, at this time, to determine how many employees/employers will be affected by the proposed rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Adoption of this rule change will have no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Adoption of this rule change will have an economic effect on both employers and employees; however, because of many unknown factors (i.e. number of employees affected, number of employers affected, etc.) it is impossible to estimate what the economic costs or benefits would be.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Adoption of this rule change will have no effect on competition. With respect to employment, the proposed revision may enhance employment, because it may encourage people to work rather than draw benefits.

George Whitfield  
Administrator

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Revenue and Taxation  
Income and Corporation Franchise Taxes Section**

The Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, advertises its intent to promulgate the regulations for the corporate franchise tax.

The primary purpose in changing the regulations is to implement an identification system which will facilitate future changes and improve the clarity of the regulations. The former method assigned a rule number to each paragraph while the proposed method provides a new rule number or letter for each topic or subject. The new system more closely corresponds to the statute.

While these rules supersede the corporation franchise tax rules which were promulgated in January, 1980, in all except for a very few instances, they are identical in substance to the January 1980, rules. The differences are a result of changes to the numbering system, changes to improve sentence structure and punctuation, and changes to eliminate repetition.



The rules changed for reasons other than those indicated above in the following places:

In Rule 601.5, all reference to a specific rate has been deleted as a result of Act 198 of the 1984 Regular Session.

Rule 605.11 was deleted as unnecessary.

Rule 606.28 was deleted to be consistent with current practice.

In Rule 606.35, the phrase "all payments received" was changed to "all billings" to be consistent with current practice.

Rule 606.38I was changed to more equitably allocate partnership interest by means of the average of two ratios which are the partnership's Louisiana property to total property and Louisiana revenues to total revenues.

A copy of the proposed rules may be obtained by writing to Janet Mollere, Income and Corporation Franchise Taxes Section, Department of Revenue and Taxation, Box 201, Baton Rouge, LA 70821. Ms. Mollere is the person responsible for responding to inquiries regarding the proposed regulations. A copy may also be obtained by request, in person, at her office on the first floor of the Louisiana Department of Revenue and Taxation Building, 330 North Ardenwood Drive, Baton Rouge, LA.

A public hearing on the proposed regulations will be held January 3, 1985 in the Louisiana State Police Auditorium, 7901 Independence Boulevard, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Shirley McNamara  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Corp. Franchise  
Tax Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no estimated costs or savings to state or local governmental units as a result of the changes to the corporate franchise tax regulations.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Generally, the changes in the rules are not substantive in nature. Therefore, the estimated effect on state revenue collections is negligible. There is no effect on revenue collections by local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
It is anticipated that there would be a very limited impact on the costs or additional workload of affected taxpayers. No data is currently available to effectively analyze the revenue impact to a specific corporation. However, it is expected that corporations owning an interest in partnerships might experience an increase or decrease in their tax liability.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no anticipated effect on competition and employment.

Glenda C. Randall  
Director  
Income and Corporation Taxes

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Public Works**

The Department of Transportation and Development, Office of Public Works (OPW) in cooperation with each of the eight regional planning commissions created throughout the state pursuant to the authorization provided in Subparts C and F of Part IV of Chapter 1 of Title 33 of Louisiana Revised Statutes of 1950, as amended, intends to adopt rules for implementing guidelines and procedures for applications for state funding assistance under the Louisiana Statewide Water Supply and Sewerage Program as authorized by L.R.S. 38:32B(11), and in accordance with the provisions of L.R.S. 49:950 et seq., established by Act No. 625 of 1983.

Draft copies of the proposed rules and further information can be obtained from the following offices:

Regional Planning Commission, 333 St. Charles Avenue, Suite 900 New Orleans, LA 70130, (504) 568-6611;

Capital Regional Planning Commission, Box 3355, Baton Rouge, LA 70821, (504) 383-5203;

South Central Planning and Development Commission, Box 846, Thibodaux, LA 70301, (504) 446-0514;

Evangeline Economic and Planning District Council, Inc., Box 90070, Lafayette, LA 70509 (318) 233-3215;

Imperial Calcasieu Regional Planning and Development Commission, Box 3164, Lake Charles, LA 70602, (318) 433-1771;

Kisatchie-Delta Regional Planning and Development District, Box 8076, Alexandria, LA 71306, (318) 487-5454;

The Coordinating and Development Corporation, Box 37005, Shreveport, LA 71133, (318) 226-7557;

North Delta Regional Planning and Development District, Inc., 2115 Justice Street, Monroe, LA 71201, (318) 387-2572; and

Arthur Theis, Office of Public Works, Box 92425, Baton Rouge, LA 70804, (504) 342-7536.

Act No. 625 of 1983: A General Overview

The purpose of Act No. 625 of the 1983 Louisiana legislature is to enact Chapter I-B of the Louisiana Revised Statutes of 1950. Under this Chapter, the Louisiana Water Resources Program was established in the Office of Public Works (OPW) within the Department of Transportation and Development (DOTD). OPW is assigned a number of powers and responsibilities under the Program, including the authority to engage in water resources and sewerage research and planning. However, the guidelines discussed herein are concerned only with those duties relating to the state's funding of municipal, parish and other local or regional water and sewerage projects under the Louisiana Water Resources Program.

Act No. 625 states that qualified governmental entities may submit applications for state matching grant funding of eligible water and sewerage projects each year. The maximum level of state grant assistance under this program is 25 percent of the project construction costs. Formal applications will first be submitted to the regional planning commission within whose jurisdiction the entity is located. Using guidelines and criteria approved by OPW, each regional planning commission will develop a list of projects, ranked in order of priority for funding.

From the regional planning commission priority lists, OPW will develop a statewide list, similarly ranking all proposed projects in order of priority for funding. In an Annual Report to the governor and to designated Legislative committees, OPW will present the statewide project funding priority list for each fiscal year. Figure 1 presents a flow-chart of the activities of this program.

The following discussion describes in general terms the

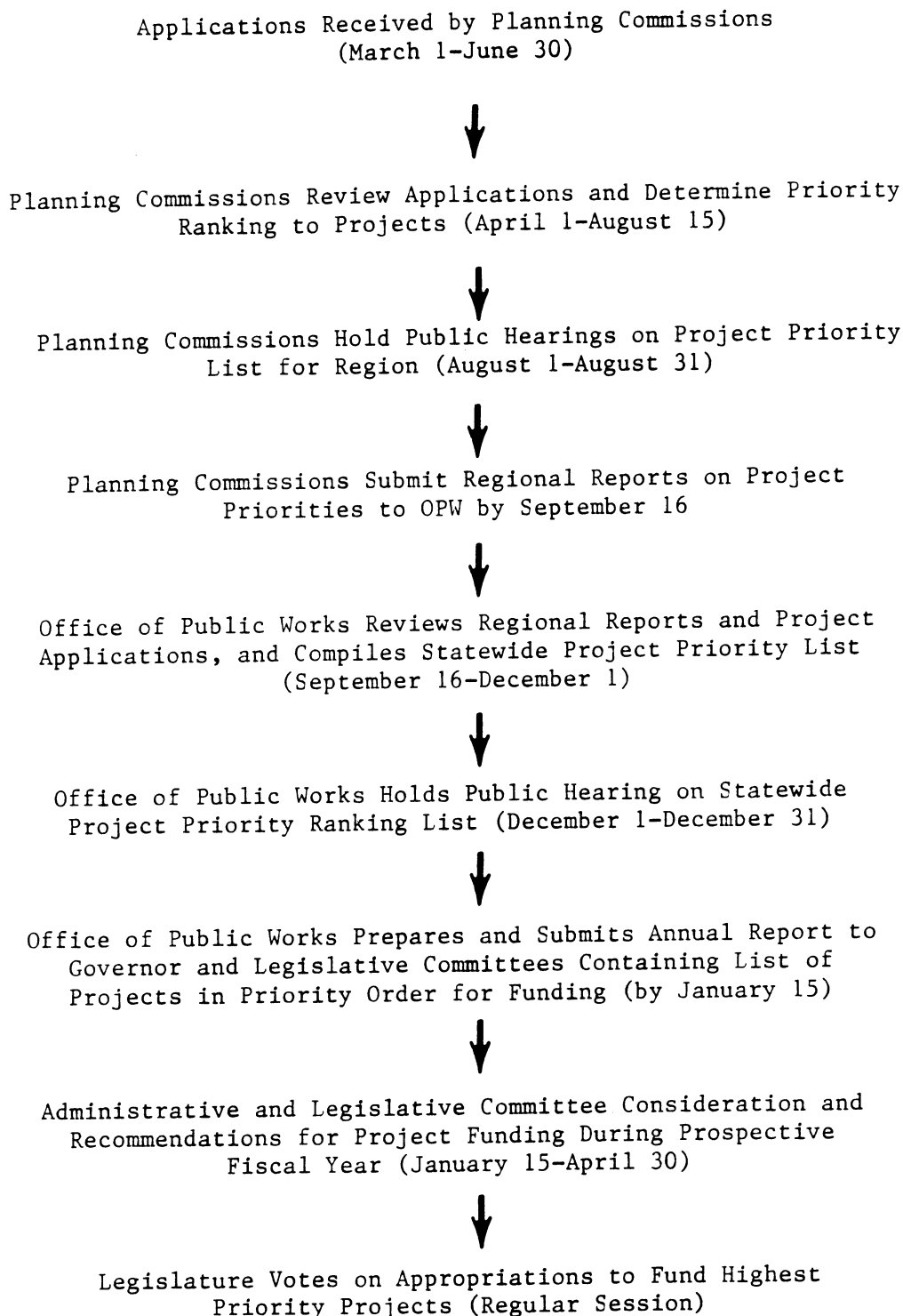


project priority allocation system, the procedures to be followed in applying for project funding under this program, and the process which the regional planning commissions and OPW will use in reviewing applications for funding.

