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Executive Orders

EXECUTIVE ORDER NO. DCT 83-11

WHEREAS, various state agencies are responsible for the implementation of programs that impact economic development; and

WHEREAS, there is a need to establish a mechanism for coordinating the state's programs that impact economic development; and

WHEREAS, the most effective means of coordinating policy implementation is through the cooperation of the cabinet heads of those agencies concerned with economic growth and stability in the state;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

I. That there is hereby created the Economic Development Coordinating Panel which shall have the following duties:

a) To implement economic development policies and programs.

b) To coordinate the activities of executive agencies charged with the responsibility of implementing activities associated with economic development for the state of Louisiana, and ensure interdepartmental cooperation in all said endeavors.

II. The Economic Development Coordinating Panel shall be composed of the chief officials of those agencies most actively involved with economic development matters, including but not limited to:

The Department of Commerce, the Secretary of which shall serve as Chairman

The Department of Transportation and Development

The Department of Urban and Community Affairs

The Department of Culture, Recreation and Tourism

The Department of Labor

The State Planning Office

The Department of Natural Resources

The Department of Revenue and Taxation

IN WITNESS WHEREOF, I have hereunto set my hand officially, and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this the 3rd day of June, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-12

WHEREAS, it is recognized that fundamental changes are occurring in the worldwide and national economies, and

WHEREAS, economic development can best be effected through a cooperative effort of the public and private sectors;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

I. That there is hereby created the Economic Development Advisory Council, which shall have the following duties:

a) To develop recommendations for statewide economic

development policy objectives.

b) To formulate and recommend cost-effective, productive economic development programs (both within state agencies and in the private sector).

c) To identify, rank, and address crucial Louisiana economic development problems and issues.

d) To recommend legislative initiatives pertaining to economic development.

II. That the Economic Development Advisory Council shall be composed of at least the following:

Five members from the Cabinet,

a) The Secretary of the Louisiana Department of Commerce, who shall serve as chairman.

b) The Secretary of the Louisiana Department of Transportation and Development.

c) The Secretary of the Department of Culture, Recreation and Tourism.

d) The Secretary of the Department of Labor.

Members to be appointed by the Governor:

a) Seven private sector business, agriculture, labor and community leaders who are active in economic development pursuits.

b) Two economic development experts from the state's universities.

c) A member of the House of Representatives.

d) A member of the Senate.

e) That appropriate personnel from the Office of Commerce and Industry and the State Planning Office shall serve as staff to the Council.

f) That the Economic Development Advisory Council shall first convene in June of this calendar year.

The Governor may from time to time appoint additional members as appropriate in light of the activities undertaken and the areas of inquiry.

IN WITNESS WHEREOF, I have hereunto set my hand officially, and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this the 3rd day of June, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-14

WHEREAS, the purpose of this order is to improve the efficiency of cash management practices in the state; and

WHEREAS, a preliminary cash management review indicated that additional evaluation of cash management practices of state agencies is needed and that the resulting recommendations be instituted; and

WHEREAS, more efficient cash management practices will be beneficial to state agencies and citizens of the state in maximizing the amount of funds available for investment by the State of Louisiana;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish a Cash Management Task Force to evaluate and recommend changes to improve cash management practices of State agencies.

BE IT FURTHER RESOLVED, that the task force herein created shall be composed of the State Treasurer, the Legislative Auditor, and the Commissioner of Administration. These individuals may designate employees from their offices to represent them on the Task Force, and are authorized to use those resources as necessary to carry out the purposes of this Executive Order. The

task force shall make such studies and gather data from State agencies as it finds necessary to carry out the purpose of this Executive Order.

BE IT FURTHER RESOLVED, that all State agencies shall:

1) Review their respective cash management practices relating to the billing, collecting, recording, depositing, investing, and disbursing of funds.

2) Determine if cash management functions are performed timely for efficient use and investment of funds by the state.

3) Institute changes to improve efficiency and timeliness of cash transactions.

4) Make recommendations to and provide information as requested by the Cash Management Task Force for improving cash management practices.

5) Cooperate with the Cash Management Task Force and assist in implementing changes in statewide cash management practices.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 3rd day of August, A.D., 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

The Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B, readopted four Emergency Rules. LAC 11-6:30.37 and 30.8 on simulcast wagering; LAC 11-6:54 et seq. on permitted medication; and LAC 11-6:14.9 on trainer applicant examinations.

The Commission, at its meeting of July 29, 1983, by unanimous resolution, made the finding that public welfare required the amendment and readoption of said Rules of racing.

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent upon the Louisiana State Racing Commission to readopt said rules of racing so as to place under its control and jurisdiction the specifications and conditions whereby: 1) permitting nationally recognized out-of-state horseraces to be simulcasted at Louisiana racetracks, 2) allowing nationally recognized Louisiana horseraces to be simulcasted in other racing jurisdictions, 3) outlining the procedures and limitations of the use of permitted medication in racehorses, and, also, 4) requiring that horse trainer applicants pass an examination before being granted a trainer's license (a person failing said examination must wait for a 90 day period before reapplying).

Rule LAC 11-6:14.9 currently reads:

"An applicant for a license as trainer must show proof of at

least two years track experience with a racing stable. Application shall be accompanied by the written statements of two reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. An applicant shall be given a thorough examination by the stewards and such other persons as they may appoint."

Amend and readopt LAC 11-6:14.9 by adding the following to the last sentence thereof:

"Failure of applicant to obtain license will automatically require a 90 day waiting period before reapplying."

Gordon A. Burgess
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

LAC 11-6:30.37

Pari-mutuel wagering within the enclosure of a licensed association's facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the Commission. The following conditions must be met upon written application by the licensed association to the Commission:

A. The horse race must be of outstanding nature and of interest to a great number of patrons,

B. The horse race must be televised regionally, nationally, or internationally, or by closed-circuit network, so that patrons at the association's facility may view the racing event,

C. The licensed association must submit a written agreement with the host track or association where the race is held,

D. The licensed association must submit written approval by the host racing commission or board,

E. The licensed association must submit written approval by the host track or jurisdiction's horsemen's association,

F. Application to the Commission must be made at least 30 days before the racing event is to be held,

G. Notwithstanding the provisions of paragraph B, failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

Upon approval by the Commission of an association's application for pari-mutuel wagering on a racing event fulfilling the above criteria, the association agrees to:

A. Schedule not more than two such other track wagering events per day,

B. Schedule not more than 12 wagering events per day,

C. Accept wagers not more than 36 hours prior to the racing event,

D. Publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks, and a morning line of odds,

E. Display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

Gordon A. Burgess
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

LAC 11-6:30.38

A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the Commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq. - Interstate Horseracing Act), and the laws of this State.

Gordon A. Burgess
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

LAC 11-6:54

Permitted Medication

(Editor's Note: The text of this Emergency Rule is contained under this same topic and number under the Racing Commission in the Rules section of this issue of the Register.)

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following items as Emergency Rules:

1. Bulletin 1705, *Separate Minimum Standards for Moderately, Severely, and Profoundly Handicapped Students*. (Copy on file in BESE office and Department of State Register). This emergency adoption is necessary because in order to provide the local school systems with enough copies to begin implementation with the opening of the 83-84 school year, the Department of Education must begin printing and distributing immediately.

2. An amendment to the tuition exemption regulations (Bulletin 1533) under *College and University Procedures (VIII-E)* to allow colleges and universities 15 days after the date of commencement to submit tuition exemption invoices and related information to the State Department of Education. (This emergency adoption is necessary because the Department of Education must print and distribute these Regulations in order to allow teachers to return to colleges and universities in the Fall semester of 1983 under this program as provided by the Louisiana Legislature.)

3. Revised Section 459 of Bulletin 1706 (formerly Act 754 Regulations) as amended in Special Education Committee and as follows:

PROPOSED REVISIONS OF SECTION 459

A. Prior to any administrative disciplinary action with regard to a student classified as handicapped, the relationship between the behavior of concern, the handicapping condition of the student, and the proposed disciplinary action must be considered.

1. The need for a structured program of behavior therapy should be considered at each IEP meeting for all handicapped students.

2. Any structured program of behavior therapy which is

included in a student's IEP **shall not** be considered disciplinary action.

3. A handicapped student's IEP committee shall be convened to review the appropriateness of the student's program and/or placement following nine days in, or the third assignment to, a structured in-school alternative discipline program.

B. After a pattern of behavior has been established (three occurrences) resulting in any form of disciplinary action(s), the student's IEP committee shall be convened to review the student's program and/or placement.

C. When the behavior of the handicapped student is presenting an immediate danger to self or others or is significantly destructive to property, the student may be immediately removed from the school premises for a period not to exceed three days. Following the third such removal, the IEP committee shall be reconvened to:

1. determine if the behavior is related to the student's handicap, and

2. review the appropriateness of the student's educational program and/or placement.

In addition, a re-evaluation of the student shall be conducted in accordance with Bulletin 1508.

D. Each teacher is authorized to hold each student to a strict accountability for any disorderly conduct in the school, on the playground of the school, on any school bus going to or returning from school, or during recess or intermission. Teachers, principals, and administrators may, subject to any rules as may be adopted by a local parish/city school board, apply reasonable disciplinary and corrective measures to maintain order in the schools. In addition, school principals may suspend from school any student, including an exceptional child, for good cause in accordance with parish/city school board policy and this subpart.

E. A student classified as being handicapped shall be neither suspended nor expelled from school if the behavior for which action is taken is related to the student's handicap.

1. A suspension is defined as:

a) an in-school cessation of educational services for one school day or longer; and/or

b) a temporary removal from school for no more than nine school days.

2. An in-service alternative discipline program which includes educational services **shall not** be considered a suspension.

3. If the suspension being considered is for less than nine school days a determination as to whether the behavior is related to the student's handicapping condition shall be made by at least one person knowledgeable about the student (e.g., teacher) and one other professional staff member of the school system knowledgeable about the handicapping condition of concern (certified special education teacher, pupil appraisal staff member). The special education administrator or designee shall be notified within one operational day regarding the student's handicap, the behavior and the disciplinary action being taken.

F. If the determination is made that the student's behavior **is not related** to the student's handicap, the student shall be disciplined in accordance with discipline policies for non-handicapped students.

1. If a suspension or expulsion of more than nine school days is determined to be the appropriate disciplinary action, or if the cumulative number of days of suspension or expulsion exceeds nine school days during any one school year, then an alternative education program shall be provided to the student during the period of suspension or expulsion.

2. The suspension or expulsion or otherwise removal of a student classified as handicapped from his/her educational placement for a period of more than nine cumulative school days in one school year constitutes a significant change in placement and

requires adherence to the procedures established in Section 504 and P.L. 94-142, including:

- a) The convening of the IEP committee to:
 - 1) Determine if the behavior is related to the student's handicap, and
 - 2) Review the appropriateness of the student's educational program and/or placement.

b) A re-evaluation of the student in accordance with Bulletin 1508.

G. If a determination is made that the student's behavior is related to the student's handicap, no suspension or expulsion shall be taken against the student.

(This policy was adopted as an Emergency Rule because the Office of Civil Rights has indicated in formal correspondence to the BESE that the current Section 459 of Bulletin 1706 is out of compliance with the requirements of Section 504 of the Vocational Rehabilitation Act of 1973. Section 459 of Bulletin 1706 was adopted on an emergency basis so that immediate compliance with Section 504 can be achieved.

4. The Board concurred with the recommendations of the Department of Education regarding the NTE Scores as listed below:

Area Examination	Core Battery Exams			
	Area Score	CS	GK	PK
Agriculture	466	645	644	645
Art Education	-	645	644	645
Biology & General Science	575	645	644	645
Business Education	591	645	644	645
Chemistry/Physics/ General Science	530	645	644	645
Early Childhood Education	506	645	644	645
Education in Elementary School	545	645	644	645
Education of Mentally Retarded	541	645	644	645
English Language/Literature	441	645	644	645
French	517	645	644	645
German	496	645	644	645
Home Economics Education	509	645	644	645
Industrial Arts Education	-	645	644	645
Mathematics	617	645	644	645
Media Specialist/Library/A-V	563	645	644	645
Music Education	533	645	644	645
Physical Education	545	645	644	645
Social Studies	563	645	644	645
Spanish	538	645	644	645
Speech Communications	-	645	644	645
CS - Communication Skills Professional Knowledge	GK - General Knowledge	PK		

Since the National Teacher Examinations were revised by the Educational Testing Service, it was necessary to revalidate the exams and set new scores for certification. Emergency adoption is necessary so that individuals can be employed under these provisions for the 1983-84 school year.

5. The Board adopted the following policy regarding issuing a temporary employment permit to those taking the revised NTE:

1. A temporary employment permit, valid for the 1983-84 school year, will be granted to those candidates who met the qualifying scores on the revised NTE in three out of four modules and whose aggregate score is equal to or above the total score on all four modules required for standard certification. All other standard certification requirements must be met.

2. When no area examination is required, a temporary employment permit will be granted to candidates who meet

qualifying scores in two out of three modules of the Core Battery and whose aggregate score is equal to or above the total score on all three modules of the Core Battery required for certification. All other standard certification requirements must be met.

3. To employ an individual on a temporary employment permit, a local superintendent would be required to verify that no regularly certified teacher is available for employment. Names of individuals employed on a temporary employment permit should be listed on the addendum to the Annual School Report with verification that no regularly certified teacher is available.

(The need for the emergency adoption of the above policy is to help local school systems that are experiencing a teacher shortage and cannot employ a regularly certified teacher.)

6. The Board adopted policies on attendance in the proposed revised Bulletin 741 as an Emergency Rule in order that these policies would be effective for the 1983-84 school year as listed below:

Attendance Requirements - (Elementary and Secondary Education)

Students from the seventh to the sixteenth birthday shall attend a public or private day school or participate in an approved home study program.

1. Schools shall administer attendance regulations in accordance with state and locally adopted policies.

2. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

3. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester or 160 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

4. The only exception to the attendance regulation shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance. (Refer to R.S. 17:226.)