Project Priority Allocation System. The statewide priority evaluation and ranking system used for this program is intended to allocate scarce state resources to the most needing and deserving projects. The project evaluation and ranking system is por-

trayed in Table 1. Situations involving unsafe drinking water are to receive prime consideration in respect to need. The priority system is also designed to encourage a maximum of self help through local resources and from Federal community assistance programs. The priority system also provides for consideration of comparative local needs based on economic, social and environmental factors through evaluation of all local project applications by the regional planning commissions.

Figure 1. Steps in Processing Applications for Grant Assistance Under Act 625 of 1983



**Projects Eligible for Funding**

Act No. 625 lists four general types of water and sewerage projects eligible for state funding under the Louisiana Water Resources Program:

1. Any engineering undertaking or work to conserve and develop surface or subsurface water resources of the state for any useful and lawful purpose by the acquisition, improvement, extension, or construction of water storage projects and filtration and treatment plants.

2. Any system necessary to distribute water from storage to points of distribution or filtration and treatment plants.

3. Any facility for the distribution of water from storage or filtration and treatment plants to wholesale or retail purchasers.

4. Any sewerage system to improve or develop sewage treatment, collection or distribution capabilities consistent with provisions of R.S. 38:32.

More specific examples of the types of projects to be funded under Act No. 625 are provided in Table 1.

Table 1. Water Resources Management Project Priority Numerical Ranking System

Order of Need	Project	Priority Value Points
<b>1st</b>	<b>Immediate and Substantial Hazards in Community</b>	
	Drinking Water Systems:	
	a. Quality Hazards [Acute and Serious exceedance of the maximum contaminant level (MCL), or structural defects which cause immediate jeopardy of serious MCL violations, such as bacteria, heavy metals and organic toxins, but not slight exceedance of fluoride, chloride and dissolved solids MCLs]:	
	• Install chlorination/disinfection system to correct bacteria problem	4.9
	• Install new or modify existing treatment unit to remove contaminants causing MCL exceedance.	4.6
	• Replace source (i.e., well or river intake) causing MCL violation with a source free of offending contaminants, where such replacement is more cost effective than contaminant removal by treatment.	4.4
	• Repair or replace where repair not feasible structural defects placing drinking water supply in immediate jeopardy of MCL violations (ex. fractured well casing, storage tank wall fractured below ground level, etc.)	4.2
	• Install chlorination or chlorine dioxide disinfection system to lower THM concentration to acceptable levels.	4.0
	b. Quantity Hazards [acute and serious drinking water shortages endangering health of community].	
	• Installation of community water supply system where no safe and adequate supplies exist.	3.9
	• Supplemental water supply to augment source that is presently inadequate to meet average daily system demand requirements.	3.6
	• Pumping/storage/piping augmentation to relieve dangerously low service pressures in existing community water systems.	3.3
	• Provide additional water supply source for sys-	

Order of Need	Project	Priority Value Points
	tems served by a single well which is not reliable based on its physical condition or operating experience.	3.0
<b>2nd</b>	<b>Immediate Community Needs</b> [Water supply or sewerage facilities to correct an existing water quality standards violation or high risk of system failure]	
	• Provide community sewerage system in unserved areas where individual home systems are causing health hazards, or extend existing sewer system to serve such areas.	2.9
	• Provide improved or enlarged sewage treatment facilities, or rehabilitate existing sewer systems now causing State Water Quality Criteria violations in streams used for water supply, oyster-harvesting or water contact sports.	2.7
	• Provide new or modified drinking water treatment facilities, or an alternate water supply source, so as to remove an objectionable concentration of fluoride, chloride, total dissolved solids, iron, manganese, turbidity or hardness in an existing community water supply.	2.5
	• Provide auxiliary water supply source or pumping facility for water supply dependent upon a single well or pump.	2.3
	• Provide sewage treatment plant enlargement or other system improvement where needed to relieve present overload of capacity or to relieve the cause or potential cause of a violation of the State's Water Quality Criteria for Streams.	2.1
<b>3rd</b>	<b>Short Range Community Needs</b> [Water supply or sewerage facilities for community development]	
	• Water lines, tanks, reservoirs, pumps, etc. necessary to provide a modicum of community fire protection.	1.9
	• Sewer system improvements to support community development projects.	1.7
	• Water system improvements to support community development projects.	1.5
<b>4th</b>	<b>Long Range Water Resources Projects</b> [Flow augmentation, aquifer recharge, impoundments, land treatment, barriers, etc.]	
	• Stream flow augmentation, groundwater control system or aquifer recharge to improve community water supply source.	1.3
	• Impoundment to provide water for community water supply.	1.2
	• Land treatment measures, ditch bank stabilization, traps, etc. to correct stream water quality deterioration due to excess siltation.	1.1
	• Reservoir, flow augmentation, barrier and/or other improvement for developing and improving water resources for community development, recreation, agriculture and industry uses.	1.0
	NOTE: In the event a project does not fall obviously within one of the categories indicated above, the Office of Public Works shall designate the appropriate project priority point value.	
	The base project priority values for each project as obtained from the preceding table shall be adjusted by adding thereto:	
	(a) A bonus not to exceed 1.0 in value, representing the ratio of persons benefitted directly by the project per \$100 of total	

project costs (including Federal grant cost share, if any). This bonus is to encourage projects with the greatest public benefit.

“Persons benefitted directly” means those persons living in homes to be served by a new water main or sewer and not other persons now served by an existing system. A treatment plant enlargement to provide capacity for extending service to an area not presently served benefits directly only those persons residing in the newly annexed area.

(b) A bonus in the amount of 10 times the decimal percentage value by which the Federal, local or other non-state shares of the project cost exceed 75 percent of the total project cost. For example, a project with 90 percent Federal and local funding would receive a bonus of  $10 \times (0.90 - 0.75) = 1.5$  points. This bonus encourages and rewards a maximum use of available Federal, entity and private funding resources.

The regional planning commissions shall use the raw priority scores obtained from the above as the starting basis for determining the most needing and deserving projects within each region.

#### Application for Project Funding: The Sponsoring Entity's Role

The first step in the process of applying for project funding under Act No. 625 is the submission of a formal application by a qualified governmental entity. Act No. 625 defines such an entity as “. . . any municipality, parish, special district, or other political subdivision or combination thereof . . . having water resources and sewerage responsibilities.” The qualified sponsoring entity must submit the application to the regional planning commission which has jurisdiction over the entity's geographical area. Figure 2 depicts the territorial jurisdictions, by parish, of each planning district and Table 2 lists the names and addresses of the regional planning commissions.

Applications must be filed within a designated time period. All regional planning commissions are expected to notify entities within their jurisdiction of the opening and closing dates for receiving applications.

The opening date for filing applications will be set each year by the individual planning commissions. It is anticipated that the opening date will be on or about March 1 of each year. The closing date for receipt of applications for all regional planning commissions will be June 30. It is essential that all applications be filed by the June 30 deadline, since the regional planning commissions must review and rank all projects and submit Regional Reports to OPW by September 16 of each year. Applications not submitted in correct and complete form by June 30 may not be considered for funding until a later fiscal year.

Entities may request assistance from their regional planning commission in completing the application. However, time and manpower constraints may limit the amount of assistance available from the planning commissions. Therefore, entities should complete the application to the best of their abilities before requesting assistance from the planning commissions. Also, requests for such assistance should be made as early as possible during the time period designated for filing applications.

Also, OPW will, to the extent that manpower and funds are available, assist entities with less than 2,000 population in preparing applications for project grants. Requests for such assistance shall be made through the regional planning commission which shall provide OPW with an estimate of the expected priority ranking of the project within the region. The OPW assistance effort shall be directed first to those projects which appear to have sufficient priority to be within range of prospective grant funding for the upcoming fiscal year.