Extenuating Circumstances

1) Extended personal physical or emotional illness as verified by a physician

2) Extended hospital stay as verified by a physician

3) Extended recuperation from an accident as verified by a physician

4) Extended contagious disease within a family as verified by a physician

5) Prior school system approved travel for education

6) Death in the family (not to exceed one week)

7) Natural catastrophe and/or disaster

8) For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedures established by the LEA.

5. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

6. Absences Due to School Approved Activities — Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

7. Types of Absences — The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

8. Temporarily Excused Absences — Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work.

9. Unexcused Absences — Students shall not be excused for any absence other than those listed and shall be given failing grades in those subjects for those days missed with no make-up work allowed.

10. Students shall not be excused from school to work on any job including agriculture and domestic service, even in their own homes or for their own parents or tutors.

11. Absences Due to Suspensions — Students missing school as a result of any suspension shall be counted as absent and shall be given failing grades for those days suspended with no make-up work allowed.

12. Homebound Instruction — A student enrolled in regular education who, as a result of physical illness, accident or the treatment thereof, is temporarily unable to attend school shall be provided instructional services in the home or hospital environment through special education, when appropriate. Procedures outlined in Act 754 and Bulletin 1508, *Pupil Appraisal Handbook*.

13. Exceptional Students' Attendance — School systems shall provide education and related services to exceptional students in accordance with an Individualized Education Program (IEP) for no less than the normal 180-day school cycle.

14. Entrance Requirements — All students upon entering Louisiana schools for the first time shall present an official birth certificate and a record of immunization.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

15. Age Requirements — Special Education preschool shall be provided to eligible students ages 3-5 years.

16. The school system shall have the option to provide special education preschool to handicapped students aged 0-2 years.

17. The minimum age for kindergarten shall be 4 years, 8 months.

18. Students attaining the age of 6 within 4 months after the beginning of any public school term or session may enter such school at the beginning of the school term or session.

In any parish or municipality, the local educational governing authority may establish the policy that only children attaining the age of 6 on or before December 31 may enter regular school at the beginning of the term or session.

19. Child Welfare and Attendance — A planned program of child welfare and attendance services shall be provided.

20. Unexcused Absences — Any unexplained, unexcused, or illegal absence or habitual tardiness shall be reported to the Visiting Teacher, and/or Supervisor of Child Welfare and Attendance when necessary.

The Visiting Teacher or Supervisor of Child Welfare and Attendance may visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, visiting teachers, or supervisors of child welfare and attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health and Human Resources (DHHR), and other State and local agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in

person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

21. Parent or Tutor Responsibility — The school system shall require that every parent or tutor or other person having charge of an exceptional student enrolled in the school system shall enforce the attendance of these students at the special schools or classes which may be provided for them by the state or by the local educational governing authority, and to which they have been assigned, and which they are eligible to enter.

Attendance Requirements - (Special Schools)
Special schools shall administer attendance regulations in accordance with state and locally adopted policies.

1. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

2. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester or 160 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

3. Extenuating Circumstances — The only exception to the above stated standard (3.055.02) shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the educational governing authority.

Special schools not within the jurisdiction of a school system shall provide verification and approval of the extenuating circumstances through the principal of the school and the State Department of Education (SDE). (Refer to R.S. 17:226.)

Extenuating Circumstances

1) Extended personal physical or emotional illness as verified by a physician

2) Extended hospital stay as verified by a physician

3) Extended recuperation from an accident as verified by a physician

4) Extended contagious disease within a family as verified by a physician

5) Prior school system approved travel for education

6) Death in the family (not to exceed one week)

7) Natural catastrophe and/or disaster

8) For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedure established by the LEA.

4. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

5. Absences Due to School Approved Activities — Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

6. Types of Absences — The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

7. Temporarily Excused Absences — Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work. Exceptions can be made only through specific provisions in the Individualized Educational Program (IEP).

Entrance Requirements

8. All students entering a special school shall present an official birth certificate, a record of a physical examination, and satisfactory evidence of having been immunized against com-

municable diseases according to an approved schedule or shall present evidence of an immunization program in progress.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

9. Age Requirements — Eligible students served by special schools shall be between the ages of 3 through 21.

10. The special school shall have the option to provide special education preschool to handicapped students ages 0-2 years.

11. Special schools with graded programs shall adhere to established age requirements.

12. Unexcused Absence — Any unexplained, unexcused, or illegal absence or habitual tardiness shall be immediately reported to the Visiting Teacher, or Supervisor of Child Welfare and Attendance, or other appropriate authority as designated by the local educational governing authority.

The Visiting Teacher or Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the local educational governing authority shall visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, Visiting Teachers, or Supervisors of Child Welfare and Attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health and Human Resources, and other State and local agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

13. Parent or Tutor Responsibility — Each special school shall require that every parent or tutor or other person having charge of an exceptional child enforce the attendance of these children at the special schools or classes which may be provided for them.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the General Assistance policy regarding flat grant payment standards.

EMERGENCY RULE

The flat grant amount that shall be included in the payment budget for all certifications in the General Assistance Program is as follows:

18-922 flat grant amounts to be included in every GA Assistance Payment Budget.

No. of Persons	Flat Grant Amount
1	\$ 91
2	138
3	190
4	234
5	277
6	316
7	352
8	391
9	427
10	462
11	501
12	540
13	580
14	620
15	662
16	707
17	741
18	789

This Emergency Rule which rescinds the Emergency Rule of July 1, 1983, for the General Assistance Program is necessary as the rule regarding Flat Grant Amounts to be included in every General Assistance Payment Budget published in the June 20, 1983, *Louisiana Register* will result in the reduction or termination of General Assistance benefits for some one person households. The termination of benefits would be an imminent peril to the health and welfare of one person households whose General Assistance Benefits are terminated because these individuals would be deprived of the medical benefits which would terminate with the termination of the General Assistance benefits.

Roger P. Guissinger
Secretary

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 provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the General Assistance policy regarding flat grant payment standards.

EMERGENCY RULE

Effective August 1, 1983, General Assistance Program applicants shall be referred to the Medical Social Review Team of the Office of Family Security rather than the Social Security Administration when incapacity is expected to last no more than six months, and is substantiated by medical evidence which the General Assistant applicant is able to present or readily secure.

The Emergency Rule is necessary as referral of all General Assistance applicants to the Social Security Administration prior to certification for General Assistance benefits would result in excessive delays for those individuals who become incapacitated for six months or less. The delay of benefits to the temporarily incapacitated will imminently imperil the health and welfare of those individuals who would be deprived of the medical benefits which become available upon inclusion in the General Assistance Program.

Roger P. Guissinger
Secretary

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 provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the Title XIX State Plan, Method and Standards for Payment for Medical and Remedial Care and Services - Skilled Nursing and Intermediate Care Facilities. This Emergency Rule will serve to repeal an Emergency Rule published in the *Louisiana Register* on July 20, 1983, Volume 9, Number 1, page 457, bearing the title "Amendment to methods and standards for payment for medical services", which was never implemented, and will allow the Medical Assistance Program to adopt new policy, as follows:

Effective July 28, 1983, Attachment 4.19-D, page 103 after paragraph 4 and page 114 after paragraph 4 D. will be amended as follows:

EMERGENCY RULE

Page 103.

5. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

Page 114.

4.E. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

The intent of the regulation is to ensure reasonable rates for care provided during the FY 83-84.

As a result of problems identified in establishing allowable costs and the time required to resolve these conflicts, this method is established.

This action is necessary to ensure that recipients of Title XIX long term care services continue to be served, thus avoiding an imminent peril to their health and welfare; it ensures that providers of these services are paid adequately and timely; and also provides for effective administration of the Medical Assistance Program in this area.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 10, 1983 the following Rules and Regulations:

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with Title 56 of the Louisiana Laws Pertaining to Wildlife and Fisheries, Revised 1982 Edition, appropriate federal laws; and/or Wildlife and Fisheries Commission regulations.

This is deemed to be an emergency due to the fact the biological data must be obtained up to the last possible moment so that the seasons may be set in the best interest of the renewable resources involved.

1. Open area - Alligator habitat in the State of Louisiana. Harvest quotas will be rigidly controlled according to alligator population estimates within all of the state's wetland habitat types.

2. Harvest season - The open season shall run for a 30-day period beginning on September 10, 1983, and continue through October 9, 1983. Size - no alligators under four feet in length may

be taken.

3. Harvest methods - Alligators may be taken only during daylight hours, between official sunrise and official sunset. If a licensed hunter is cited for hunting alligators out of season, at night, or on property other than that for which tags were assigned, all tags and skins for the current season will be confiscated in addition to revocation of the alligator hunting license. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Department will be considered illegal and will be confiscated by Department personnel. Pole hunting is prohibited to protect the nesting female population. Hooks and lines may be set no more than one day prior to the season opening. No hook and line shall remain set after the closing day of the alligator season. All alligator hooks and lines must be checked daily and all hooks and lines must be removed when a hunter's tag quota is reached. Alligators cannot be cut loose from hooks and lines for purposes of selecting larger alligators.

4. Licenses - An alligator hunter must have in possession a valid commercial alligator hunter license to take or sell alligators or their skins or other alligator parts. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have resided within the state for a period of 90 days immediately preceding the season and established bona fide residence in the state. A hunter must complete application forms provided by the Department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures). Applications must be submitted beginning August 1, 1983. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Commercial alligator hunter licenses will not be issued after September 16, 1983. Non-resident hunters and resident sport hunters must coordinate their hunt through landowners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of any person who deals in alligator parts other than hides and who: (a) Buys from an alligator hunter or farmer for the purpose of resale; or (b) Manufactures within the state alligator parts into a finished product; or (c) Purchases, cans, processes, or distributes alligator meat for wholesale or retail. A retailer selling canned alligator parts or a retailer purchasing alligator parts from an alligator parts dealer or a restaurant selling prepared alligator meat for human consumption shall not be classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year. Persons or firms entering alligators or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, or alligator skins and/or parts to another state must do so in accordance with the regulations of that state.

5. Tagging - In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of \$5 (one fee charged regardless of the number of tags involved). Alligator tags will not be issued after September 16, 1983. The tags must be attached and locked in the last six inches of the tail. The

tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Failure to properly tag an alligator or skin will result in confiscation of both the alligator or skin and tag. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of Department biologists. Tags issued on public lakes are non-transferable and limited to five per hunter. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number, and the tag numbers issued to each hunter will be recorded. Hunters will be held accountable for all alligator tags issued to them. *Unused tags must be returned by the hunter to the Department no later than 15 days following the close of the season.* Department personnel must be notified, within 15 days following the close of the season, of any alligator hides not sold to a commercial buyer or dealer on official Louisiana Department of Wildlife and Fisheries forms provided. Lost or stolen tags will not be replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligator meat/parts upon transfer by a hunter or farmer.

6. Alligator Farmers and Breeders - Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators (except farm alligators can be harvested during closed season with Department approval).

7. Sale of Alligator Skins - All alligator skins taken during the alligator season must be validated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

8. Buyer/Dealer Hide Records - All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number and length, and date purchased. Dealers will submit reports as required by the Department for all hides purchased/sold. Every buyer or dealer having raw alligator hides in his possession shall file with the Department within 60 days after the close of the alligator season, or prior to shipping out of state, a complete report as specified on forms provided by the Department.

9. Shipment - All interstate shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the Department. All shipments of skins within the state must be tagged with official Louisiana Department of Wildlife and Fisheries in-state shipping tags. A severance tax of 25¢ per hide must be paid on all out-of-state shipments at the time skins are transported or shipped.

10. Sale of Meat and Parts - Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Health Department regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal laws. Alligator meat sold for human food must be processed in a facility approved by the Louisiana Health Department. If a person or firm (corporation) is

cited for buying or selling alligator meat that was not processed through a licensed alligator processing plant, all alligator meat in possession will be confiscated. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases, and sales on forms provided by the Department. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the Department. Hunters, farmers, and alligator parts dealers (must be licensed by the Louisiana Health Department) shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

11. Nuisance Removal Program - A statewide alligator nuisance removal program will be administered on an annual basis. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. Alligators taken under this program must be taken in accordance with state regulations and local regulations/ordinances. Skinning instructions issued by the Department will be for one calendar year. This nuisance removal program depends upon close cooperation of state, parish, and local authorities. Tags may be issued by the Department to an approved licensed hunter who has been designated by Department supervisory personnel or officials of a local governing body. The number of tags issued will be based on the number of complaints received and the quantity and quality of alligator habitat involved. The Commission is hopeful this program will lessen the threat to people and property by reducing human/alligator contact.

12. Hunting on Public Lakes - The Department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by Department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is five per hunter. *Alligator tags issued on public lakes are nontransferable.* Applicants for public lake hunting must be 16 years of age or older. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters, a public drawing will be held to select hunters. Applications for public lake hunting must be received at least 10 days prior to the season opening date.

13. Harvest Rates - Tags will be issued on the following basis, with the exception of alligator farmers, breeders and the nuisance complaint program.

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH
LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Minden	Caddo	Cross Lake	500	20	25	Public Lake (Experimental Harvest)
	Bossier	Flag Lake	500	10	50	Barksdale A.F.B.
		Barksdale A.F.B. Lakes	500	10	50	"
	DeSoto	*Clear Lake	1,500	50	30	Public Lake (Experimental Harvest)
		**Smithport Lake	1,500	50	30	"
		Bayou Pierre Brake	3,000	30	100	Private Lake (Experimental Harvest)
DeSoto-Caddo	Wallace Lake	2,000	5	400	Public Lake (Experimental Harvest)	
Monroe	Ouachita	Calhoun Brake	600	6	100	Private Lake (Experimental Harvest)
		Black Bayou Lake	720	15	50	"
		McGowen Brake	600	6	100	"
		Bartholomew Lake	250	5	50	Public Lake (Experimental Harvest)
	Morehouse	Wham Brake	500	5	100	Private Lake (Experimental Harvest)

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH (CONT'D)

LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Alexandria	Grant	Iatt Lake	3,000	20	150	Public Lake (Experimental Harvest)
	Rapides	Indian Creek	500	5	100	"
		Kincaid Lake	500	5	100	"
	Rapides- Evangeline	Cocodrie Lake	4,000	10	400	"
	Natchitoches	Black Lake	2,400	10	240	"
	Winn	Saline Lake	2,400	10	240	"
Vernon	Anacoco Lake	1,000	5	200	"	
Ferriday	Caldwell	Jones Brake	200	10	20	Boeuf W.M.A. (Experimental Harvest)
		Dizzy Brake	160	10	16	Private Lake (Experimental Harvest)
	Concordia	Lower Sunk Lake	600	5	120	Three Rivers W.M.A. (Experimental Harvest)
		Silver Lakes	400	5	80	"
	Tensas	Lake St. Joseph	800	40	20	Public Lake (Experimental Harvest)
Lake- Charles	Evangeline	Chicot Lake	1,625	16	100	State Parks (Experimental Harvest)

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH (CONT'D)

LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Lake Charles	Evangeline	Miller's Lake	3,000	30	100	Private Lake (Experimental Harvest)
Opelousas	Avoyelles	Grassy Lake W.M.A.	760	8	100	(Experimental Harvest)
		Spring Bayou W.M.A.	3,420	50	70	"
	St. Martin	Bayou des Ourses Brake	1,300	20	65	Private brakes within upper portion of Atchafalaya Basin
	Iberville	Bayou des Glaises Brake	2,000	20	100	(Experimental Harvest)
Lake Region Totals		Lakes	40,105	491	85	Experimental Harvest Rates

Additionally: Any private alligator habitat determined by Dept. personnel to have a reproducing population may be issued tags at the rate of one tag per 85 acres of habitat.

* North of La. 509 Bridge

** South of La. 509 Bridge

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH
CYPRESS-TUPELO SWAMP REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Opelousas	Iberville	29,880	93	320	Tag allotment based upon night counts, alligator model and harvest rate of 4.7% of harvestable size animals
	Lafayette	1,200	4	320	
	Pointe Coupee	1,000	3	320	
	W. Baton Rouge	7,040	22	320	
Baton Rouge	Acension	40,320	126	320	Alligator harvest within Pearl River W.M.A.
	E. Baton Rouge	2,000	6	320	
	Livingston	66,720	208	320	
	St. Tammany	9,000	28	320	
	Tangipahoa	*36,181	113	320	
New Orleans	St. Charles	39,340	123	320	
	St. James	76,960	241	320	
	St. John	104,320	326	320	
New Iberia-Bourg	Assumption	98,560	308	320	
	Iberia	31,550	99	320	
	LaFourche	112,350	351	320	

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH
 ATCHAFALAYA BASIN REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Opelousas	Iberville	35,000	41	850	Tag allotment based upon night counts, alligator model and harvest rate of 4.7% of harvestable size animals
	St. Martin	100,000	118	850	
New Iberia	Iberia	39,980	47	850	
	St. Martin	80,000	94	850	
	St. Mary	13,560	16	850	
BASIN TOTAL		268,540	314	850	

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH
 CYPRESS-TUPELO SWAMP REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
	St. Mary	60,190	188	320	
	Terrebonne	43,014	134	320	
SWAMP TOTAL		758,625	2,373	320	

* 35,000 additional acres of intermediate marsh.

Parish	1983 Tag Allotment/Marsh Type		
	Brackish	Intermediate	Fresh
Cameron Calcasieu	1:175	1:100	1:125
Jeff Davis			1:125
Vermilion	1:150	1:100	1:250
Iberia St. Mary	1:250	1:175	1:200
Terrebonne	1:225	1:100	1:150
Lafourche	1:400	1:175	1:100
St. Charles	1:400	1:100	1:100
St. John the Baptist		1:100	1:100
Jefferson	1:300	1:200	1:175
Orleans	1:500	1:225	1:225
Plaquemines	1:350	1:250	1:250
St. Bernard	1:400	1:200	
St. Tammany	1:125	1:125	1:125
Tangipahoa			1:175
Swamp	1:320		
Dewatered Marsh	1:500		
Deteriorating Brackish Marsh*	1:500		

*Marsh areas which are characterized by a generally declining alligator population caused by degradation of alligator habitat.

This is to certify that the above and foregoing is a true copy of the excerpt of the meetings of the Louisiana Wildlife and Fisheries Commission held in New Orleans, Louisiana on July 26, 1983.

Jesse J. Guidry
Secretary

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

WHEREAS, there is a need to define the interior limits of Chandeleur and Breton Sounds for vessels using two trawls in order to conserve and protect small juvenile shrimp in nursery ground areas,

NOW, Therefore, Be It Resolved that the Wildlife and Fisheries Commission at its regular meeting on July 26, 1983 does hereby establish the western limits of Chandeleur and Breton Sounds as being that area extending generally east of a line running south from the Louisiana - Mississippi boundary to the east end of Isle Aux Pitre to Door Point, Brush Island, Point Comfort, Point Chico, Grace Point (Break-in-the-rocks, MR-GO), Mozambique Point, Telegraph Point, California Point, Sable Island Light, Raccoon Point, Coquille Point, Deep Water Point, and the northeastern point of land at Taylor Pass.

Jesse J. Guidry
Secretary

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 17, 1983 the following Rules and Regulations:

1983-84 Migratory Hunting Season Dates

	Dates	Days
Rails	Sept. 17-25	9
	Nov. 12-Jan. 11	<u>61</u>
		70 Total
Gallinules:	Sept. 17-25	9
	Nov. 12-Jan. 11	<u>61</u>
		70 Total
Snipe:	Nov. 12-Feb. 26	107
Woodcock:	Dec. 10-Feb. 12	65
Doves	North Zone: Sept. 3*-18	16
	Oct. 15*-Nov. 6	23
	Dec. 10*-Jan. 9	<u>31</u>
		70 Total
South Zone:	Oct. 15*-Nov. 27	44
	Dec. 10*-Jan. 4	<u>26</u>
		70 Total
Teal:	Sept. 17-25	9

*Season opens at 12 noon on these dates.

Shooting Hours:

1. Sept. Teal Season: Sunrise to sunset.
2. Ducks, Geese, Coots, Rails, Gallinules, Woodcock and Snipe: one half hour before sunrise to sunset.
3. Doves: one half hour before sunrise to sunset except on the opening first two days of each season segment (September 3 and 4, October 15 and 16 and December 10 and 11) when shooting hours are 12 noon until sunset.

This is deemed to be an emergency due to the fact that the federal frameworks with the selected dates are not received from the U.S. Fish and Wildlife Service, Department of the Interior until the first week of August. Dates must be selected within this framework by the Wildlife and Fisheries Commission and returned by August 29, 1983.

Jesse J. Guidry
Secretary

RULES

RULE
Department of Commerce
Motor Vehicle Commission

The Louisiana Motor Vehicle Commission, in accordance with the authority granted to it by R.S. 1251, et seq., and pursuant to the Administrative Procedure Act, R.S. 49:950, et seq., is adopting the following amendments, in part, of Section 20 of the Rules and Regulations relative to advertising:

1. Every price advertisement shall include all charges except local and/or state sales tax, license and insurance.

2. Full and complete information shall be shown in describing the new motor vehicle so advertised and shall include:

- A. Make and Year.
- B. Series (Manufacturer's name plate).
- C. Number of doors.

D. Equipment included in advertised price. Any illustration used in any advertising media, including television, must be that of the new motor vehicle advertised as outlined above.

E. Any advertised statements, illustrations and offers of motor vehicles as to year, make, model, type, condition, equipment, price, trade-in allowance, terms, etc., shall be clearly set forth and based upon facts.

(a) The use of stock numbers will not preempt the requirements of full disclosures as stated above, except that the listing of equipment is not required when a manufacturer's list price, if an automobile, or manufacturer's suggested retail price, if a truck, is also advertised.

3. CREDIT SALES PLANS advertised must include:

A. The requirements contained in 2 above with regard to description and illustration of the advertised product shall also be adhered to in credit sales plan advertisements.

B. The amount of any required downpayment.

C. The amount to be financed.

D. The number, amount, or period of payments scheduled to repay the debt.

E. The finance charge expressed as an annual percentage rate.

4. DEFERRED PAYMENTS: No advertisement shall of

fer to defer the first payment on a credit sale beyond 45 days unless such advertisement states with equal prominence the method and/or terms of extending the first payment.

5. **LEASE ADVERTISING:** Lease advertising regulation is required because it represents an alternative to buying on credit. The following disclosures are required in lease advertising:

A. The requirements contained in 2 above with regard to description and illustration of the advertised product shall also be adhered to in lease advertisements.

B. That the transaction advertised is a lease.

C. The total amount of any payment such as security deposit or capitalized cost reduction required at the consummation of the lease, or that no such payments are required.

D. The number, amount, periods of scheduled payments, residual value, if any.

E. A statement of whether or not the lessee has the option to purchase the leased property and at what price and time.

F. A statement of the amount or method of determining the amount of any liabilities the lease imposes upon the lessee shall be liable for the difference, if any, between the estimated value of the lease property and realized value at the end of the lease term, if the lessee has such liability.

6. **STATEMENT OF COSTS - INVOICE:** No advertisement shall be run which uses the term or terms "invoice"; "cost"; "percent over/under cost, invoice or profit"; "\$\$\$ over/under cost, invoice or profit".

7. **FREE MERCHANDISE:** It is unfair practice for a dealer to use the word "free" or any other word or words of similar import, in any advertising, if the cost, or any part of the cost of the "free" equipment, accessory, or other merchandise, is included in the price of the motor vehicle or if the motor vehicle can be purchased for a lesser price without such equipment, accessory, or merchandise.

8. **CASH OFFERS:** Any cash offer funded by the dealer shall not be used and is prohibited.

9. **UNDERSELLING CLAIMS AND VOLUME DEALING:** Unsupported underselling claims shall not be used. Claims such as "First", "Largest", "Biggest" must be qualified as to validity (using valid source data) and the time period of claim.

10. **SAVINGS CLAIMS - DISCOUNTS:** (1) Specific claims or discount offers shall not be used in connection with any motor vehicle other than new or a Demonstrator and then only to show the difference between the dealer's own current selling price and the bona fide Manufacturer's Suggested List price, if an automobile, or Manufacturer's Suggested Retail price, if a truck. Full explanation must be given, as for example, "Save or discount \$___ from Manufacturer's List/Retail Price." (2) Such statements as "Up To", "As Much As", "From" - "To", etc., shall not be used in connection with savings claims.

11. **MANUFACTURER AND DISTRIBUTOR REBATES:** It shall be unlawful for any manufacturer or distributor, either directly or indirectly, to advertise, publicize or represent to the public by any means or in any medium, any offer to purchasers of vehicles sold by the manufacturer or distributor, of a rebate, refund, discount or other financial inducement or incentive, which is either payable to or for the benefit of the purchaser of the vehicle or which reduces the amount to be paid by the purchaser for the vehicle, whether such amount is the vehicle purchase price or any other cost accruing to the purchaser in connection with the purchase of the vehicle, where any portion of such rebate, refund, discount or other financial incentive or inducement is paid by, financed by, or in any manner contributed to by the dealer selling the vehicle, unless such advertising or publicizing discloses clearly and discernibly the following:

A. The dealer's contribution may affect the final negotiated price of the vehicle.

B. A manufacturer or distributor rebate which includes the dealer portion or contribution shall not be regarded as a cash offer funded by the dealer for purposes of Rule 8.

12. **DEALERS ADVERTISING OF MANUFACTURER AND DISTRIBUTOR REBATES:** It shall be unlawful for any dealer, either directly or indirectly, to advertise, publicize or represent to the public by any means or in any medium, any offer to purchasers of vehicles sold by the dealer, of a manufacturer's or distributor's rebate, refund, discount or other financial inducement or incentive of the type described in 11 above, unless such advertising or publicizing clearly and discernibly discloses the following:

A. The dealer's contribution may affect the final negotiated price of the vehicle.

13. **UNTRUE AND AMBIGUOUS STATEMENTS SHALL NOT BE USED:** Statements such as "Write your own deal", "Name your own price", "Name your own monthly payment", "Appraise your own motor vehicle", and phrases of similar import are obviously untrue and shall not be used.

14. **CURRENT USED:** Used motor vehicles shall not be advertised so as to create the impression they are new.

A. Motor Vehicles of the current and preceding year, which are other than new, must be clearly identified and qualified as "Used", "Executive Driven", "Demonstrator", "Demo", etc., as may be the case.

B. When new motor vehicles and motor vehicles of the current and preceding model year which are other than new are offered in the same advertisement, such offers shall be clearly separated by description, layout and art treatment.

15. **ADVERTISING FORMAT AND DISCLOSURE REQUIREMENTS:**

A. Qualifying phrases and amounts shall be clearly legible and associated with the featured amount.

B. The finance charge (expressed as an annual percentage rate) and other required disclosures must be presented at least in the video portion of a TV commercial and in a discernible manner.

16. **GAS MILEAGE CLAIMS:** Advertising which includes a gas mileage claim, i.e., a certain miles-per-gallon claim must be properly qualified as to the source of information and authenticity of the claim. Such advertisement should include, but not be limited to, a clear statement as to whether the claimed miles-per-gallon can be expected to be attained under normal or usual driving conditions.

17. **Auto shows:** Auto shows must be submitted for approval by the Louisiana Motor Vehicle Commission and comply with the following terms and conditions:

A. Any request for approval of an auto show must be submitted, in writing, not less than 45 days prior to the anticipated date of the proposed auto show.

B. All local new car dealers shall be offered an opportunity to participate in such auto shows unless sponsored by a particular trade association to promote its members products.

C. Such auto shows must comply with all rules and regulations of the Louisiana Motor Vehicle Commission and the Laws of the State of Louisiana.

D. Any other term or condition in which the Louisiana Motor Vehicle Commission deems necessary.

L. A. House
Acting Executive Secretary

RULES

Department of Commerce Office of Commerce and Industry

The Secretary of the Department of Commerce, pursuant to the authority contained in R.S. 51:1786 A (6) adopts the following Rules:

RULES FOR ACT 901 ENTERPRISE ZONE

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 this Chapter.