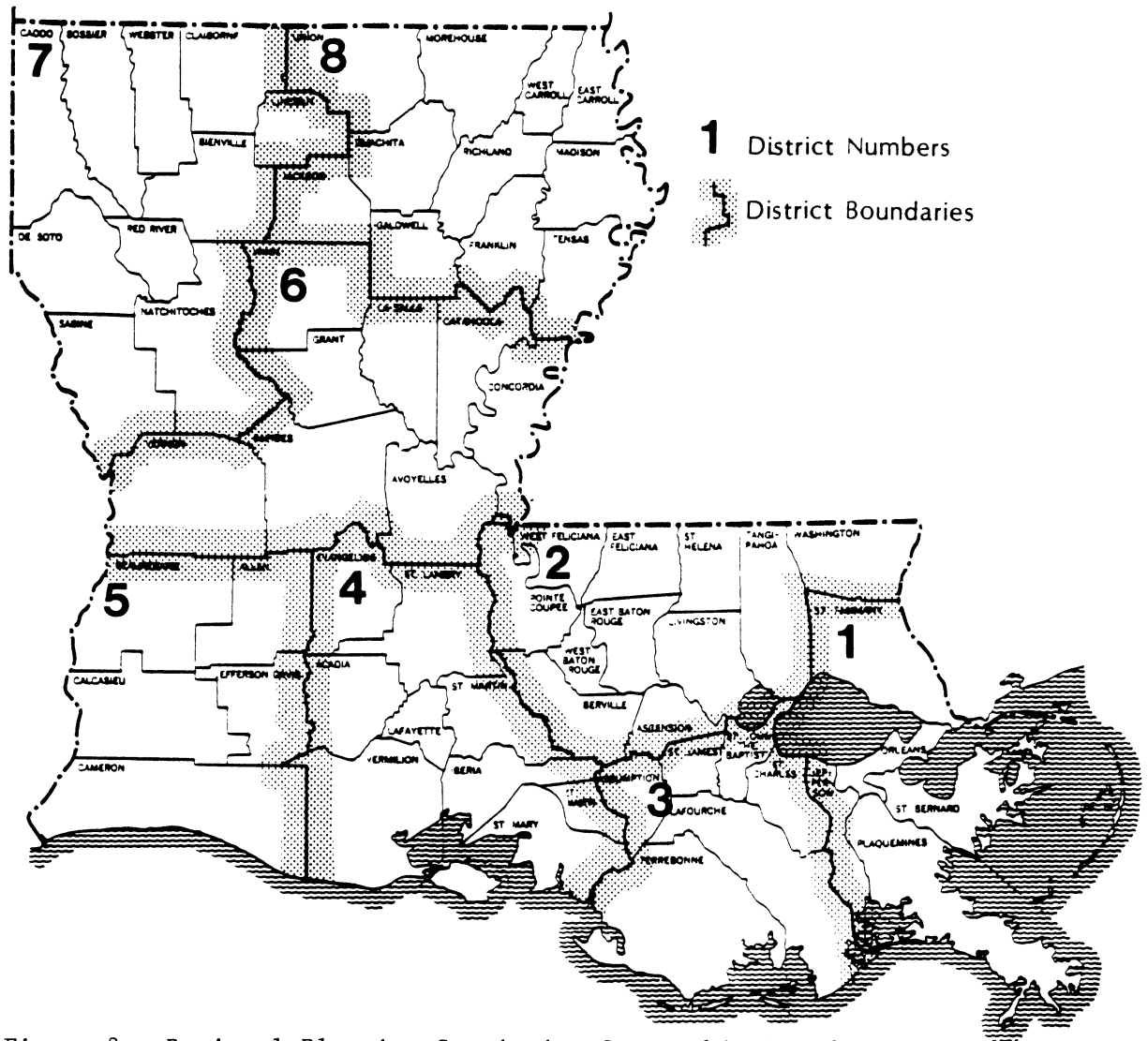


Figure 2. Regional Planning Commission Geographic Boundaries

Table 2. Louisiana Association of Planning and Development Districts (LAPDD)

**District No. 1**

Regional Planning Commission  
333 St. Charles Avenue,  
Suite 900  
New Orleans, LA 70130  
Phone: (504) 568-6611 or  
6633

**District No. 2**

Capital Economic Development District Council, Inc.  
4864 Constitution Avenue,  
Suite 2A  
Baton Rouge, LA 70808  
Phone: (504) 926-4371  
Capital Regional Planning Commission  
333 North Nineteenth Street  
Box 3355  
Baton Rouge, LA 70821  
Phone: (504) 383-5203 (Off  
Net) 421-6685 (Linc)

**District No. 3**

South Central Planning and Development Commission  
110 Burns Plaza  
Box 846  
Thibodaux, LA 70301  
Phone: (504) 446-0514 (Off  
Net) 621-7583 (Linc)  
621-7584 (Linc)

**District No. 4**

Evangeline Economic and Planning District Council, Inc.  
501 St. John Street  
Box 90070  
Lafayette, LA 70509  
Phone: (318) 233-3215

**District No. 5**

Imperial Calcasieu Regional Planning and Development Commission  
326 Pujot Street  
Box 3164  
Lake Charles, LA 70602  
Phone: (318) 433-1771

**District No. 6**

Kisatchie-Delta Regional Planning and Development District  
Box 8076  
Alexandria, LA 71306  
Phone: (318) 487-5454 (Off  
Net) 221-5454 (Linc)

**District No. 7**

The Coordinating and Development Corporation  
3305 Mansfield Road  
Box 37005  
Shreveport, LA 71133-7005  
Phone: (318) 226-7557 (Off  
Net) 521-7557 (Linc)

**District No. 8**

North Delta Regional Planning and Development District, Inc.  
2115 Justice Street  
Monroe, LA 71201  
Phone: (318) 387-2572 (Off  
Net) 261-3422 (Linc)  
261-3423 (Linc)

In preparing their applications, all entities should keep in mind the amount of work involved in compiling the required information. For projects which have been in the planning stage for a considerable period of time, much of the information required in the application will be readily available. However, for newly conceived projects which have not been fully planned, much of the information may have to be generated. All entities should allow themselves enough time to complete the application by the deadline, depending on how much work the application will require.

#### Review of Applications by Regional Planning Commissions

Projects for which a complete and correct application are received shall be ranked by the regional planning commission in the order of priority for funding beginning with the project most needing and deserving of funding. This ranking of projects in each region shall be included in the Regional Reports.

Project grant applications pursuant to Act 625 may not be submitted directly to the Office of Public Works. The office's Annual Report of projects for prospective funding shall include only those projects in the Regional Reports.

After developing the project priority funding list, each regional planning commission shall hold a public hearing to discuss the ranking assigned to the proposed projects within its jurisdiction.

Each planning commission shall prepare and submit to the Office by September 16 of each year a Regional Report. Each Regional Report shall contain a list of projects located within the jurisdiction of the planning commission, ranked according to priority for funding as recommended by the commission. Each Regional Report must also contain an application form and supporting documents for each project included in the Regional Report. Statewide Project Priority List and Annual Report

Act No. 625 requires OPW to receive all of the regional project priority funding reports from the regional planning commissions. OPW must then evaluate all projects on a regional basis, and then rank all proposed projects statewide in order of priority for funding. OPW's tentative statewide project priority funding list will be compiled by December 1 of each year.

Between December 1 and December 31 of each year, OPW is required to hold a public hearing concerning the tentative statewide project priority funding list. A final list will be prepared by OPW after the public hearing has been concluded. This project list will be included in OPW's Annual Report to the governor, the House Committee on Transportation, Highways and Public Works, and the Joint Legislative Committee on the Budget. OPW's Annual Report must be submitted no later than January 15 of each calendar year, and in addition to the list of projects ranked in order of priority for funding, must contain, for each proposed project, narrative statements of the project's needs and benefits and OPW's rationale for the priority ranking given to the project.

#### Miscellaneous Eligibility Requirements

All projects in the Annual Report of the Office are eligible

for priority of funding during the fiscal year depending upon the amount of funds, if any, which may be appropriated for the Act 625 Program.

Only projects properly included and ranked in a Regional Report may be included in an Annual Report and thus be eligible for priority of funding.

Entities receiving an offer of a state matching grant have four years in which to initiate construction before the grant offer expires. However, there is no provision for significant increases in the amount to compensate for cost inflation due to prolonged delay in issuing construction contracts. Applicants expecting a delay in receiving Federal grants, loans, or other non-state funds necessary to finance projects are advised to delay applying for a State grant under Act 625 of 1983 until the fiscal year in which the Federal grant and other funds necessary to finance the project are expected to be available.

A project eligible for priority of funding may be a part or phase of a multipart construction program extending several years into the future. Each project (phase) for which priority of funding is requested must be able to stand on its own and provide the benefits claimed in the application without depending upon funding of another project (phase) in the same or future fiscal years.

Projects Excluded from Priority of Funding in Annual Report. The following projects are not eligible for inclusion in an Annual Report:

1. Projects eligible for funding under the Hazardous Waste "Superfund" program.
2. Projects eligible for funding under the Statewide Flood Control Program.
3. Projects listed in a previous Annual Report and for which a State grant has already been offered.
4. Projects for which there is an incorrect or incomplete application, including supporting documents.
5. Projects which are not included in a Regional Report submitted by a regional planning commission.

Time Schedule—The prospective time period during which the Annual Report requests priority of funding for the various projects is during the state fiscal year which begins on the July 1 following the Annual Report filing date.

Accurate and essential information must be provided by each entity to support its application for priority of funding in order to avoid deletion of the project from the Annual Report. The Office shall notify planning commissions of any errors or omissions in the Regional Reports; however, due to the short time period between receipt of Regional Reports and filing of the Annual Report, and the large number of prospective project requests, defective applications may be deferred for consideration in subsequent years.

Figure 3 presents a flow chart depicting the process for project application and review. Included in this flow chart are the deadlines for applicants, the regional planning commissions, and OPW.

RPC's Solicit and Receive Applications

RPC'S Review and Draft Priority Lists

\*RPC's File Preliminary Reports and OPW Compiles Total Needs Report

RPC Public Hearings

Regional Reports

OPW Reviews and Drafts State Priority List

OPW Public Hearing

OPW Prepares and Submits Annual Report

Administrative and Legislative Review

CARRY OVER FROM PREVIOUS YEAR

Administrative and Legislative Review (Preview Annual Report)

Legislature Appropriates Funds (Previous Annual Report)

Funding Available for Top Priority Projects in Previous Annual Report

RPC = Regional Planning Commission  
OPW = Office of Public Works

**Figure 3. Statewide Water Supply and Sewerage Program Schedule**

State Versus Local and Other Shares of Project Cost. It is expected that the state's share of project costs (Grant) shall not exceed 25 percent of the total. Project costs are considered to be the actual construction cost plus a maximum of seven percent to cover architectural and engineering costs to prepare construction plans and specifications. The administrative costs of preparing applications, facility plans, legal fees, etc. are not included in the project costs eligible for a state matching grant.