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 this Chapter.

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 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 at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

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 and can be renewed for one additional five year period. A copy of the contract shall be sent to the Department of Revenue and Taxation.

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 3 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 or 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

(a) Corporations organized for the purpose of locating within an urban Enterprise Zone and qualifying for exemption from corporate income and franchise taxes shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if the exemption had not been granted. Each form and return should have a certification attached stating the Corporation is exempt from income and franchise taxes and giving the contract numbers of its exemptions, date the contract was approved and the expiration date.

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.

(b) Contractees qualifying for the \$2,500 tax credit per new employee employed in the business located in the rural 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.

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 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 Renewal of Tax Exemption Contract

The initial period of tax exemption is limited to five calendar years. If renewal for an additional five calendar year period is desired, an application must be filed on the prescribed forms with the Office of Commerce and Industry at least 90 days before the expiration of the original contract. Upon showing compliance with the contract for exemption and the statute, the Board of Com-

merce and Industry may renew the contract for an additional five years.

RULE 18 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 19

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 two 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 20 hours per week for at least six months during the taxable year.

RULE 20

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 21 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 22 Application/Alternative Designation Requests Review Process

All applications for benefits of this Chapter and requests for the designation of alternative Enterprise Zones must submit the proposals to an area-wide review board/clearinghouse.

RULE 23 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 ten 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 24 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 25 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 26 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.

Robert P. Adams
Financial Incentives Director

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:16.7

“Each partner’s percentage shall be declared in the application for partnership license.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:16.8

“A joint venture, for the purpose of licensing, shall comply with all rules governing partnerships, and processed as if a partnership.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:18.3

“No license as an owner shall be granted to a corporation or to a lessee or lessees of any corporation unless each stockholder is licensed as an owner.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:18.4

... delete the word “syndicate” wherever it appears therein.

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:23.9

“Each association shall provide, equip, and operate an adequate first aid room within its enclosure, having not less than two beds therein except such enclosure of an association for which approval thereof has been given by the Commission on or prior to June 1, 1983. Each such first aid room shall have in attendance during the racing hours of such association, a licensed physician and a registered nurse or a licensed practical nurse with not less than one year experience.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:23.9.1

“Each association shall provide one ambulance during its training and racing hours. During such time, the ambulance shall be ready for duty, properly equipped to provide emergency medical services, including equipment and personnel, and shall have immediate access to the racing strip.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:30.37

Pari-mutuel wagering within the enclosure of a licensed association’s facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the Commission. The following conditions must be met upon written application by the licensed association to the Commission:

- A. The horse race must be of outstanding nature and of interest to a great number of patrons,
- B. The horse race must be televised regionally, nationally, or internationally, or by closed-circuit network, so that patrons at the association’s facility may view the racing event,
- C. The licensed association must submit a written agreement with the host track or association where the race is held,
- D. The licensed association must submit written approval by the host racing commission or board,
- E. The licensed association must submit written approval by the host track or jurisdiction’s horsemen’s association,
- F. Application to the Commission must be made at least 30 days before the racing event is to be held,
- G. Notwithstanding the provisions of paragraph B, failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

Upon approval by the Commission of an association’s application for pari-mutuel wagering on a racing event fulfilling the

above criteria, the association agrees to:

- A. Schedule not more than two such other track wagering events per day,
- B. Schedule not more than 12 wagering events per day,
- C. Accept wagers not more than 36 hours prior to the racing event,
- D. Publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks, and a morning line of odds,
- E. Display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

Gordon A. Burgess
Chairman

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:30.38

A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the Commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq. - Interstate Horseracing Act), and the laws of this state.

Gordon A. Burgess
Chairman

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:54

PERMITTED MEDICATION

"54.1 Except as a licensed veterinarian may otherwise be permitted by law or in his or her general veterinary practice, the administration, use, application and/or possession of any narcotic, stimulant, depressant, or local anesthetic are prohibited within the confines of a race track or within its stables, buildings, sheds or grounds, or within an auxiliary stable area (as defined in LAC 11-6:55.1) where horses are lodged or kept which are eligible to race over a race track of any association holding a race meeting.

54.2 Notwithstanding anything to the contrary in this Rule or any other Rule of Racing, there will be no "Permitted Medication" for two-year olds for racing. The presence of any drug in the blood or urine specimen of a two-year old horse, regardless of the level thereof, shall be prima facie evidence of the presence of a drug and a violation of this Rule.

54.3 No non-steroidal and/or anti-inflammatory medication may be administered to or used on a horse in training and eligible to be raced at a race meeting in this state except by a licensed veterinarian or a licensed trainer, or under his or her personal order; provided, however, that any such medication

given hypodermically may only be administered by a licensed veterinarian. The non-steroidal, anti-inflammatory medications designated below may be used in training but may not be administered within 24 hours of a race in which a horse is entered. The maximum analytical test result levels of the urine and blood of such horse, regardless of time of administration, shall be as follows:

POST-RACE URINE LEVELS - TOTAL OF DRUG AND/OR METABOLITE

Phenylbutazone	165 micrograms per milliliter
Oxyphenylbutazone	165 micrograms per milliliter

POST-RACE BLOOD LEVELS - TOTAL OF DRUG AND/OR METABOLITE

Phenylbutazone	5.0 micrograms per milliliter
Oxyphenylbutazone	5.0 micrograms per milliliter

In addition to any other urine or blood specimens required to be tested and analyzed, the stewards may order the taking of a blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn and/or test barn as provided in LAC 11-6:23.35, which blood specimen shall be delivered to the state chemist for testing and analysis.

54.4. A. No bleeder medication may be administered to a horse in training for a race during any race meeting except upon compliance with the following:

1. Only a licensed veterinarian may prescribe, dispense and administer bleeder medication.

2. No horse entered to race may be administered bleeder medication within four hours of post-time of the race in which the horse is to run.

B. A horse shall be considered a known bleeder when:

1. It is observed bleeding by a Commission or Association veterinarian during and/or after a race or workout.

2. An endoscopic examination authorized by the Commission veterinarian or state steward, conducted within one hour of a race or workout, reveals blood in the trachea and/or upper respiratory tract of the horse examined.

3. A statement from a Commission or Association veterinarian of any other racing jurisdiction, confirming that a specific horse is a known bleeder is received by the Commission or stewards having jurisdiction of the race meeting where such horse may be eligible to race.

C. The stewards or Commission veterinarian may require an endoscopic examination before ordering that a horse be included on the Bleeder List. Such examination shall be performed by a licensed veterinarian, at the cost of and employed by the owner of the horse or his agent, and shall be conducted in the presence of or with the approval of the Commission veterinarian.

D. The Commission veterinarian at each race meeting shall maintain, on a current Bleeder List, a list of horses classified as known bleeders together with those on bleeder medication. The Commission veterinarian shall make the Bleeder List available to racing officials at other race tracks operating in Louisiana. The Commission veterinarian shall record and initial on the foal certificate of the horse the date of each bleeding of the horse.

E. When a horse is placed on the Bleeder List for the first time, it shall be kept on said list for 21 calendar days from the date of its first bleeding. Should a horse bleed a second time, it shall be placed on the Bleeder List for 90 calendar days from the date of its second bleeding. When a horse bleeds for a third time, it shall be placed on the Bleeder List for 180 days from the date of its third bleeding. Should a horse bleed a fourth time, or anytime thereafter, it shall be placed on the Bleeder List for 365 days from the date of such bleeding.

F. The licensed veterinarian prescribing, dispensing, and administering bleeder medication must furnish a written report to the Commission veterinarian at least one hour prior to post-time

for the first race of the day on forms supplied by the Commission. Furnishing of such written report timely shall be the responsibility of the prescribing, dispensing, and/or administering veterinarian.

G. A medication card for horses which are known bleeders and/or on the Bleeder List must be on file with the Commission veterinarian before entry of such a horse can be accepted. Filing of such medication card shall be the responsibility of the trainer of the horse.

H. In order to insure that the use of bleeder medication is reported accurately, the Commission shall have the right to perform or have performed pre-race testing of blood or urine of any horse eligible to race at a meeting, whenever it is deemed necessary by it or its stewards.

54.5 Definitions:

As used in this Rule: "Veterinarian" shall mean a person who is licensed to practice veterinary medicine in Louisiana, and who is licensed by the Commission. "Permitted Medication" shall mean the use of Phenylbutazone and bleeder medication as provided in this Rule. "Bleeder Medication" shall mean any drug or medication which is recognized by the veterinary profession for the treatment of exercise-induced hemorrhage.

54.6 After notice and hearing, any person found to have violated the provisions of the Permitted Medication Rule may be punishable by fine, and/or suspension, and/or revocation of his/her license."

Gordon A. Burgess
Chairman

RULES

Board of Elementary and Secondary Education

Rule 6.02.61.d

The Board adopted a Graduated Salary Schedule for Special School District No. I Paraprofessionals and Teacher Aides as follows:

Pay Schedule Based upon Years of Experience and Education

A. Definition of Experience for Pay Purposes Crediting: Successful, regular, full-time, credited work in SSD #1 as a Teacher Aid or Paraprofessional in assisting the teachers in providing instruction to students.

B. Standards for Crediting Experience:

1. No substitute teacher aide or paraprofessional or day-by-day substitute teacher experience counts.

2. For .5+ of a SSD #1 school year (130+ days), credit that year as a full year for pay purposes.

3. The maximum credit for education on the pay scale is two years.

4. Interagency agreement with Department of Corrections (DOC) requires that the DOC pay scale and duty hours be used rather than SSD #1 requirements for teacher aides or paraprofessionals working in correctional facilities.

C. Verification: Experience will be verified and a record maintained by the SSD #1 Personnel Office.

Highest academic degree verification will be coordinated by SSD #1 Personnel Office:

1. For college hours and/or graduation; official transcript required to be sent directly from the college/university to SSD #1 Personnel Office.

D. Education: A minimum of high school graduation would be required. Highest educational level achieved would affect pay: there is a basic pay scale; however, 60-89 college semester hours from an accredited college or university equals one year of experience on the pay scale, and 90 through a baccalaureate degree equals two years of experience.

E. Pay Schedule:

Years Experience	Annual Salary
0	9,237
1	9,537
2	9,837
3	10,137
4	10,437
5	10,737
6	11,037
7	11,337
8	11,637
9	11,937
10	12,237
11	12,537
12	12,837
13	13,137
14	13,437
15	13,737
16	14,037
17	14,337
18	14,637
19	14,937

1. All legislatively approved and funded increases will be effective from implementation date.

2. One-half year's experience counts as one year.

3. Changes in step levels on the scale will be effective July 1.

4. On implementation date of the schedule, employees will be grandfathered in at current rate or on-step to appropriate rate. There will be no reduction in pay; freeze until catch-up on scale. Those at OMHSA who were in instructional capacity before SSD #1 began operation (7/1/79) get credit for experience (must be verified).

5. No business college.

Rule 4.05.00

The Board adopted a fee schedule for teacher certification documents as listed below, effective July 1, 1983:

Initial certificate (in-state graduate)	\$15.00
Initial certificate (out-of-state graduate)	25.00
Additional certification endorsement	10.00
Transcript analysis	5.00
Copies of materials in certification folder	1.00

Rule 3.07.12

Deleted Board Policy 3.07.12 stating: "A student with a GED diploma will not be allowed to return to school to receive a regular high school diploma" and adopted the following policy: "Students who have received the GED diploma and who return to a regular high school program will not be allowed to participate in athletic activities."

Rule 3.01.54.c

The Board adopted a procedure to be used by the Department of Education for securing approval of ITV broadcasting schedules.

Rule 3.01.70u(16)

A revision to Bulletin 746, page 25, *Standards for Certification in Home Economics (Occupational Programs)* after #3, add: "Certified vocational home economics teachers having a minimum of three years of teaching experience in an approved occupational home economics program prior to the implementation of the certification requirements may be certified in Occupational Programs if criteria 1 and 2 of the above have been met."

Rule 3.01.80(b)

The Board adopted under the regular adoption process, the recommendation on submission of galleys to adoption committee members with the following changes:

a) Samples of finished books shall be made available as soon as they are complete.

b) Publishers shall pick up galleys from the nine regional libraries and replace them with finished books by May 1 of each year.

Rule 7.02.00

Bulletin 1508, *Pupil Appraisal Handbook*, Revised 1983.

Rule 4.00.04

Bulletin 1706, *Regulations for Implementation of the Exceptional Children's Act* (R.S. 17:1941 et seq.), Revised 1983. (formerly Act 754 Regulations.)

James V. Soileau
Executive Director

RULE

Department of Education Educational Television Authority

The Louisiana Educational Television Authority, pursuant to Notice of Intent published in the *Louisiana Register* of June 20, 1983, has repealed a Rule which was published in the *Louisiana Register* of April 20, 1981, entitled "Policy on Compensation to Non-commercial Broadcast Stations Not Licensed to the Louisiana Educational Television Authority."

A. Fred Frey
Executive Director

RULE

Office of the Governor Department of Veterans Affairs War Veterans Home

The following are Rules of eligibility requirements and Rules pertaining to the collecting and handling of fees from veterans who are residents of the Louisiana War Veterans Home, Jackson, LA, administered by the Department of Veterans Affairs. Rules published at a prior date which are in conflict with the following Rules are hereby repealed.

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

2. The veteran's military service must be such as to meet the requirements for admission into any Veterans Administration Medical Center.

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

4. The veteran must consent to abide by all the Rules and regulations governing the Home and to follow the course of treatment prescribed by the Veterans' Home medical staff or its outside consultant.

5. Every resident of the Home shall be responsible for payment of the full resident care and maintenance charge. The Home Administrator may consider waiver of payment of Care and Maintenance charges only for the amount of difference of income the veteran has and the total charge of Care and Maintenance.

6. Care and Maintenance fees will be based on all family income. This includes income from all sources (Social Security, Veterans Administration pension, private pension, interest from savings account(s), income from any/all sources). In no case will the fees charged to the resident be more than the actual cost of care as determined by the Director of the Louisiana Department of

Veterans Affairs and the Veterans Affairs Commission.

7. SECTION A. For domiciliary residents the following formula will be used to determine Care and Maintenance Fees: The resident will retain the first \$60 per month. After this amount, all income up to \$300 will be collected on a \$1 for each \$2 basis. All income over \$300 will be collected on a \$1 for \$1 basis until the full amount of care cost is collected.

SECTION B. If the veteran has dependents and his income reflects a figure less than \$300 per month for a spouse before computing the fees, an amount will be added to insure that he/she has at least an income of \$300. In the case of a dependent child, the amount is \$150. The veteran is expected to handle personal expenses out of his retained funds after the Care and Maintenance fee is collected.

SECTION C. Exclusion - All income received as a direct result of arts and crafts made at the Home shall be exempt and excluded as income for consideration in computing the Care and Maintenance charges.

8. For nursing care residents, the formula for determining fees will be as follows: The nursing care resident will retain the first \$60 per month. After this amount, all income will be collected on a \$1 for \$1 basis until the full amount for nursing care cost has been collected.

9. Residents are expected to apply for all monetary benefits for which they may be entitled from both the State and Federal Government (free will election). They will be counseled on these benefits.

10. After admission, fee and maintenance charges will be payable in advance. These fees are due before the tenth of each month. A portion of a month will be pro-rated according to the number of days stay. Residents will not be charged Care and Maintenance Fees for periods of hospital confinement in excess of 96 hours. For periods of leave from the Home, maintenance fees are payable as arranged with the Administrator or his designee. Note: Present residents who have the inability to change to the advance payment immediately will be phased in by the end of fiscal year 1983-84, without creating a hardship on the resident.

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

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

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

14. The Home Administrator when given incorrect income information will avail himself of all state laws to recoup all monies that should have been available to the Home for Care and Maintenance Fees, retroactive to the time that these monies became available for the residents use while he was staying at the Louisiana War Veterans Home.

15. All residents of the Louisiana War Veterans Home who feel that they have unusual financial circumstances can request relief and consideration of reduction of Care and Maintenance Fees. The resident must apply for this consideration through the War Veterans Home Administrator for recommenda-

tion to the Director of Veterans Affairs for approval or disapproval. In the event this request is denied, an appeal may be submitted to the Veterans Affairs Commission for their consideration. The Veterans Affairs Commission's decision shall be rendered final.

John L. McGovern
Director

RULE

Office of the Governor Facility Planning and Control Engineers Selection Board

RULES FOR SELECTION PROCEDURE

Pursuant to the provisions of Act 721, 1975 Regular Legislative Session (R.S. 38:2310 through R.S. 38:2316, Revised Statutes of 1950) effective date, September 12, 1975, the Louisiana Engineers Selection Board, hereinafter referred to as Board, has promulgated such Rules and procedures as it deemed necessary to carry out the provisions of the said statutes. These Rules were established by the Board, and are subject to change by said Board, in accordance with the Administrative Procedure Act.

ARTICLE I INFORMATION

Any person may obtain information concerning the Board, its Rules, regulations and procedures from the Board's Secretary at the Office of Facility Planning and Control Department, Office of the Governor, Box 44095, Baton Rouge, LA 70804. Request for information shall be made verbally or in writing. There may be a nominal fee charged to defray the cost of information furnished.

ARTICLE II PUBLIC NOTIFICATION

Section 1. Upon being advised by the Division of Administration, Facility Planning and Control Department, that an Agency intends to contract for design service, the Chairman shall request the official advertisement to be published by the Division of Administration. There shall be a ten day application period, commencing with the day of the first publication of the official advertisement, and ending on the day of the deadline for receiving applications. During this period, the official advertisement shall be published in the official state journal, one time.

Section 2. The official advertisement specified above shall include the following information:

- a. The name, location and user agency for which the engineer is to be selected.
- b. Time and instructions for applicants to submit application to the Board.
- c. A statement that details are available upon request from the user agency.
- d. Time frame in which the engineer must complete the work.
- e. The project budget.
- f. The fee, as determined by the Division of Administration, together with contractual obligations as contained in the current Capital Improvement Projects Procedure Manual for Design and Construction.
- g. The tentative date of the Board meeting at which applications will be considered.

Section 3. Special selections for emergency reasons will be made under one of two methods. The first of these methods should be used whenever possible.

Section 4. The first method will require a one week application period. The official advertisement will be published one time in the publication listed in Section 1. The deadline for applications shall be one week after the advertisement. The selection shall be

made one week after the deadline for applications.

Section 5. The second method shall be to make a selection within 24 hours of the notice to the Board by the Division of Administration. The Division of Administration shall contact the Chairman, Vice-Chairman, and other members in alphabetical order by telephone. The first person contacted shall select a time and place for the meeting which shall be held on the day following notification by the Division of Administration. Members not attending the meeting in person will be contacted by telephone for their vote. The Board shall make the selection from names submitted by the user agency or any Board member. The user agency shall submit names of at least three firms.

ARTICLE III COMMUNICATIONS WITH APPLICANT FIRMS

No member of the Board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the Board meeting at which the project application will be considered.

ARTICLE IV APPLICATION

Section 1. Any applicant (proprietorship, partnership, corporation or joint venture of any of these) meeting the requirements of Title 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2310 through R.S. 38:2316, may submit an application for selection consideration for a particular project upon which official advertisement has been published. The information submitted shall contain data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information that the Board deems appropriate.

Section 2. The Louisiana Engineers Selection Board hereby adopts the use of Standard Form LE-1 - Engineer Selection Board Services as the format for submitting a firm's experience to the Board.

Any special information requested in the advertisement shall be submitted with the required LE-1 form. Incomplete submissions become property of the Board, to be disposed of as it sees proper.

Section 3. All selection applications shall be filed with the Secretary within the time prescribed by the Board. The Secretary shall time date when received, all applications. All applications are to be received by the Board at the Facility Planning and Control Department during the time prescribed in the advertisement. The burden for timely and complete submittal lies solely with the applicant, and additionally will in no way be affected by non-delivery of the application by the U. S. Postal Service or other common carrier.

Section 4. The submission of an application on a particular project shall be considered by the Board to mean that based on available information:

- a. That the applicant is aware of the scope of work of the project.
- b. That the applicant can perform the work within the time frame stated.
- c. That the applicant concurs that the project budget is reasonable.
- d. That the fee is equitable.
- e. That the engineering contract shall contain a prohibition against contingent fees.
- f. That the applicant is familiar with the terms and conditions set forth in the current Capital Improvement Projects Procedure Manual for Design and Construction, and will comply therewith.

Should an applicant determine that any of the above items are incomplete, inadequate, or insufficient, the applicant is invited to submit a letter stating in detail the applicant's findings, and the Board will consider this information in the selection process. No unsolicited additional information shall be considered. The Board reserves the right to reject all applications for selection consideration and to readvertise any official advertisement.

Section 5. The Board may, at its option and with the concurrence of the Division of Administration and the user agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

ARTICLE V APPLICATION REVIEW

After the deadline for applications, the Division of Administration shall forward copies of the applications together with any available description of the job to the Board members. A special meeting of the Board shall be called within ten days after the deadline for application.

ARTICLE VI FINAL APPLICANT SELECTION

Section 1. The Board shall make its final selection from the submitted applications. The Board reserves the right to require interviews, or additional information, in excess of that required in the official advertisement, when it deems necessary.

Section 2. The final selection shall occur no later than 60 days following the official advertisement.

Section 3. Upon the final selection of the applicant, the Chairman shall notify the Division of Administration, Facility Planning and Control Department, said notification to be made in accordance with the terms of Act 721.

ARTICLE VII SELECTION PROCEDURE

Selection procedure is as follows:

1. User agency will give scope of project.
2. Call for discussion of applications.
3. Board will take weighted vote (each member may vote for as many as three (or two) or as few as one of the firms under consideration).
4. Select firm from two or three firms with most votes on a "one" vote basis. (If less than eight applicants, select from top two; if eight or more than eight applicants, select from top three.)
5. If there is a tie, revote with discussion. If after voting a second time, there is still a tie, the Board may have additional votes and discussion or may postpone the selection until the next meeting.

ARTICLE VIII SEVERABILITY

If any provision or items of these Rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these Rules which can be given effect without the invalid provision, items, or applications and to this end the provisions of these Rules are hereby declared severable.

Harvey Koch
Chairman

RULE

Department of Health and Human Resources Board of Examiners of Psychologists

The Louisiana State Board of Examiners of Psychologists adopts a policy to establish as the passing criterion on the Examination for Professional Practice in Psychology (EPPP) written examination the 25th percentile based on the national norms of all doctoral candidates taking that particular form of the examination.

June M. Tuma, Ph.D.
Chair

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security adopts the following Rule in the AFDC Program. This Rule is authorized in accordance with 45 CFR 233.10 (b) (2) (ii).

A natural but not legal incapacitated father who lives with his AFDC child shall be included in the AFDC certification as an AFDC parent. Such recipient shall be entitled to Medicaid benefits.

Roger P. Guissinger
Secretary

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 Medical Assistance Program.

RULE

Effective September 1, 1983, the Department of Health and Human Resources, Office of Family Security, amends the current limit on outpatient hospital services from three per year per recipient to the following limits for the specified Title XIX outpatient hospital services:

- (1) Emergency room services - three emergency room visits per year per recipient;
- (2) Rehabilitation services - number of visits in accordance with a rehabilitation plan prior authorized by the Medical Review Section of the Office of Family Security;
- (3) Clinic services - physician services provided in a clinic in an outpatient hospital setting shall be considered physician services, not outpatient services, and shall be included in the limit of 12 physician visits per year per recipient; and
- (4) All other outpatient services, including therapeutic and diagnostic radiology services, chemotherapy, hemodialysis and laboratory services, shall have no limit imposed other than the medical necessity for the service.

Roger P. Guissinger
Secretary

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, effective September 1, 1983.

The Department of Health and Human Resources, Office of Family Security, shall continue the suspension of homemaker services. Homemakers services were provided under the approved waiver document (section 2176 of Public Law 97-35) which implemented Home and Community Based Services. The suspension shall remain in effect until June 30, 1984.

The original Rule suspending homemaker services effective March 1, 1983 through August 31, 1983, was published in the *Louisiana Register* on February 20, 1983, in Volume 9, Number 2, page 64.

Roger P. Guissinger
Secretary

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 Medical Assistance Program.

RULE

The Department of Health and Human Resources, Office of Family Security shall discontinue reimbursement for inpatient and outpatient services to hospitals participating as emergency access only hospitals in the Title XIX Medical Assistance Program effective September 1, 1983. An emergency access only hospital is defined as a hospital enrolled as a Title XIX provider for emergency services only.

Title XIX reimbursement for inpatient and outpatient hospital services provided on or after September 1, 1983 shall be limited to hospitals enrolled as a Title XIX full access hospital. A full access hospital is defined as a hospital which accepts Medicaid assignment for any Medicaid recipient.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following Rule:

RULE

Effective August 20, 1983, Title XIX reimbursement will no longer be made for the following drugs, deemed "less than effective":

Trade Name	Active Ingredient	Dosage Form/Route	Firm
Adroyd	Oxymetholone	Tab/oral	Warner-Lambert Co. Parke-Davis
Anadrol	Oxymetholone	Tab/oral	Syntex
Dianabol	Methandrostenolone	Tab/oral	Ciba
Dipyridamole	Dipyridamole	Tab/oral	Lemmon
Forhista	Dimethindene Maleate	SRT/oral	Ciba
Isosorbide Dinitrate	Isosorbide Dinitrate	Tab/subl Tab/oral SRT/oral	Bolar
Methandrostenolone	Methandrostenolone	Tab/oral	Bolar Par

Methylandrostenediol	Methandriol	Susp/IM	Maury Biologicals
Pyribenzamine and Ephedrine	Ephedrine Sulfate	Tab/oral	Ciba
	Tripeleennamine Hydrochloride		

This action is necessary because Section 2103 of the "Omnibus Budget Reconciliation Act of 1981" (P.L. 97-35) prohibited the use of Federal funds, therefore discontinuing reimbursement, under Medicare Part B and Medicaid for expenses incurred on or after October 1, 1981, for drugs identified in Section 2103. Identical products made by manufacturers not shown on the list are also excluded from payment for all drugs with the exception of Dipyridamole and Isosorbide Dinitrate. Payment will be withheld for Isosorbide Dinitrate and Dipyridamole for only the manufacturer identified by name on this list. The preclusion of payment for identical, similar, or related products will not be applied in the case of isosorbide dinitrate and dipyridamole.

Lists of drugs deemed "less than effective" and identical, similar and related were published in the *Louisiana Register* on November 20, 1981, September 20, 1982, and February 20, 1983.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security shall amend the Title XIX State Plan. Effective September 1, 1983, Attachment 3.1-A, Item 12 a., Page 2 a., will include paragraph (i), as follows:

Beginning September 1, 1983 payment will be made by the Louisiana Medical Assistance Program (LMAP) only for those new drug entities which the LMAP approves for coverage. Manufacturers introducing new drug entities will be required to submit applications and drug information to the Medical Assistance Program for consideration of coverage of the drugs.

Prior to September 1, 1983, new drug entities have been automatically covered by the program unless they were in one of the pharmacological categories of drugs excluded from program coverage.

Drug entities covered by the LMAP prior to September 1, 1983 will continue to be so covered.

Roger P. Guissinger
Secretary

8-20-83

RULE

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

The Department of Health and Human Resources, Office of Family Security, has adopted the following Rule:

Rule

Effective for services beginning September 1, 1983, the Title XIX (Medicaid) State Plan, Attachment 3.1-A, Item 12. a. 6 is amended to revise and expand the state's program of maximum allowable costs for multiple-source drugs. This program is known as the Louisiana Maximum Allowable Cost (LMAC) Program. This Rule establishes maximums for the costs of certain drugs which

shall be reimbursed under Title XIX. The state established LMAC for these drugs shall be applicable unless a lower Federal MAC for the respective products is established.