Marty Charbet  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Act 625 of 1983**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
OPW estimates four additional staff will be required

beginning FY 1985-86 to administer this program at a cost to the state of \$110,017 in FY 1985-86 and \$112,657 in FY 1986-87. The Legislative Fiscal Office anticipates a delay of several years in the start up of this program, and hence project no additional implementation cost to the state through fiscal year 1986-87 for this program.

The Regional Planning Offices will contribute time and effort to project applicants to assist with project application and to prepare regional priority lists. The OPW estimates that about \$15,000 will be expended annually by each of the eight Regional Planning Commissions to accomplish the duties and responsibilities mandated by Act 625 of 1983 R.S. in fiscal year 1985-86 and each fiscal year thereafter. The Legislative Fiscal Office estimates, however, that this additional workload can be absorbed by current Regional Planning Office staffs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no estimated effect on revenue collections of

state or local governmental units as a result of this rule change.

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

There is no estimated costs or economic benefits to directly affected persons or non-governmental groups as a result of this rule change.

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

There is no estimated effect on competition and employment as a result of this rule change.

Marty Charbet  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

# Committee Reports

## COMMITTEE REPORT

### House of Representatives House Labor and Industrial Relations Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Labor and Industrial Relations Committee met on October 31, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Labor for which Notice of Intent was published in the September *Louisiana Register* with the following results:

The Department of Labor, Office of Labor, intends to add and adopt certain rules and regulations under the Administrative Procedure Act (R.S. 49:950, et seq.), for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

Changes approved by a vote of 9 - 0.

Joseph G. Guillory, Jr.  
Attorney

## COMMITTEE REPORT

### House of Representatives House Labor and Industrial Relations Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Labor and Industrial Relations Committee met on October 30, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Labor for which Notice of Intent was published in the September 20 *Louisiana Register* with the following results:

The Louisiana Department of Labor, Office of Labor, intends to repeal all previous rules adopted by it regulating Prevailing Wages, including but not limited to those rules adopted in November, 1980 and substitute a complete new set of rules relating to the payment of prevailing wages on state projects; the determination of prevailing wages; the issuance of prevailing wage rate decisions; the posting of wage rate decisions; and the enforcement of wage decisions.

Changes approved by a vote of 6 - 5.

Joseph G. Guillory  
Attorney

## COMMITTEE REPORT

### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on November 27, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which Notice of Intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to revise the fee system for the Air Quality Control Program. Such revision creates new categories; increases the unit quantity to allow a 7.5 percent increase in categories 96, 98, 150 and 151; and makes technical changes to categories 143-149.

Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

## COMMITTEE REPORT

### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on November 27, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which Notice of Intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to revise the regulations relative to New Source Performance Standards. The proposed regulations limit the amount of air pollution that specific types of new and modified sources can emit.

Consideration has been delayed until further revisions can be made.

Clyde W. Kimball  
Chairman

## COMMITTEE REPORT

### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on November 27, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which Notice of Intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to revise the Louisiana Radiation Regulations. The proposed amendments would create a new part "Y" to the Louisiana Radiation Regulations and rescind the Nuclear Energy Division for schedule previously adopted by the Louisiana Environmental Control Commission on July 20, 1981.

Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

## COMMITTEE REPORT

### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on November 27, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which Notice of Intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to revise Section 22.0 of the Louisiana Air Quality Regulations. The proposed revisions are intended to control equipment leaks of Volatile Organic Compounds (VOC) from synthetic organic chemical and polymer manufacturing plants (SOCMI), natural gas/gasoline processing plants, and polyethylene, polypropylene and polystyrene plants.

Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

## COMMITTEE REPORT

### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on November 27, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which Notice of Intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to revise the Louisiana Hazardous Waste Regulations (LHWR). The proposed amendments to the LHWR amends Chapters 3 and 7 of the existing regulations and adds a new Chapter 25 entitled "Fee Schedules." The primary purpose for the addition of Chapter 25 to the LHWR is to add a new fee schedule for all generators of hazardous waste that do not dispose of hazardous waste on-site and are thus not treaters, storers or disposers.

Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

# Potpourri

## POTPOURRI

### Department of Environmental Quality Office of Water Resources

#### Public Notice

Pursuant to the Federal Clean Water Act, the Louisiana Department of Environmental Quality (LDEQ) has been delegated responsibility to manage the U.S. Environmental Protection Agency (EPA) municipal wastewater construction grants program.

Notice is hereby given that the EPA FY85 Oversight Plan for management of the program is available for public review at the LDEQ Office located at the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, La. Contact Thomas Griggs, Construction Grants Unit, 342-6363 if more information is desired. Comments from the public on revision of the EPA FY85 Oversight Plan will be accepted for 30 days after publication of this notice.

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, 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 46 completed claims, amounting to \$51,336.04, were received during the month of November, 1984. During the same month, 30 claims, amounting to \$42,081.96 were paid.

The following is a list of the paid claims:

Claim No. 84-1569 Lion's Paw, Inc.	Claim No. 84-1571 Isador Dardar	Claim No. 84-1580 David J. Martin
Claim No. 84-1585 Jimmy J. Gisclair	Claim No. 84-1604 Ellis Adams	Claim No. 84-1618 Melvin Dufrene
Claim No. 84-1628 David Duet	Claim No. 84-1629 Kearn Chouest	Claim No. 84-1651 Ronnie Ledet
Claim No. 84-1652 Jason Guidry	Claim No. 84-1663 Merlin Arceneaux	Claim No. 84-1664 Merlin Arceneaux
Claim No. 84-1665 Jefferson Lasseigne	Claim No. 84-1672 James B. King	Claim No. 84-1675 Rufus Deroche
Claim No. 84-1681 Nelson Perrin, Jr.	Claim No. 84-1709 Elmo Guidry & Lin- ton Duet	Claim No. 84-1714 Marshall Spicer
Claim No. 84-1715 Phil T., Inc.	Claim No. 84-1723 Delton Cheramie, Sr.	Claim No. 84-1755 Eunice Johnfroe
Claim No. 84-1763 Douglas Lafont	Claim No. 84-1802 Randy J. Adams	Claim No. 84-1837 Norman Plaisance
Claim No. 84-1838 Norman Plaisance	Claim No. 84-1841 Irving Bang	Claim No. 84-1865 Norman Plaisance
Claim No. 84-1882 David Duet	Claim No. 84-1883 David Duet	Claim No. 84-1884 David Duet

Public hearings to consider completed claims have been scheduled as follows:

Thursday, January 10, 1985 at 10 a.m. in the L.S.U. Co-operative Extension Office, 511 Roussel Street, Houma, La.

#### CLAIM NO. 84-1564 (REHEARING)

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in the northwest end of Lake Barre, Terrebonne Parish, encountered a submerged section of pipe, on June 3, 1984, at approximately 8:30 a.m., causing loss of his trawl. Amount of Claim: \$1,045

#### CLAIM NO. 84-1606 (REHEARING)

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Lake Barre, northeast of Lake Barre Pass, Terrebonne Parish, encountered submerged seismographic equipment, on June 8, 1984, at approximately 1:30 p.m., causing loss of his trawl. Amount of Claim: \$1,055.17

#### CLAIM NO. 84-1656 (RESCHEDULED)

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Terrebonne Bay, southeast of Point Meshe, Terrebonne Parish, encountered a submerged section of pipe, on June 26, 1984, at approximately 8 a.m., causing loss of his trawl. Amount of Claim: \$1,045

#### CLAIM NO. 84-1861

Charles Verdin, of Montegut, LA, while trawling on the vessel, "Capt. Dickie V", in Breton Sound at LORAN-C readings of 29,047.1 and 46,941.5, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 27, 1984, at approximately 1 a.m., causing damage to his 50 foot trawl. Amount of Claim: \$495



CLAIM NO. 84-1886

Bernard A. Rembert, of Houma, LA, while trawling on the vessel, "Mr. Bar", in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,564.3 and 46,861.8, Jefferson Parish, encountered an unidentified submerged obstruction, on August 20, 1984, at approximately 10:30 a.m., causing damage to his vessel and loss of his 48 foot trawl. Amount of Claim: \$2,119.11

CLAIM NO. 84-1888

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Lake Pelto, south of Bodwin Cut-off, Terrebonne Parish, encountered an unidentified submerged obstruction, on August 22, 1984, at approximately 7 a.m., causing loss of his trawl. Amount of Claim: \$1,032.25

CLAIM NO. 84-1901

John Verdin, Jr., of Houma, LA, while trawling on the vessel, "Joey T.", in Caillou Bay, south of Bay Round, Terrebonne Parish, encountered a submerged buoy, on August 22, 1984, at approximately 9 a.m., causing damage to his vessel and loss of his trawl. Amount of Claim: \$3,327.08

CLAIM NO. 84-1922

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Lake La Graisse, at the southern end of the lake, Terrebonne Parish, encountered an unidentified submerged obstruction, on August 28, 1984, at approximately 9 a.m., causing loss of his trawl. Amount of Claim: \$1,032.25

CLAIM NO. 84-1932

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Lake Pelto, southwest of Bodwin Point, Terrebonne Parish, encountered a submerged pipe or piling, on September 5, 1984, at approximately 8 a.m., causing loss of his trawl. Amount of Claim: \$1,032.25