The cost reimbursable in the Louisiana Medical Assistance Program (LMAP) for any drug included on the Louisiana Maximum Allowable Cost (LMAC) list shall not exceed: (1) the Louisiana Maximum Allowable Cost (LMAC), (2) a Federal Maximum Allowable Cost (MAC), or (3) the estimated acquisition cost (EAC) of the product dispensed, whichever is lower.

The LMAC replaces the methodology currently used in the LMAP Pharmacy Program to determine allowable costs and is as follows:

(1) The wholesale cost of a specific strength/unit of a drug by a single manufacturer, labeler, etc., is the average wholesale cost of that drug as listed in the most current edition of American Druggist Blue Book or its revisions, hereinafter referred to as the Blue Book.

(2) The LMAC list is the DHHR, MAP listing of drugs, by generic name, by strength/unit and dosage which are reimbursable with a LMAC.

(3) Estimated acquisition cost (EAC) is the agency's best estimate of what providers are generally paying for a drug. The basis for determining the EAC will be the current American Druggist Blue Book and its revisions. The agency has determined that the EAC for multi-source drugs with a LMAC shall be the LMAC or the Blue Book wholesale cost whichever is less.

(4) The LMAC, determined and calculated for a multiple source drug (as defined in 42 CFR 447.332), is the median wholesale cost of a drug for a specific strength/unit. The median wholesale cost is determined by listing the wholesale costs for a drug for a specific strength/unit for each readily available manufacturer, labeler, etc., and taking the median of those wholesale costs. (One-half of the manufacturers etc., will be above the median cost and one-half of the manufacturers will be below the median cost).

All LMAC costs will be computed as described above. The LMAC costs may be adjusted by the agency based on changes in the availability and Estimated Acquisition Costs (EAC) of the drugs. Any LMAC cost revisions will be based on The American Druggist Blue Book Data Center information. Such LMAC cost revisions will be sent to pharmacist and physician providers on a timely, monthly basis, beginning October 1, 1983 and continuing thereafter. A complete LMAC cost list will be distributed to physician and pharmacist providers annually beginning July 10, 1984.

The list was determined by a study of the availability of drugs in the Louisiana Medical Assistance Program (MAP) for the purpose of determining reasonable estimated acquisition costs of drugs to allow for the effective and efficient administration of the MAP.

The LMAC limits shall be applicable for the specified drugs unless the prescriber has certified, in his own handwriting, that a specified brand is medically necessary for the recipient. In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with implementation of the LMAC limit, nor may OFS use a cost which exceeds the established maximums except as specified below.

This program shall track the U. S. Department of Health and Human Services regulations regarding exceptions to their MAC limitations. The specific guidelines regarding procedures for such exceptions provide that:

(a) The certification must be in the physician's handwriting;

(b) The certification may be written directly on the prescription or on a separate sheet which is attached to the prescription;

(c) A standard phrase written on the prescription, such as

"brand necessary" will be acceptable;

(d) A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;

(e) A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

Louisiana Maximum Allowable Costs (LMAC's) for reimbursement under Title XIX are as follows on those multiple-source drugs specified:

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
Item 12.a.		
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	30.000 MG	
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	60.000 MG	
Acetaminophen Combination		Solution
Acetaminophen	120.000 MG	
Codeine Phosphate	12.000 MG	
Acetazolamide	125.000 MG	Tablet
Acetazolamide	250.000 MG	Tablet
Allopurinol	100.000 MG	Tablet
Allopurinol	300.000 MG	Tablet
Aminophylline	105.000 MG/5ML	Solution
Aminosalicylate Sodium	500.000 MG	Tablet
Amitriptyline HCL	10.000 MG	Tablet
Amitriptyline HCL	25.000 MG	Tablet
Amitriptyline HCL	50.000 MG	Tablet
Amitriptyline HCL	75.000 MG	Tablet
Amitriptyline HCL	100.000 MG	Tablet
Amitriptyline HCL	150.000 MG	Tablet
Amoxicillin Trihydrate	125.000 MG/5ML	Suspension
Amoxicillin Trihydrate	250.000 MG	Capsule
Amoxicillin Trihydrate	250.000 MG/5ML	Suspension
Amoxicillin Trihydrate	500.000 MG	Capsule
Ampicillin Sodium	1.000 G	Injection
Ampicillin Sodium	2.000 G	Injection
Ampicillin Sodium	250.000 MG	Injection
Ampicillin Sodium	500.000 MG	Injection
Ampicillin Trihydrate	125.000 MG/5ML	Suspension
Ampicillin Trihydrate	250.000 MG	Capsule
Ampicillin Trihydrate	250.000 MG/5ML	Suspension
Ampicillin Trihydrate	500.000 MG	Capsule
Belladonna Combination		Capsule
Belladonna Alkaloids		
Phenobarbital	15-20 MG	
Belladonna Combination		Tablet
Belladonna Alkaloids	15-20 MG	
Phenobarbital		
Butalbital Combination		Capsule
Butalbital		
Aspirin		
Caffeine		
Butalbital Combination		Tablet
Butalbital		
Aspirin		
Caffeine		
Calcium Chloride	100.000 MG/1ML	Injection
Calcium Lactate	300.000 MG	Tablet
Calcium Lactate	600.000 MG	Tablet
Carisoprodol	350.000 MG	Tablet
Cefazolin Sodium	1.000 G	Injection
Cefazolin Sodium	250.000 MG	Injection
Cefazolin Sodium	500.000 MG	Injection
Cephadrine	250.000 MG	Capsule
Cephadrine	250.000 MG/5ML	Suspension
Cephadrine	500.000 MG	Capsule
Chloral Hydrate	250.000 MG	Capsule

Chloral Hydrate	500.000 MG	Capsule
Chloral Hydrate	500.000 MG/5ML	Solution
Chlorothiazide	250.000 MG	Tablet
Chlorothiazide	500.000 MG	Tablet
Chlorpheniramine Maleate	10.000 MG/1ML	Injection
Chlorpromazine HCL	10.000 MG	Tablet
Chlorpromazine HCL	25.000 MG	Tablet
Chlorpromazine HCL	25.000 MG/1ML	Injection
Chlorpromazine HCL	30.000 MG/1ML	Solution
Chlorpromazine HCL	50.000 MG	Tablet
Chlorpromazine HCL	100.000 MG	Tablet
Chlorpromazine HCL	100.000 MG/1ML	Solution
Chlorpromazine HCL	200.000 MG	Tablet
Chlorthalidone	25.000 MG	Tablet
Chlorthalidone	50.000 MG/1ML	Tablet
Chlorthalidone	100.000 MG	Tablet
Clotrimazole	1.000 %	Cream, Vaginal
Clotrimazole	1.000 %	Cream, Topical
Clotrimazole	1.000 %	Solution
Clotrimazole	100.000 MG	Suppository
Cloxacillin	500.000 MG	Capsule
Cloxacillin Sodium	125.000 MG/5ML	Solution
Cloxacillin Sodium	250.000 MG	Capsule
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Acetaminophen	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	30.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	60.000 MG	
Aspirin	300.000 MG	
Colchicine	500.000 MCG	Tablet
Colchicine	600.000 MCG	Tablet
Copper Chloride	400.000 MCG/ 1ML	Injection
Copper Sulfate	2.000 MG/1ML	Injection
Corticotropin	25.000 U	Injection
Cortisone Acetate	5.000 MG	Tablet
Cortisone Acetate	10.000 MG	Tablet
Cortisone Acetate	25.000 MG	Tablet
Cortisone Acetate	25.000 MG/1ML	Injection
Cortisone Acetate	50.000 MG/1ML	Injection
Cyanocobalamin	1.000 MG/1ML	Injection
Cyanocobalamin	100.000 MCG/ 1ML	Injection
Cyproheptadine HCL	2.000 MG/5ML	Solution
Cyproheptadine HCL	4.000 MG	Tablet
Dexamethasone	.500 MG/5ML	Solution
Dexamethasone	1.500 MG	Tablet
Dexamethasone	4.000 MG	Tablet
Dexamethasone	250.000 MCG	Tablet
Dexamethasone	500.000 MCG	Tablet
Dexamethasone	750.000 MCG	Tablet
Dexamethasone Sodium Phosphate	4.000 MG/1ML	Injection

Dicloxacillin Sodium	250.000 MG	Capsule
Dicloxacillin Sodium	500.000 MG	Capsule
Dicyclomine HCL	10.000 MG	Capsule
Dicyclomine HCL	10.000 MG/5ML	Solution
Dicyclomine HCL	20.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet
Diethylstilbesterol	5.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet, EC
Diethylstilbesterol	5.000 MG	Tablet, EC
Digitalis	100.000 MG	Tablet
Digitoxin	50.000 MCG	Tablet
Digitoxin	100.000 MCG	Tablet
Digitoxin	150.000 MCG	Tablet
Digitoxin	200.000 MCG	Tablet
Digoxin	50.000 MCG/ 1ML	Solution
Digoxin	100.000 MCG/ 1ML	Injection
Digoxin	125.000 MCG	Tablet
Digoxin	250.000 MCG	Tablet
Digoxin	250.000 MCG/ 1ML	Injection
Digoxin	500.000 MCG	Tablet
Diphenhydramine HCL	12.500 MG/ 5ML	Solution
Diphenhydramine HCL	25.000 MG	Capsule
Diphenhydramine HCL	50.000 MG	Capsule
Diphenhydramine HCL	50.000 MG/ 1ML	Injection
Diphenoxylate HCL Combination		Tablet
Diphenoxylate HCL	2.500 MG	
Atropine Sulfate	25.000 MCG	
Dipivefrin HCL	.100 %	Solution
Dipyridamole	25.000 MG	Tablet
Dipyridamole	50.000 MG	Tablet
Dipyridamole	75.000 MG	Tablet
Disulfiram	250.000 MG	Tablet
Disulfiram	500.000 MG	Tablet
Doxepin HCL	10.000 MG	Capsule
Doxepin HCL	10.000 MG/1ML	Solution
Doxepin HCL	25.000 MG	Capsule
Doxepin HCL	50.000 MG	Capsule
Doxepin HCL	75.000 MG	Capsule
Doxepin HCL	100.000 MG	Capsule
Doxepin HCL	150.000 MG	Capsule
Echothiophate Iodide	.030 %	Solution
Echothiophate Iodide	.060 %	Solution
Echothiophate Iodide	.125 %	Solution
Echothiophate Iodide	.250 %	Solution
Ephedrine Sulfate	25.000 MG	Capsule
Ephedrine Sulfate	50.000 MG	Capsule
Ephedrine Sulfate Syrup	20.000 MG/5ML	Solution
Epinephrine HCL	1.000 MG/1ML	Injection
Epinephrine HCL	100.000 MCG/1ML	Injection
Ergocalciferol	8000.000 U/1ML	Solution
Ergocalciferol	25000.000 U	Capsule
Ergocalciferol	50000.000 U	Capsule
Ergocalciferol	500000.000 U/1ML	Injection
Ergotamine Tartrate	2.000 MG	Soluble Tablet

Erythromycin	250.000 MG	Enteric Coated Tablet
Erythromycin Ethylsuccinate	400.000 MG/5ML	Suspension
Erythromycin Stearate	250.000 MG	Tablet
Erythromycin Stearate	500.000 MG	Tablet
Estrogens Conjugated	1.250 MG	Tablet
Estrogens Conjugated	2.500 MG	Tablet
Estrogens Conjugated	300.000 MCG	Tablet
Estrogens Conjugated	625.000 MCG	Tablet
Ferrous Gluconate	300.000 MG	Tablet
Ferrous Sulfate	125.000 MG/1ML	Solution
Ferrous Sulfate	220.000 MG/5ML	Solution
Ferrous Sulfate	300.000 MG	Tablet
Ferrous Sulfate	300.000 MG	Enteric Coated Tablet
Fluocinolone Acetonide	.010 %	Solution
Fluocinolone Acetonide	.010 %	Cream
Fluocinolone Acetonide	.025 %	Ointment
Fluocinolone Acetonide	.025 %	Cream
Fluoxymesterone	5.000 MG	Tablet
Fluoxymesterone	10.000 MG	Tablet
Fluphenazine HCL	2.500 MG	Tablet
Fluphenazine HCL	5.000 MG	Tablet
Folic Acid	1.000 MG	Tablet
Folic Acid	800.000 MCG	Tablet
Furosemide	10.000 MG/1ML	Injection
Furosemide	20.000 MG	Tablet
Furosemide	40.000 MG	Tablet
Furosemide	80.000 MG	Tablet
Gentamicin Sulfate	.300 %	Solution
Gentamicin Sulfate	40.000 MG/1ML	Injection
Glutethimide	500.000 MG	Tablet
Griseofulvin	250.000 MG	Capsule
Griseofulvin	250.000 MG	Tablet
Griseofulvin	500.000 MG	Tablet
Guanethidine Monosulfate Combination		Tablet
Guanethidine Monosulfate	10.000 MG	
Hydrochlorothiazide	25.000 MG	
Guanethidine Sulfate	10.000 MG	Tablet
Guanethidine Sulfate	25.000 MG	Tablet
Heparin Sodium	100.000 U/1ML	Injection
Heparin Sodium	1000.000 U/1ML	Injection
Heparin Sodium	5000.000 U/1ML	Injection
Heparin Sodium	10000.000 U/1ML	Injection
Heparin Sodium	20000.000 U/1ML	Injection
Heparin Sodium	40000.000 U/1ML	Injection
Hydralazine HCL	10.000 MG	Tablet
Hydralazine HCL	25.000 MG	Tablet
Hydralazine HCL	50.000 MG	Tablet
Hydralazine HCL	20.000 MG/1ML	Injection
Hydrochlorothiazide	25.000 MG	Tablet
Hydrochlorothiazide	50.000 MG	Tablet
Hydrochlorothiazide	100.000 MG	Tablet