CLAIM NO. 84-1961

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Caillou Bay, south of Turtle Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction, on September 13, 1984, at approximately 11 a.m., causing loss of his trawl. Amount of Claim: \$1,032.25

CLAIM NO. 84-1978

Terry Fabre, of Dulac, LA, while trawling on the vessel, "Lady Dona", in the Gulf of Mexico, east of Joseph Harbor, Cameron Parish, encountered an unidentified submerged obstruction, on September 4, 1984, at approximately 4 p.m., causing loss of his 50 foot flat trawl. Amount of Claim: \$646.77

CLAIM NO. 84-1979

Terry Fabre, of Dulac, LA, while trawling on the vessel, "Lady Dona", in the Gulf of Mexico, west of the Mermentau River, Cameron Parish, encountered an unidentified submerged obstruction, on September 17, 1984, at approximately 8 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$732.83

CLAIM NO. 84-1980

Terry Fabre, of Dulac, LA, while trawling on the vessel, "Lady Dona", in Calcasieu Lake, east of Calcasieu Pass, Cameron Parish, encountered an unidentified submerged obstruction, on August 28, 1984, at approximately 5 p.m., causing damage to his trawl. Amount of Claim: \$326.96

CLAIM NO. 84-2003

Clifford Matherne, of Bourge, LA, while trawling on the vessel, "Miss Stacy", in the Gulf Mexico, east of Beach Prong, at LORAN-C readings of 26,907.3 and 46,966.5, Cameron Parish, encountered a submerged piling, on September 18, 1984, at approximately 1:30 p.m., causing loss of his 70 foot trawl. Amount of Claim: \$1,904

CLAIM NO. 84-2009

Houston Trahan, of Chauvin, LA, while trawling on the

vessel, "Rebecca Lynn" in Lake Barre, northeast of Bayou Jose and Lake Barre Pass, Terrebonne Parish, encountered an unidentified submerged obstruction, on October 2, 1984, at approximately 9 a.m., causing loss of his trawl. Amount of Claim: \$1,031.75

CLAIM NO. 84-2024

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn" in Terrebonne Bay, south of Lake Saint Jean Baptiste, Terrebonne Parish, encountered a submerged section of pipe, on October 8, 1984, at approximately 9 a.m., causing loss of his trawl. Amount of Claim: \$1,033.25

Wednesday, January 16, 1985 at 10 a.m. in the Police Jury Office, 8201 West Judge Perez Drive in Chalmette, La.

CLAIM NO. 84-1514

The Crew of Plaquemines Bunkers, Inc., of Mandeville, LA, while trawling on the vessel, "Sea Bee", in Breton Sound, northwest of North Point, Plaquemines Parish, encountered an unidentified submerged obstruction, on April 19, 1984, causing damage to his menhaden net. Amount of Claim: \$5,000

CLAIM NO. 84-1611

Mark A. Barbe, of New Orleans, LA, while trawling on the vessel, "LA-71-XY", in Lake Pontchartrain, northwest of Goose Point, St. Tammany Parish, encountered a submerged slab of concrete, on June 15, 1984, at approximately 8:15 a.m., causing damage to his trawl. Amount of Claim: \$327

CLAIM NO. 84-1621 (RESCHEDULED)

Jules B. Kain, Sr., of Violet, LA, while trawling on the vessel, "Chris and Shane", in Breton Sound, southeast of Mozambique Point, at LORAN-C readings of 28,956.9 and 46,920.0, Plaquemines Parish, encountered a submerged section of 7" drill pipe, on June 8, 1984, at approximately 11 a.m., causing loss of his siamese trawls. Amount of Claim: \$1,558.11

CLAIM NO. 84-1623 (RESCHEDULED)

Michael E. Carinkas, of Surprise Inc., Mandeville, LA, while menhaden fishing on the vessel, "Surprise", in the Gulf of Mexico, south of Sabine Pass, at approximately LORAN-C readings of 26,371.0 and 46,965.5, Cameron Parish, encountered a submerged barge, on June 12, 1984, at approximately 4:45 p.m., causing damage to his menhaden net. Amount of Claim: \$5,000.

CLAIM NO. 84-1645 (RESCHEDULED)

Noel A. Usannaz, of New Orleans, LA, while trawling on the vessel, "Gros Comme Ca", in Lake Pontchartrain, southwest of Bayou Castine, at approximately LORAN-C readings of 28,745.0 and 47,081.2, St. Tammany Parish, encountered a submerged barge anchor, on June 25, 1984, at approximately 7:30 p.m., causing damage to his 50 foot trawl and loss of his 16 foot test trawl. Amount of Claim: \$629

CLAIM NO. 84-1657

Tracy R. Alfonso, of St. Bernard, LA, while trawling on the vessel, "Stacie Lynn" in Elephant Point Pass, northwest of Martin Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on June 26, 1984, at approximately 9 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$800

CLAIM NO. 84-1658

Tracy R. Alfonso, of St. Bernard, LA, while trawling on the vessel, "Stacie Lynn" in Lawson Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on June 30, 1984, at approximately 5 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$800.

CLAIM NO. 84-1659

Tracy R. Alfonso, of St. Bernard, LA, while trawling on the vessel, "Stacie Lynn" in Fishing Smack Bay, St. Bernard Parish, encountered an unidentified submerged obstruction, on June 29, 1984, at approximately 1 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$800

CLAIM NO. 84-1697 (RESCHEDULED)

Bruce Guerra, of St. Bernard, LA, while trawling on the vessel, "Mr. Fabriciano", in Bay Boudreaux, 1,000 feet east of Nine Mile Bayou, Plaquemines Parish, encountered a dynamite hole, on June 10, 1984, at approximately 2 p.m., causing loss of his trawl and doors. Amount of Claim: \$1,173.47

CLAIM NO. 84-1710 (RESCHEDULED)

Loyde C. Duncan, of Boothville, LA, while trawling on the vessel, "D'Iberville", in Breton Sound, south of Point Lydia, at approximately LORAN-C readings of 29,098.0 and 46,967.3, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 8, 1984 at approximately 6:30 p.m., causing damage to his vessel. Amount of Claim: \$5,000

CLAIM NO. 84-1711

Wilson Melerine, Jr., of Chalmette, LA, while trawling on the vessel, "LA-1403-AP", in Bayou Terre Aux Boeufs, southeast of Bayou La Lagune, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 8, 1984, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$307.75

CLAIM NO. 84-1718 (RESCHEDULED)

Wilson Assavedo, of St. Bernard, LA, while trawling on the vessel, "Mitzi Lynne", in Lake Borgne, northeast of Bayou Bienvenue, at LORAN-C readings of 28,828.8 and 47,024.8, St. Bernard Parish, encountered a submerged tree trunk, on July 1, 1984, at approximately 6 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$800

CLAIM NO. 84-1739

Henry Martin, of Braithwaite, LA, while trawling on the vessel, "Lady Linda", in Breton Sound, southeast of Point Gardner, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 14, 1984, at approximately 3:30 a.m., causing loss of his trawl and tickler chain. Amount of Claim: \$810.81

CLAIM NO. 84-1767

G. M. Bourg, of Chalmette, LA, while trawling on the vessel, "Yucky", in Lake Lery, between beacons 25 and 26, St. Bernard Parish, encountered a submerged section of seismographic pipe, on July 17, 1984, at approximately 6 a.m., causing loss of his 39 foot trawl and boards. Amount of Claim: \$962.65

CLAIM NO. 84-1768 (RESCHEDULED)

Malcolm Assevado, of St. Bernard, LA, while trawling on the vessel, "Lady Cynthia", in Breton Sound, east of Curfew Point, at LORAN-C readings of 28,965.9 and 46,920.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 6, 1984, at approximately 11 p.m., causing loss of his two 46 foot semi-balloon trawls. Amount of Claim: \$1,400

CLAIM NO. 84-1769 (RESCHEDULED)

Malcolm Assevado, of St. Bernard, LA, while trawling on the vessel, "Lady Cynthia", in Breton Sound, 1 mile south of Deadman Point, at LORAN-C readings of 29,037.8 and 46,959.2, St. Bernard Parish, encountered an unidentified submerged obstruction on June 19, 1984, at approximately 1 p.m., causing damage to his vessel and loss of his 45 foot trawl. Amount of Claim: \$4,110

CLAIM NO. 84-1770 (RESCHEDULED)

Malcolm Assevado, of St. Bernard, LA, while trawling on the vessel, "Lady Cynthia", in Breton Sound, south-southwest of Point Chicot, at LORAN-C readings of 29,055.8 and 46,947.4, St. Bernard Parish, encountered a submerged metal obstruction, on June 17, 1984, at approximately 7 a.m., causing loss of his 45 foot trawl. Amount of Claim: \$610

CLAIM NO. 84-1785

Henry Martin, of Braithwaite, LA, while trawling on the vessel, "Lady Linda", in Breton Sound, north of Battledore Reef, Plaquemines Parish, encountered a submerged piling, on July 12, 1984, at approximately 1 a.m., causing loss of his trawl. Amount of Claim: \$870

CLAIM NO. 84-1786

Henry Martin, of Braithwaite, LA, while trawling on the vessel, "Lady Linda", in Breton Sound, east of Point Comfort, at LORAN-C readings of 29,180.0 and 46,986.4, St. Bernard Parish, encountered a submerged boat, on July 22, 1984, at approximately 8:30 p.m., causing loss of his two trawls and related gear. Amount of Claim: \$2,028.63

CLAIM NO. 84-1805

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "Shanna Baby", in Breton Sound, ½ mile north of the beacon at the break in the rocks, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 27, 1984, at approximately 1:30 a.m., causing loss of his 45 foot trawl. Amount of Claim: \$910.

CLAIM NO. 84-1808

Alfred Martin, of Braithwaite, LA, while trawling on the vessel, "Daddy's Girls", in Breton Sound, northeast of California Point, at LORAN-C readings of 28,965.2 and 46,920.0, Plaquemines Parish, encountered a submerged section of pipe, on July 26, 1984, at approximately 10:30 p.m., causing loss of his 65 foot trawl. Amount of Claim: \$1,349

CLAIM NO. 84-1868

Mark A. Barbe, of New Orleans, LA, while trawling on the vessel, "LA-71-XY", in Lake Pontchartrain, north of South Point, Orleans Parish, encountered an unidentified submerged obstruction, on July 17, 1984, at approximately 7 a.m., causing loss of his trawl. Amount of Claim: \$489

CLAIM NO. 84-1867

Mark A. Barbe, of New Orleans, LA, while trawling on the vessel, "LA-71-XY", in Lake Pontchartrain, northeast of Little Woods, Orleans Parish, encountered a submerged piling, on July 28, 1984, at approximately 10 p.m., causing loss of his trawl. Amount of Claim: \$499

CLAIM NO. 84-1872 (RESCHEDULED)

Frank Ray, of St. Bernard, LA, while trawling on the vessel, "Lori Lynn", in Lake Eloi, near Point Eloi, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 27, 1984, at approximately 3 a.m., causing damage to his vessel and loss of his trawl and boards. Amount of Claim: \$1,800.94

CLAIM NO. 84-1873 (RESCHEDULED)

Frank Ray, of St. Bernard, LA, while trawling on the vessel, "Lori Lynn", in Eloi Bay, between Deadman Island and Codfish Point, St. Bernard Parish, encountered a submerged stump or metal object, on July 11, 1984, at approximately 7 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$726.19

CLAIM NO. 84-1902

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "Shanna Baby", in Breton Sound, 1-¾ miles south of the break in the rocks, St. Bernard Parish, encountered submerged pieces of drill pipe, on August 22, 1984, at approximately 12:30 p.m., causing loss of his 45 foot trawl. Amount of Claim: \$426

CLAIM NO. 84-1905

Rodney Weiskopf, of Braithwaite, LA, while trawling on the vessel, "Kurt N Gene", in Breton Sound, south of Deadman Island, St. Bernard Parish, encountered a submerged tank, on August 26, 1984, at approximately 10 p.m., causing loss of his 45 foot trawl. Amount of Claim: \$674.28

CLAIM NO. 84-1906 (RESCHEDULED)

Rodney Weiskopf, of Braithwaite, LA, while trawling on the vessel, "Kurt N Gene", in Breton Sound, south-southeast of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on August 27, 1984, at approximately 2 a.m., causing loss of his 45 foot trawl. Amount of Claim: \$716.55

CLAIM NO. 84-1953 (RESCHEDULED)

Lester B. Schellinger, Jr., of Chalmette, LA, while trawling on the vessel, "LA-854-ZY", in Lake Borgne south of Alligator Point, at LORAN-C readings of 28,880.0 and 47,020.0, St. Bernard Parish, encountered an unidentified submerged obstruction, on September 6, 1984, at approximately 9 a.m., causing loss of his trawl. Amount of Claim: \$516.43

CLAIM NO. 84-1956 (RESCHEDULED)

Norbert J. Guerra, of Violet, LA, while trawling on the vessel, "Capt. Bert", in Grand Point Bay, between Big Oyster Bayou and Bayou Dominique, Plaquemines Parish, encountered a submerged piling, on September 11, 1984, at approximately 1:30 p.m., causing loss of his 42 foot trawl. Amount of Claim: \$523.19

George J. France, of Slidell, LA, while trawling on the vessel, "La Brina Jo", in Lake St. Catherine, north of Green's Ditch, Orleans Parish, encountered a submerged piling, on September 19, 1984, at approximately 2 a.m., causing damage to his trawl. Amount of Claim: \$180

CLAIM NO. 84-2004

Anthony J. Dudenhefer, of New Orleans, LA, while trawling on the vessel, "Lovely Lady", in Lake Borgne, south of The Rigolets, St. Bernard Parish, encountered an unidentified submerged obstruction, on September 25, 1984, at approximately 10 a.m., causing loss of his 60 foot trawl. Amount of Claim: \$1,119.50

John Domingo, Jr., of St. Bernard, LA, while trawling on the vessel, "Capt. John", in the Gulf of Mexico, between Southeast and Northeast Passes, Plaquemines Parish, encountered an unidentified submerged obstruction, on September 10, 1984, at approximately 9:30 a.m., causing loss of his 42 foot trawl. Amount of Claim: \$628.46

CLAIM NO. 84-2016

Harry L. Phillips, of St. Bernard, LA, while trawling on the vessel, "Buddy Boy", in Lake Borgne, west of Grassy Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on September 10, 1984, at approximately 2 p.m., causing loss of his trawl. Amount of Claim: \$762.50

CLAIM NO. 84-2072

Gary Treuil, of Metairie, LA, while trawling on the vessel, "Dawn Mist", in Lake Pontchartrain, west of the causeway, St. John the Baptist Parish, encountered a submerged shell bank, on October 17, 1984, at approximately 10 a.m., causing loss of his trawl. Amount of Claim: \$600

Thursday, January 17, 1985 at 10 a.m. in the Lafitte City Hall, Lafitte, LA.

CLAIM NO. 83-1376 (RESCHEDULED)

Craig Arcement, of Lafitte, LA, while trawling on the vessel, "Captain Craig", in the Gulf of Mexico, southeast of the Empire Canal, at LORAN-C readings of 28,753.1 and 46,843.3, Plaquemines Parish, encountered an unidentified submerged obstruction, on December 10, 1983, at approximately 5:30 p.m., causing loss of his trawl. Amount of Claim: \$779.23

CLAIM NO. 84-1492 (RESCHEDULED)

Louis Michael Matherne, of Lafitte, LA, while trawling on the vessel, "Super Star", in the Barataria Waterway, near Bayou St. Denis, Jefferson Parish, encountered a submerged section of 3" rope, on February 3, 1984, causing damage to his vessel. Amount of Claim: \$5,000

CLAIM NO. 84-1635 (RESCHEDULED)

Julius J. Moll, of Lafitte, LA, while trawling on the vessel, "Lady Danielle", in Little Lake, Lafourche Parish, encountered an unidentified submerged obstruction, on June 17, 1984, at approximately 4 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$500

CLAIM NO. 84-1713 (RESCHEDULED)

Alan Cheramie, of Lafitte, LA, while trawling on the vessel, "Alan-Michelle", in the Gulf of Mexico, west of the Grand Isle Sea Buoy, at approximately LORAN-C readings of 28,567.0 and 46,857.2, Jefferson Parish, encountered a submerged section of drill pipe, on May 23, 1984, at approximately 2 p.m., causing loss of his 40 foot trawl. Amount of Claim: \$524.30

CLAIM NO. 84-1778

Edward Otero, Jr., of Lafitte, LA, while trawling on the vessel, "Mr. Bingle", in Bayou Rigolettes, southwest of the Barataria Waterway, Jefferson Parish, encountered an unidentified submerged obstruction, on July 2, 1984, at approximately 4 p.m., causing damage to his vessel. Amount of Claim: \$416

CLAIM NO. 84-1858

Herbert Schultz, Jr., of Lafitte, LA, while trawling on the vessel, "Lady Sarah", in the Gulf of Mexico, at LORAN-C readings of 29,056.9 and 46,797.1, Plaquemines Parish, encountered an unidentified submerged obstruction, on August 3, 1984, at approximately 1:30 p.m., causing damage to his 68 foot trawl. Amount of Claim: \$275

CLAIM NO. 84-1879 (RESCHEDULED)

Ralph Sandras, of Harvey, LA, while trawling on the vessel, "Mr. Ralph", in the Gulf of Mexico, at the mouth of Barataria Pass, Jefferson Parish, encountered a submerged metal object, on August 3, 1984, at approximately 2:30 p.m., causing damage to his vessel, trawls and doors. Amount of Claim: \$2,765.51

CLAIM NO. 84-1895 (RESCHEDULED)

Raymond E. Plaisance, of Harvey, LA, while trawling on the vessel, "Capt. Menue", in the Gulf of Mexico, southwest of Raccoon Point, at LORAN-C readings of 27,876.4 and 46,839.1, Terrebonne Parish, encountered an unidentified submerged obstruction, on August 16, 1984, at approximately 6 p.m., causing loss of his 9 foot by 40 inch boards. Amount of Claim: \$901.94

CLAIM NO. 84-1933 (RESCHEDULED)

Herman Helmer, Jr., of Barataria, LA, while trawling on the vessel, "Lil Scott", in Barataria Bay, south of Pelican Point, Jefferson Parish, encountered a submerged tree or stump, on August 31, 1984, at approximately 9 a.m., causing damage to his 50 foot trawl. Amount of Claim: \$90

CLAIM NO. 84-1934 (RESCHEDULED)

Herman Helmer, Jr., of Barataria, LA, while trawling on the vessel, "Lil Scott", in East Champagne Bay, north of Mendicant Island, Jefferson Parish, encountered an unidentified submerged obstruction, on September 1, 1984, at approximately 8:30 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$440

CLAIM NO. 84-1967

Herbert P. Plaisance, of Westwego, LA, while trawling on the vessel, "LA-1505-BD", in the Barataria Waterway, 1½ miles south of Bayou Dupont, Jefferson Parish, encountered an unidentified submerged obstruction, on September 13, 1984, at approximately 2 p.m., causing damage to his vessel. Amount of Claim: \$947.24

CLAIM NO. 84-1989

William H. Harvey, Jr., of Lafitte, LA, while trawling on the vessel, "Darla Yvette", in Breton Sound, north of Main Pass, at LORAN-C readings of 29,055.9 and 46,877.7, Plaquemines Parish, encountered an unidentified submerged obstruction, on August 26, 1984, at approximately 8 a.m., causing loss of his 55 foot trawl. Amount of Claim: \$1,681.11

CLAIM NO. 84-1990

William H. Harvey, Jr., of Lafitte, LA, while trawling on the vessel, "Darla Yvette", in the Gulf of Mexico, at the mouth of Southeast Pass, LORAN-C readings of 29,038.2 and 46,793.6, Plaquemines Parish, encountered an unidentified submerged ob-

struction, on September 2, 1984, at approximately 11 a.m., causing damage to his trawl. Amount of Claim: \$119.07

Tuesday, January 22, 1985, at 10 a.m. in the Delcambre Town Hall, Delcambre, La.