Hydrochlorothiazide Combination		Tablet
Hydrochlorothiazide	25.000 MG	
Reserpine	125.000 MCG	
Hydrocortisone	10.000 MG	Tablet
Hydrocortisone	20.000 MG	Tablet
Ibuprofen	400.000 MG	Tablet
Idoxuridine	.100 %	Solution
Imipramine HCL	10.000 MG	Tablet
Imipramine HCL	25.000 MG	Tablet
Imipramine HCL	50.000 MG	Tablet
Isoniazid	100.000 MG	Tablet
Isoniazid	300.000 MG	Tablet
Isoproterenol HCL	.250 %	Solution
Isosorbide Dinitrate	2.500 MG	Soluble Tablet
Isosorbide Dinitrate	5.000 MG	Soluble Tablet
Isosorbide Dinitrate	5.000 MG	Tablet
Isosorbide Dinitrate	10.000 MG	Tablet
Isosorbide Dinitrate	20.000 MG	Tablet
Levodopa	100.000 MG	Capsule
Levodopa	250.000 MG	Capsule
Levodopa	500.000 MG	Capsule
Levothyroxine Sodium	25.000 MCG	Tablet
Levothyroxine Sodium	50.000 MCG	Tablet
Levothyroxine Sodium	100.000 MCG	Tablet
Levothyroxine Sodium	125.000 MCG	Tablet
Levothyroxine Sodium	150.000 MCG	Tablet
Levothyroxine Sodium	175.000 MCG	Tablet
Levothyroxine Sodium	200.000 MCG	Tablet
Levothyroxine Sodium	300.000 MCG	Tablet
Lidocaine HCL	1.000 %	Injection
Lidocaine HCL	2.000 %	Injection
Lidocaine HCL	20.000 MG/1ML	Injection
Lidocaine HCL	40.000 MG/1ML	Injection
Lindane	1.000 %	Suspension
Lindane	1.000 %	Solution
Lithium Carbonate	300.000 MG	Capsule
Lithium Carbonate	300.000 MG	Tablet
Magnesium Sulfate	500.000 MG/1ML	Injection
Manganese Chloride	100.000 MCG/1ML	Injection
Manganese Sulfate	100.000 MCG/1ML	Injection
*Meclizine	12.500 MG	Tablet
*Meclizine	25.000 MG	Tablet
Medroxyprogesterone Acetate	10.000 MG	Tablet
Metaproterenol Sulfate	10.000 MG	Tablet
Metaproterenol Sulfate	10.000 MG/5ML	Solution
Metaproterenol Sulfate	20.000 MG	Tablet
Metaproterenol Sulfate	650.000 MCG	Aerosol
Methenamine Mandelate	1.000 G	Enteric Coated Tablet
Methenamine Mandelate	500.000 MG	Enteric Coated Tablet
Methenamine Mandelate	500.000 MG/5ML	Suspension

Methocarbamol	500.000 MG	Tablet
Methocarbamol	750.000 MG	Tablet
Methylphenidate HCL	5.000 MG	Tablet
Methylphenidate HCL	10.000 MG	Tablet
Methylphenidate HCL	20.000 MG	Tablet
Metronidazole	250.000 MG	Tablet
Metronidazole	500.000 MG	Tablet
Nitrofurantoin	50.000 MG	Tablet
Nitrofurantoin	50.000 MG	Capsule
Nitrofurantoin	100.000 MG	Tablet
Nitrofurantoin	100.000 MG	Capsule
Nitroglycerin	2.000 %	Ointment
Nitroglycerin	2.500 MG	Extended Release Capsule
Nitroglycerin	6.000 MG	Extended Release Capsule
Nitroglycerin	6.500 MG	Extended Release Capsule
Nitroglycerin	9.000 MG	Extended Release Capsule
Nitroglycerin	150.000 MCG	Soluble Tablet
Nitroglycerin	300.000 MCG	Soluble Tablet
Nitroglycerin	400.000 MCG	Soluble Tablet
Nitroglycerin	600.000 MCG	Soluble Tablet
Norethindrone Acetate	5.000 MG	Tablet
Nystatin	100000.000 U	Suppository
Nystatin	100000.000 U/1G	Cream
Nystatin	100000.000 U/1G	Ointment
Nystatin	100000.000 U/1ML	Suspension
Nystatin	500000.000 U	Tablet
Oxacillin Sodium	1.000 G	Injection
Oxacillin Sodium	2.000 G	Injection
Oxacillin Sodium	250.000 MG	Capsule
Oxacillin Sodium	250.000 MG/5ML	Solution
Oxacillin Sodium	500.000 MG	Capsule
Oxacillin Sodium	500.000 MG	Injection
Oxyphenbutazone	100.000 MG	Tablet
Pancreatin Triple Strength	300.000 MG	Enteric Coated Tablet
Papaverine HCL Sustained Action	150.000 MG	Capsule
Paregoric		Tincture
Penicillin G Potassium	400,000.000 U	Tablet
Penicillin G Potassium	500,000.000 U	Tablet
Penicillin G Potassium	20000000.000 U	Injection
Penicillin G Potassium, Buffered	20000000.000 U	Injection
Penicillin G Potassium Buffered	5000000.000 U	Injection

Penicillin G Procaine	300000.000	U/1ML	Injection
Penicillin G Procaine	500000.000	U/1ML	Injection
Penicillin G Procaine	600000.000	U/1ML	Injection
Penicillin V Potassium	125.000	MG/5ML	Solution
Penicillin V Potassium	250.000	MG	Tablet
Penicillin V Potassium	250.000	MG/5ML	Solution
Penicillin V Potassium	500.000	MG	Tablet
Pentaerythritol Tetranitrate	10.000	MG	Tablet
Pentaerythritol Tetranitrate	20.000	MG	Tablet
Phenazopyridine HCL	100.000	MG	Tablet
Phenobarbital	15.000	MG	Tablet
Phenobarbital	30.000	MG	Tablet
Phenobarbital	60.000	MG	Tablet
Phenobarbital	100.000	MG	Tablet
Phenobarbital Combination			Tablet
Phenobarbital	15.000	MG	
Hyoscyamine Sulfate	100.000	MCG	
Atropine Sulfate	20.000	MCG	
Scopolamine Hydroromide	6.000	MCG	
Phenobarbital Combination			Solution
Phenobarbital	15.000	MG	
Hyoscyamine Sulfate	100.000	MCG	
Atropine Sulfate	20.000	MCG	
Scopolamine Hydrobromide	6.000	MCG	
Alcohol	23.000	%	
Phenobarbital Elixir	20.000	MG/5ML	Solution
Phenobarbital Sodium	125.000	MG/1ML	Injection
Phenylbutazone	100.000	MG	Capsule
Phenylbutazone	100.000	MG	Tablet
Phenytoin Sodium	50.000	MG/1ML	Injection
Physostigmine Sulfate	.250	%	Ointment
Phytonadione	10.000	MG/1ML	Injection
Pilocarpine HCL	.500	%	Solution
Pilocarpine HCL	.500	%	Viscous Solution
Pilocarpine HCL	1.000	%	Solution
Pilocarpine HCL	1.000	%	Viscous Solution
Pilocarpine HCL	2.000	%	Solution
Pilocarpine HCL	2.000	%	Viscous Solution
Pilocarpine HCL	3.000	%	Solution
Pilocarpine HCL	3.000	%	Viscous Solution
Pilocarpine HCL	4.000	%	Solution
Pilocarpine HCL	4.000	%	Viscous Solution
Pilocarpine HCL	5.000	%	Solution
Pilocarpine HCL	6.000	%	Solution
Piperazine Hexahydrate Citrate	500.000	MG/5ML	Solution
Potassium Chloride	2.000	MEQ/1ML	Injection
Potassium Chloride	6.700	MEQ/5ML	Solution
Potassium Chloride	13.300	MEQ/5ML	Solution
Potassium Chloride	750.000	MG	Extended Release Tablet
Potassium Gluconate	6.700	MEQ/5ML	Solution
Prednisone	5.000	MG	Tablet
Prednisone	10.000	MG	Tablet
Prednisone	20.000	MG	Tablet

Prednisone	50.000 MG	Tablet
Probenecid	500.000 MG	Tablet
Procainamide HCL	250.000 MG	Capsule
Procainamide HCL	375.000 MG	Capsule
Procainamide HCL	500.000 MG	Capsule
Prochlorperazine Edisylate	5.000 MG/1ML	Injection
Prochlorperazine Maleate	5.000 MG	Tablet
Prochlorperazine Maleate	10.000 MG	Tablet
Prochlorperazine Maleate	25.000 MG	Tablet
Promethazine HCL	6.250 MG/5ML	Solution
Promethazine HCL	12.500 MG	Tablet
Promethazine HCL	25.000 MG	Tablet
Promethazine HCL	25.000 MG/5ML	Solution
Promethazine HCL	50.000 MG	Tablet
Propantheline Bromide	15.000 MG	Tablet
Propoxyphene Combination		Capsule
Propoxyphene HCL	65.000 MG	
Aspirin	230.000 MG	
Caffeine	30.000 MG	
Phenacetin	150.000 MG	
Propoxyphene Combination		Capsule
Propoxyphene HCL	65.000 MG	
Acetaminophen	600.000 MG	
Propoxyphene HCL	65.000 MG	Capsule
Propoxyphene Combination		Tablet
Propoxyphene HCL	65.000 MG	
Acetaminophen	600.000 MG	
Propylthiouracil	50.000 MG	Tablet
Quinidine Sulfate	100.000 MG	Tablet
Quinidine Sulfate	200.000 MG	Tablet
Quinidine Sulfate	300.000 MG	Tablet
Reserpine	100.000 MCG	Tablet
Reserpine	250.000 MCG	Tablet
Reserpine Combination		Tablet
Reserpine	100.000 MCG	
Hydralazine HCL	25.000 MG	
Hydrochlorothiazide	15.000 MG	
Sodium Bicarbonate	1.000 MEQ/1ML	Injection
Sodium Chloride	.900 %	Inhalant
Sodium Chloride	2.000 MEQ/1ML	Injection
Sodium Chloride	4.000 MEQ/1ML	Injection
Sodium Fluoride	2.200 MG	Tablet, Chewable
Spironolactone	25.000 MG	Tablet
Spironolactone Combination		Tablet
Spironolactone	25.000 MG	
Hydrochlorothiazide	25.000 MG	
Sulfacetamide Sodium	10.000 %	Ointment
Sulfacetamide Sodium	15.000 %	Solution
Sulfacetamide Sodium	30.000 %	Solution
Sulfamethoxazole Combination		Suspension
Sulfamethoxazole	200.000 MG	
Trimethoprim	40.000 MG/5ML	
Sulfamethoxazole Combination		Tablet
Sulfamethoxazole	400.000 MG	
Trimethoprim	80.000 MG	

Sulfamethoxazole Combination		Tablet
Sulfamethoxazole	800.000 MG	
Trimethoprim	160.000 MG	
Sulfanilamide Combination		Suppository
Sulfanilamide	1.000 G	
Aminacrine HCL	15.000 MG	
Allontoin	150.000 MG	
Sulfanilamide Combination		Cream
Sulfanilamide	15.000 %	
Aminacrine HCL	.200 %	
Allantoin	1.500 %	
Sulfathiazole Combination		Cream
Sulfathiazole	3.400 %	
Sulfacetamide	2.900 %	
Sulfabenzamide	3.700 %	
Urea	.600 %	
Sulfinpyrazone	100.000 MG	Tablet
Sulfinpyrazone	200.000 MG	Capsule
Sulfisoxazole	500.000 MG	Tablet
Terbutaline Sulfate	2.500 MG	Tablet
Terbutaline Sulfate	5.000 MG	Tablet
Tetracycline HCL	125.000 MG/5ML	Suspension
Tetracycline HCL	250.000 MG	Capsule
Tetracycline HCL	500.000 MG	Capsule
Thioridazine HCL	10.000 MG	Tablet
Thioridazine HCL	15.000 MG	Tablet
Thioridazine HCL	25.000 MG	Tablet
Thioridazine HCL	50.000 MG	Tablet
Thioridazine HCL	100.000 MG	Tablet
Thioridazine HCL	150.000 MG	Tablet
Thyroglobulin	100.000 MG	Tablet
Thyroglobulin	200.000 MG	Tablet
Thyroid	15.000 MG	Tablet
Thyroid	30.000 MG	Tablet
Thyroid	60.000 MG	Enteric Coated Tablet
Thyroid	60.000 MG	Tablet
Thyroid	100.000 MG	Tablet
Thyroid	125.000 MG	Tablet
Thyroid	125.000 MG	Enteric Coated Tablet
Thyroid	200.000 MG	Tablet
Thyroid	250.000 MG	Tablet
Thyroid	300.000 MG	Tablet
Tolbutamide	250.000 MG	Tablet
Tolbutamide	500.000 MG	Tablet
Triamcinolone Acetonide	.025 %	Cream
Triamcinolone Acetonide	.025 %	Ointment
Triamcinolone Acetonide	.100 %	Ointment
Triamcinolone Acetonide	.100 %	Cream
Triamcinolone Acetonide	.500 %	Cream
Triamcinolone Acetonide	.500 %	Ointment
Triamcinolone Acetonide	40.000 MG/1ML	Injection
Trihexyphenidyl HCL	2.000 MG	Tablet
Trihexyphenidyl HCL	2.000 MG/5ML	Solution
Trihexyphenidyl HCL	5.000 MG	Tablet
Vitamin A	25000.000 U	Capsule
Vitamin A	50000.000 U	Capsule

*ONLY BRANDS BEARING THE FEDERAL LEGEND ARE PAYABLE. OVER-THE-COUNTER
(OTC) BRANDS ARE NOT PAYABLE.

Roger P. Guissinger
Secretary

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 Medical Assistance Program.

RULE

The Department of Health and Human Resources, Office of Family Security, amends the Title XIX reimbursement methodology for inpatient hospital services to clarify that Medicare's cost limits (223 limits) are not being included as a part of the methodology. This methodology was published as a final rule in the June 20, 1983 *Louisiana Register* (Volume 9, Number 6, pages 414-415).

This amendment is being published in accordance with the recommendations of the Joint Legislative Subcommittee for Oversight on Health and Welfare in their meeting of June 14, 1983. An Emergency Rule implementing the above amendment was published along with the Notice of Intent in the June 20, 1983 issue of the *Louisiana Register*.