CLAIM NO. 84-1463 (RESCHEDULED)

Philip A. Cantrelle, of Lake Arthur, LA, and Allen Wiseman, of Harvey, LA, while trawling on the vessel, "Forty Love", in the Gulf of Mexico, at LORAN-C readings of 28,295.8 and 46,818.9, Lafourche Parish, encountered a submerged steel girder, on February 19, 1984, at approximately 3:30 p.m., causing loss of his 47 foot trawl, bag and tickler chain. Amount of Claim: \$1,402.62

CLAIM NO. 84-1576 (RESCHEDULED)

Jimmy J. Dupre, of Erath, LA, while trawling on the vessel, "Miss Anna", in the Gulf of Mexico, west of Freshwater Bayou, at LORAN-C readings of 27,162.8 and 46,943.2, Vermilion Parish, encountered a submerged vessel, on May 28, 1984, at approximately 9:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$794.27

CLAIM NO. 84-1670 (RESCHEDULED)

Howard Derouen, of Howard Boat Company, Inc., New Iberia, LA, while trawling on the vessel, "Sea Breeze", in the Gulf of Mexico, between the New Cut and Joseph Harbor, at LORAN-C readings of 26,908.0 and 46,966.7, Cameron Parish, encountered an unidentified submerged obstruction, on June 25, 1984, at approximately 10:45 a.m., causing damage to his 70 foot siamese trawl. Amount of Claim: \$614.57

CLAIM NO. 84-1671

Howard Derouen, of Howard Boat Company, Inc., New Iberia, LA, while trawling on the vessel, "Sea Breeze", in the Gulf of Mexico, at LORAN-C readings of 26,934.2 and 46,957.7, Cameron Parish, encountered an unidentified submerged obstruction, on June 25, 1984, at approximately 4:30 p.m., causing loss of his 73 foot trawl and damage to his boards. Amount of Claim: \$1,568.95

CLAIM NO. 84-1787 (RESCHEDULED)

Ellis J. Schouest, Jr., of Franklin, LA, while trawling on the vessel, "Capt. Michael", in Chandeleur Sound, south of Deadman Island, St. Bernard Parish, encountered a submerged piling, on July 14, 1984, at approximately 6 a.m., causing damage to his vessel and trawl. Amount of Claim: \$1,267.43

CLAIM NO. 84-1816 (RESCHEDULED)

Timothy Schouest, Sr., of New Iberia, LA, while trawling on the vessel, "Master Timothy, Jr.", in Breton Sound, north of Baptiste Collette Bayou, at LORAN-C readings of 28,988.6 and 46,907.3, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 9, 1984, at approximately 2 a.m., causing damage to his trawl. Amount of Claim: \$399

CLAIM NO. 84-1817

Timothy Schouest, Sr., of New Iberia, LA, while trawling on the vessel, "Master Timothy, Jr.", in Breton Sound, at LORAN-C readings of 28,980.3 and 46,906.5, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 11, 1984, at approximately 4 a.m., causing loss of his trawl, try net and doors. Amount of Claim: \$4,634.12

CLAIM NO. 84-1818 (RESCHEDULED)

Timothy Schouest, Sr., of New Iberia, LA, while trawling on the vessel, "Master Timothy, Jr.", in Breton Sound, east of Curfew Point, at LORAN-C readings of 28,954.8 and 46,920.4, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 13, 1984, causing damage to his 80 foot trawl. Amount of Claim: \$448

CLAIM NO. 84-1944

Palmer Barras, of Delcambre, LA, while trawling on the vessel, "Blue Horizon", in the Gulf of Mexico, at LORAN-C read-

ings of 27,217.8 and 46,936.0, Vermilion Parish, encountered an unidentified submerged obstruction, on August 25, 1984, at approximately 6 p.m., causing damage to his 50 foot trawl. Amount of Claim: \$278.10

CLAIM NO. 84-2012

Hayes Picou, Sr., of Cameron, LA, while trawling on the vessel, "Miss Kato", in Calcasieu Lake, west of Grand Bayou, Cameron Parish, encountered an unidentified submerged obstruction, on September 26, 1984, at approximately 10:30 a.m., causing damage to his trawl. Amount of Claim: \$450

Thursday, January 24, 1985 at 10 a.m. in the L.S.U. Co-operative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, La.

CLAIM NO. 83-1148 (RESCHEDULED)

Linton Gisclair, of Golden Meadow, LA, while trawling on the vessel, "Big Wade", in the Gulf of Mexico, south of South Point, at LORAN-C readings of 27,506.0 and 46,921.9, Iberia Parish, encountered an unidentified submerged obstruction, on September 1, 1983, at approximately 10 a.m., causing loss to his 50 foot trawl. Amount of Claim: \$758.10

CLAIM NO. 84-1537 (RESCHEDULED)

Benton Pitre, of Cut Off, LA, while trawling on the vessel, "Lady Linda", in the Gulf of Mexico, east of Southwest Pass, at LORAN-C readings of 27,375.0 and 46,936.3, Iberia Parish, encountered an unidentified submerged obstruction, on May 16, 1984, at approximately 12:10 p.m., causing loss of his 52 foot trawl and tickler chain. Amount of Claim: \$822.55

CLAIM NO. 84-1544 (RESCHEDULED)

James A. Prudhomme, Jr., of Galliano, LA, while trawling on the vessel, "Capt. Jim", in Vermilion Bay, between Mud Point and Redfish Point, Vermilion Parish, encountered an unidentified submerged obstruction, on May 24, 1984, at approximately 5:30 p.m., causing loss of his trawl boards. Amount of Claim: \$554.98

CLAIM NO. 84-1565 (RESCHEDULED)

Farrel Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Farrel", in the Gulf of Mexico, southwest of Bayou Thunder Von Tranc, at LORAN-C readings of 28,408.9 and 46,836.7, Lafourche Parish, encountered an unidentified submerged obstruction, on May 29, 1984, at approximately 5 p.m., causing loss of his trawl. Amount of Claim: \$913.13

CLAIM NO. 84-1609

Henry Luwisch, of Cut Off, LA, while trawling on the vessel, "Miss Germaine", in East Bay, east of Burrwood, at LORAN-C readings of 28,847.0 and 46,773.9, Plaquemines Parish, encountered a submerged well head, on June 5, 1984, at approximately 10:30 a.m., causing damage to his vessel and loss of two 50 foot trawls, boards and related hardware. Amount of Claim: \$5,000

CLAIM NO. 84-1627 (RESCHEDULED)

Harry Cheramie, Sr., of Grand Isle, LA, while trawling on the vessel, "Ace of Trade", in the Gulf of Mexico, southeast of Caminada Pass, at LORAN-C readings of 28,498.2 and 46,848.0, Jefferson Parish, encountered an unidentified submerged obstruction, on June 13, 1984, at approximately 9 a.m., causing loss of his two 50 foot trawls. Amount of Claim: \$1,159.15

CLAIM NO. 84-1636

Lawrence Charpentier, of Cut Off, LA, while trawling on the vessel, "Thunder Bay", in Breton Sound, at LORAN-C readings of 29,073.3 and 46,906.9, Plaquemines Parish, encountered a submerged section of pipe, on June 17, 1984, at approximately 6 p.m., causing damage to his trawl. Amount of Claim: \$531.86

CLAIM NO. 84-1637

Lawrence Charpentier, of Cut Off, LA, while trawling on the vessel, "Thunder Bay", in Breton Sound, at LORAN-C readings of 28,994.4 and 46,910.2, Plaquemines Parish, encountered

an unidentified submerged obstruction, on June 16, 1984, at approximately 1:30 a.m., causing damage to his trawl. Amount of Claim: \$500.89

CLAIM NO. 84-1642 (RESCHEDULED)

Linton Charpentier, of Cut Off, LA, while trawling on the vessel, "Capt. Linton", in Breton Sound, between Baptiste Collette Bayou and Main Pass, at LORAN-C readings of 29,020.0 and 46,882.2, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 14, 1984, at approximately 1:30 p.m., causing damage to his two 60 foot trawls. Amount of Claim: \$822.86

CLAIM NO. 84-1677 (RESCHEDULED)

Randy J. Adams, of Galliano, LA, while trawling on the vessel, "Sunshine Lady", in Timbalier Bay, 1½ miles south of Philo Bruce Light, Lafourche Parish, encountered a submerged oil casing, on June 29, 1984, at approximately 7 a.m., causing loss of his 50 foot trawl and related hardware. Amount of Claim: \$1,188.32

CLAIM NO. 84-1717 (RESCHEDULED)

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "Tee Jeff", in Breton Sound, southeast of Point Gardner, at approximately LORAN-C readings of 29,040.0 and 46,929.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 5, 1984, at approximately 9 a.m., causing damage to his 50 foot trawl. Amount of Claim: \$159.39

CLAIM NO. 84-1757 (RESCHEDULED)

Elton Brunet, of Cut Off, LA, while trawling on the vessel, "M. Gottesman", in Barataria Bay, north of Grand Terre Island, east of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction, on July 12, 1984, at approximately 9 a.m., causing loss of his 52 foot trawl. Amount of Claim: \$850

CLAIM NO. 84-1779 (RESCHEDULED)

Linwood Esponge, of Galliano, LA, while trawling on the vessel, "Marcel Jr.", in Lake Borgne, east of Proctor Point, at approximately LORAN-C readings of 28,907.5 and 47,011.7, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 7, 1984, at approximately 3 p.m., causing loss of his 52 foot trawl. Amount of Claim: \$722.11

CLAIM NO. 84-1789 (RESCHEDULED)

Antoine Chauvin, of Golden Meadow, LA, while trawling on the vessel, "Lady Rowena", in Breton Sound, northeast of Deepwater Point, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 13, 1984, at approximately 7:30 p.m., causing loss of his anchor and anchor rope. Amount of Claim: \$785.96

CLAIM NO. 84-1801 (RESCHEDULED)

Randy J. Adams, of Galliano, LA, while trawling on the vessel, "Sunshine Lady", in Deepwater Pass, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 18, 1984, at approximately 5 p.m., causing loss of his trawl and related hardware. Amount of Claim: \$1,004.72

CLAIM NO. 84-1803 (RESCHEDULED)

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "Tee Jeff", in the Gulf of Mexico, east of North Pass, at LORAN-C readings of 29,134.8 and 46,828.7, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 20, 1984, at approximately 10:45 a.m., causing loss of his trawl. Amount of Claim: \$621.11

CLAIM NO. 84-1804 (RESCHEDULED)

James A. Prudhomme, Jr., of Galliano, LA, while trawling on the vessel, "Capt. Jim", in Drum Bay, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 6, 1984, at approximately 5 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$909.05

CLAIM NO. 84-1831 (RESCHEDULED)

Wayne Cheramie, of Grand Isle, LA, while trawling on the

vessel, "Master Wayne II", in the Gulf of Mexico, east of Bay Champagne, Lafourche Parish, encountered an unidentified submerged obstruction, on July 30, 1984, at approximately 2 p.m., causing loss of his 40 foot trawl. Amount of Claim: \$896.33

CLAIM NO. 84-1846 (RESCHEDULED)

Leo Paul Pitre, of Golden Meadow, LA, while trawling on the vessel, "Capt. Leo", in Breton Sound, south of Deadman Island and east of Gardner Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 7, 1984, at approximately 5 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$758.31

CLAIM NO. 84-1847 (RESCHEDULED)

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Steven", in the Gulf of Mexico, west of Caminada Pass, at LORAN-C readings of 28,458.1 and 46,842.6, Jefferson Parish, encountered an unidentified submerged obstruction, on August 4, 1984, at approximately 5 a.m., causing loss of his 57 foot trawl and related gear. Amount of Claim: \$1,061.44

CLAIM NO. 84-1848 (RESCHEDULED)

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Steven", in the Gulf of Mexico, between Bay Champagne and Caminada Pass, Lafourche Parish, encountered an unidentified submerged obstruction, on August 5, 1984, at approximately 9 a.m., causing loss of his 57 foot trawl and related gear. Amount of Claim: \$1,061.44

CLAIM NO. 84-1851 (RESCHEDULED)

Leo Toups, of Cut Off, LA, while trawling on the vessel, "Dixie Queen", in the Gulf of Mexico, south of Barataria Pass, at approximately LORAN-C readings of 28,565.5 and 46,863.0, Jefferson Parish, encountered a submerged vessel, on July 29, 1984, at approximately 12:30 p.m., causing damage to his vessel. Amount of Claim: \$724.53

CLAIM NO. 84-1853 (RESCHEDULED)

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Capt. Allen", in the Gulf of Mexico, south of Grand Isle, Jefferson Parish, encountered a submerged cable, on July 1, 1984, at approximately 5 a.m., causing damage to his trawl. Amount of Claim: \$309.47

CLAIM NO. 84-1854 (RESCHEDULED)

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Capt. Allen", in the Gulf of Mexico, south of Grand Isle, at approximately LORAN-C readings of 28,516.8 and 46,856.6, Jefferson Parish, encountered a submerged section of pipe, on August 2, 1984, at approximately 12 a.m., causing damage to his trawl. Amount of Claim: \$252.68

CLAIM NO. 84-1855 (RESCHEDULED)

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Capt. Allen", in the Gulf of Mexico, southeast of Caminada Pass, at approximately LORAN-C readings of 28,498.0 and 46,849.5, Jefferson Parish, encountered an unidentified submerged obstruction, on July 27, 1984, at approximately 9 a.m., causing loss of his trawl. Amount of Claim: \$1,103.08

CLAIM NO. 84-1862

John Wunstell, Sr., of Galliano, LA, while trawling on the vessel, "Guiding Star", in Drum Bay, northwest of Keelboat Pass, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 16, 1984, at approximately 10 a.m., causing loss of his 51 foot trawl. Amount of Claim: \$713.49

CLAIM NO. 84-1869

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "Tee Jeff", in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,570.0 and 46,860.7, Jefferson Parish, encountered an unidentified submerged obstruction, on August 12, 1984, at approximately 11:15 a.m., causing damage to his 46 foot trawl. Amount of Claim: \$186.43

CLAIM NO. 84-1890

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "Daddy's Pride", in the Gulf of Mexico, south of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction, on July 2, 1984, at approximately 9:30 a.m., causing loss of his 50 foot ballerina trawl. Amount of Claim: \$697.54

CLAIM NO. 84-1909 (RESCHEDULED)

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Steven", in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,564.3 and 46,861.8, Jefferson Parish, encountered an unidentified submerged obstruction, on August 19, 1984, at approximately 9:30 a.m., causing loss of his 57 foot ballerina trawl. Amount of Claim: \$883.66

CLAIM NO. 84-1921

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "Master Wayne", in the Gulf of Mexico, west of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction, on August 28, 1984, at approximately 2 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$738.72

CLAIM NO. 84-1931 (RESCHEDULED)

James A. Danos, of Cut Off, LA, while trawling on the vessel, "Ruth", in Terrebonne Bay, between Point Meshe and Cat Island, Terrebonne Parish, encountered submerged rocks, on August 28, 1984, at approximately 9:30 a.m., causing loss of his trawl and tickler chain. Amount of Claim: \$990.61

CLAIM NO. 84-1939

Wayne P. Vizier, of Golden Meadow, LA, while trawling on the vessel, "Lady Relta", in the Gulf of Mexico, at LORAN-C readings of 27,295.5 and 46,945.7, Vermilion Parish, encountered an unidentified submerged obstruction, on August 31, 1984, at approximately 1:10 p.m., causing damage to his vessel and loss of his trawls. Amount of Claim: \$3,792.74

CLAIM NO. 84-1948 (RESCHEDULED)

Dennis J. Terrebonne, of Galliano, LA, while trawling on the vessel, "Master D", in Bayou Lafourche, approximately 3 miles south of Golden Meadow, Lafourche Parish, encountered a submerged piling, on September 9, 1984, at approximately 11:05 a.m., causing damage to his vessel. Amount of Claim: \$1,758.79

CLAIM NO. 84-2048

John Wunstall, Jr., of Galliano, LA, while trawling on the vessel, "Guiding Star", in St. Joe Pass, north of Grassy Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on September 24, 1984, at approximately 11 a.m., causing loss of his 50 foot trawl and boards. Amount of Claim: \$1,331.22

CLAIM NO. 84-2052

Jimmy J. Gisclair, of Galliano, LA, while trawling on the vessel, "Patrick James", in the Gulf of Mexico, at LORAN-C readings of 26,779.5 and 46,977.3, Cameron Parish, encountered an unidentified submerged obstruction, on October 11, 1984, at approximately 5:30 p.m., causing damage to his trawl. Amount of Claim: \$365.10

Any written objections to these claims must be received by the close of business on January 8, 1985. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: B. Jim Porter, Secretary, Department of Natural Resources, Box 44124, Capitol Station, Baton Rouge, LA 70804.

B. Jim Porter  
Secretary

**POTPOURRI**

**Department of Urban and Community Affairs  
Office of Community Services**

The Department of Urban and Community Affairs will hold a Public Hearing on Thursday, January 10, 1985, at 2 p.m. in the auditorium of the Department of Public Safety, Louisiana State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA.

The purpose of the Public Hearing is to receive comments on the proposed State Weatherization Plan for low-income, elderly and handicapped persons in the State of Louisiana.

If you require additional information, please contact Mr. J. W. Vaughn, Assistant Secretary, Office of Community Services at Box 44455, Baton Rouge, LA 70804 or at (504) 925-3734.

Dorothy M. Taylor  
Secretary

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