Roger P. Guissinger
Secretary

RULE

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

Effective August 20, 1983, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Food and Drug Control Unit, in order to implement the provisions of LSA R.S. 40:627-628 is adopting general Rules and Regulations pertaining to foods, drugs, cosmetics and prophylactic devices by creating the following regulations and by codifying these regulations in accordance with the codification system in the "State of Louisiana Food, Drug and Cosmetic Laws and Regulations", dated September, 1968 (the "Red Book"); as follows:
2.210 Definitions

(a) "Advertisement" includes all representations of fact or opinion disseminated to the public in any manner or by any means other than by the labeling.

(b) "Cosmetic" includes all substances and preparations intended for cleaning, altering the appearance of or promoting the attractiveness of a person. The term includes soaps only when medicinal or curative qualities are claimed by the use, thereof.

(c) "Device" includes all devices intended for use in diagnosis, treatment, cure or prevention of disease in man or beast or intended to affect the structure or any function of the body.

(d) "Drug" includes all substances and preparations recognized in the official compendium as defined in the State Food, Drug and Cosmetic Law. It includes all substances and preparations intended for use in the diagnosis, treatment, cure or prevention of disease in man or beast, and all substances and preparations other than food and cosmetics, intended to affect the structure or any function of the body.

(e) "Food" includes all substances and preparations used for or entering into the composition of food, drink, confectionery, chewing gum or condiment for man or beast.

(f) "Label" means the principal display or display of written, printed or graphic matter upon any food, drug, cosmetic or device or the immediate container, thereof, or upon the outside container or wrapper, if any, of the retail package of any food, drug, cosmetic or device.

(g) "Labeling" includes all labels and other written, printed and graphic matter in any form whatsoever accompanying

any food, drug, cosmetic or device.

(h) "Medical opinion" means the opinion, within their respective fields, of the practitioners of any branch of the medical profession, the practice of which is licensed by law in this State.

(i) "Patent or proprietary medicine" means any drug or drug product covered by a patent from the U. S. Patent Office in Washington, D.C. and/or products sold under proprietary marks or trademarks with a distinctive device or brand to designate the source of origin.

(j) "Scientific opinion" means the opinion, within their respective fields, of competent pharmacologists, physiologists or toxicologists (LSA R.S. 40:602(12)).

(k) "Examination and investigation fee", as required by LSA R.S. 40:628, shall be referred to as registration fee.

(l) "Safe" means that a product under the conditions of its intended use is not dangerous to the health of man or animal.
2.211 Registration Provisions.

In accordance with the provisions of LSA R.S. 40:627, each manufacturer, packer or proprietor of processed foods, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form shall register each separate and distinct product annually with the Louisiana Food and Drug Control Unit/OHSEQ/DHHR.

2.212 Notice of Renewal, Application for Registration, Firm Name.

Each firm which is required to register products shall be notified at least 30 days in advance of the expiration date for the current Certificate of Registration. Notification shall be made in letter form and shall include the appropriate application for registration. Application for registration must be made *in the name of the firm appearing on the labels*.

2.213 Safety and Efficacy.

Products containing new ingredients cannot be registered unless the application for registration is supported by full reports of investigations which have been made to show whether or not such product is safe for use and, if a drug or device, is effective in use. Such information will not be required; however, if the product has been approved by the U. S. Food and Drug Administration and the application for registration is supported by a copy of that approval.

2.214 Reserved.

2.215 Penalty.

All firms must apply for annual registration of their products. The Certificates of Registration shall expire 12 months from the date of issuance. Any applications received in the Food and Drug Control Unit Office more than 45 days after expiration of the previous certificate shall be assessed a penalty fee of \$100. Each failure to register a separate and distinct product shall constitute a separate violation. No firm shall be assessed more than \$500 in any one calendar year (LSA R.S. 40:627(D)).

2.216 Registration Fees and Penalty Fee Assessment.

In accordance with the provisions of LSA R.S. 40:627 and 628, the following fees are to accompany registration applications and product labels. Penalty fees shall be assessed as follows:

No. of Products	Type of Certificate	Registration Fee	Penalty Fee
1	A	\$ 2.50	\$100
2	B	\$ 5.00	\$200
3	C	\$ 7.50	\$300
4	Maximum	\$10.00	\$400
5 or More	Maximum	\$10.00	\$500

2.217 Registration of New Firms.

Firms which have not previously registered with the Food and Drug Control Unit/OHSEQ/DHHR shall meet the requirements of Parts 2.212 - 2.216 of this regulation except that

applications for registration must be received within 45 days of notification and a penalty fee will be assessed for applications received thereafter.

Roger P. Guissing
Secretary

RULE

**Department of Health and Human Resources
Office of Health Services and Environmental Quality
Committee of Certification**

A. Recertification Requirements

Effective December 31, 1983, and pursuant to LSA-R.S. 40:1148, the following Rules and Regulations are hereby adopted prescribing skills, knowledge, education, experience and training that an operator in responsible charge must demonstrate for proper supervision of the various water and sewerage facilities; namely, water production, water distribution, water treatment, sewage collection, and/or sewage treatment and disposal.

Examples of operator training courses include, but are not limited to:

- a. Annual Short Course of the Louisiana Conference on Water Supply, Sewerage and Industrial Wastes.
- b. Regional one to two day conferences sponsored and/or co-sponsored by the Louisiana Conference on Water Supply, Sewerage and Industrial Wastes.
- c. American Water Works Association, Annual Conferences, Technical Sessions, Seminars and Workshops.
- d. Southwest Section, American Water Works Association, Annual Conference, Technical Sessions, Seminars and Workshops.
- e. College or University and Vocational-Technical Sponsored Water and/or Wastewater Courses.
- f. Water Pollution Control Federation, Annual Conference, Regional Meetings, Technical Sessions, Seminars and Workshops.
- g. Louisiana Water Pollution Control Association, Regional Meetings, Technical Sessions, Seminars and Workshops.
- h. Louisiana Rural Water Association, Regional Meetings, Technical Sessions, Seminars and Workshops.
- i. Regional Meetings, Technical Sessions, Seminars, Workshops and/or Training Programs, sponsored and/or co-sponsored by the Office of Health Services and Environmental Quality.
- j. Water and/or Wastewater Operator Training Courses approved for certification examinations by the Committee of Certification.

B. Training Requirements

In order to qualify for re-certification in any and all classes, all operators of water and sewage works shall demonstrate that they have met all training requirements prescribed by the Committee of Certification. The operator must accumulate at least 16 hours of approved training in a two year period in each field for which he is certified (water or sewerage). Approved training is defined as the completion of any of the training courses listed in I.C.3.a, et seq., of this Rule.

C. Fees

Pursuant to LSA-R.S. 40:1148 and LSA-R.S. 40:1142(F), fees shall be collected as follows:

- 1. Operator examination fee will continue to be \$5 per examination, as per *Louisiana Register*, Volume 8, page 343.
- 2. Fees, in addition to the examination fee, shall be:
 - a. Collected for issuance, renewal and/or reciprocation of certificates. The amount of fee is based on the number of certificates held in each field of water and/or sewerage, and the fee is

calculated separately for water and sewerage. A \$10 fee is required for certification in the first category in water and/or sewerage and an additional \$2 is required for each added category.

For example:

	WATER	SEWERAGE
1 category	\$10	\$10
2 categories	12	12
3 categories	14	14
4 categories	—	16

b. Communities, municipalities, utilities and/or corporations may elect to utilize a flat fee system regarding their employees' certifications. For a fee of \$50 per year for either field of water or sewerage or \$100 per year for both, all eligible operators may be certified, either initially or renewed. In addition to the flat fee, there will be a \$2 per certificate charge for each certificate issued. In the instance of the flat fee, the individual operators will not be billed, however, all such recording of the operators at each facility will be the responsibility of the principal of the organization and shall be submitted with each renewal (flat fee) payment.

c. Duplicate certificates will be issued for a fee of \$2 per certificate.

d. Effective December 31, 1983, water and wastewater operator certificates will be renewed on a two year basis, with the fees remaining at the same annual rates as are currently in effect but collected every two years.

For example:

	ANNUAL RATE		EACH TWO YEARS	
	Water	Sewerage	Water	Sewerage
Flat Fee	\$50	\$50	\$100	\$100
1 category	10	10	20	20
2 categories	12	12	24	24
3 categories	14	14	28	28
4 categories	—	16	—	32

In addition to payment of the prescribed fee, the applicant must enumerate and certify that he/she has attended at least 16 hours of approved operator training courses for each field in which certified, during the previous two year period. Failure to attend the required training or failure to furnish the required information shall constitute grounds for refusal to renew the certificate.

Certificates shall be valid only so long as the holder uses reasonable care, judgment, and knowledge in the performance of his/her duties. No certificate will be valid if obtained or renewed through fraud, deceit, or the submission of inaccurate qualification data.

Roger P. Guissing
Secretary

RULE

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

As provided for in the Appropriations Act of the 1983 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development has adopted the following Rule changes which increase (as shown) the fees or rates paid for the following Title XX Vendor Payment Day Care Services:

	Licensed Day Care Centers		Approved Day Care Homes	
	Old Rate	New Rate	Old Rate	New Rate
Monthly	\$138.60	\$154.00	\$92.40	\$103.18
Daily	6.30	7.00	4.20	4.69
Hourly	.90	1.00	.60	.67

Roger P. Guissing
Secretary

RULES

**Department of Health and Human Resources
Office of the Secretary**

The Louisiana Department of Health and Human Resources (DHHR) has adopted Rules to administer Block Grant federal funding for fiscal year 1983-84. These federal funds will be administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and federal regulations as published in the *Federal Register*, Vol. 47, No. 129, Tuesday, July 6, 1982, pp. 29472-29493. The Rules apply to the Alcohol and Drug Abuse and Mental Health Services Block Grant, the Maternal and Child Health Services Block Grant, the Preventive Health and Health Services Block Grant, and the Low-Income Home Energy Assistance Block Grant.

The DHHR Offices responsible for administration of programs and services in the Block Grants are as follows:

- (1) Alcohol and Drug Abuse and Mental Health Services - Office of Mental Health and Substance Abuse
- (2) Maternal and Child Health Services - Office of Health Services and Environmental Quality
- (3) Preventive Health and Health Services - Office of Health Services and Environmental Quality
- (4) Low-Income Home Energy Assistance - Office of Family Security

Copies of the entire Block Grant Rules may be viewed at the Office of the State Register, 1500 Riverside North, Baton Rouge, LA 70804.

Roger P. Guissinger
Secretary

RULE

Department of Natural Resources
Office of Conservation

**RULES OF PROCEDURE FOR CONDUCTING HEARINGS
BEFORE THE COMMISSIONER OF CONSERVATION**

Effective October 11, 1983

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Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Title 30 of Louisiana Revised Statutes of 1950, and after a public hearing held under Docket No. 83-294 in Lafayette, Louisiana on June 3, 1983, upon the call of the Commissioner of Conservation following legal publication of notice and notice in accordance with Rules prescribed by the Commissioner of Conservation, the following Rules of Procedure are issued and promulgated by the Commissioner of Conservation as being reasonably necessary to carry out the mandates of the laws of this state.

RULE 1 - DEFINITIONS

The words defined herein shall have the following meanings when used in these Rules. All other words so used and not herein defined shall have their usual meanings unless specially defined in Title 30 of Louisiana Revised Statutes of 1950.

INTERESTED PARTY - shall mean any person as person is defined in Title 30 of Louisiana Revised Statutes of 1950, other than an Interested Owner or a Represented Party as defined below, who presently owns an interest within the area of, or proximate to, the tracts directly affected by the application.

INTERESTED OWNER - shall mean any owner as owner is defined in Title 30 of Louisiana Revised Statutes of 1950, who is known to the applicant after reasonable search to presently own an interest within the area of, or proximate to, the tracts directly affected by the application.

REPRESENTED PARTY - shall mean any person as person is defined in Title 30 of Louisiana Revised Statutes of 1950, who is known to the applicant after reasonable search to presently own an interest within the area of, or proximate to, the tracts directly affected by the application and who is also known to the applicant to have either a consultant or attorney representing him in conservation matters.

INTEREST - shall not mean the rights of a top lessee or any other reversionary right.

DISTRICT MANAGER - shall mean the manager of any one of the districts of the State of Louisiana under the Office of Conservation, and, as used, refers specifically to the manager within whose district the field or fields affected by the subject matter of the proposed hearing are located.

PERTINENT DATA - shall mean, with respect to any unit proceedings, all basic factual information available from wells drilled or drilling which can reasonably be utilized in determining the unit configuration, including but not limited to, (a) electric logs, porosity logs and dipmeter logs, (b) tests, completion and production data, and (c) core data. All data that will be employed at a hearing shall be considered pertinent data.

DATE - shall mean the postmarked date of a letter or the transmittal date of a telegraphic or wireless communication.

RULE 2 - APPLICABILITY

These Rules of Procedure shall be applicable to all hearing applications which require 30 days notice as set forth in Section 6B of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, including applications relating to revisions of poolwide units created under Section 5C (Act 441 of 1960), provided that, except for the notice provisions contained in Paragraphs a, b and c of Rule 7 herein, and except to the extent provided in Rule 10 herein, these Rules of Procedure shall not apply to applications relating to the initial creation of poolwide units under Section 5C (Act 441 of 1960) of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950.

If the application relates to the initial creation of poolwide units under Section 5C (Act 441 of 1960), a copy of same shall be furnished each Interested Owner and Represented Party. If the required 75 percent in interest of owners and royalty owners in the reservoir shall have failed to join in the agreement covering the plan and terms of unit operation by the fifteenth day prior to the date of hearing, the applicant shall secure cancellation of the hearing and shall notify all Interested Owners, Represented Parties, and Interested Parties of the cancellation.

To the extent practicable, these Rules of Procedure also shall apply to hearing applications which require ten days notice. The provisions in Rules 3, 5, 6, 7, 8, 9, 10 and 16, concerning pre-application, notice, notice of opposition, pre-application conferences, other conferences, proposed units, unit revisions, counterplans and matters which are not deemed practicable for hearing applications which require ten days notice shall not apply. The posting and publication of a copy of the Notice of Hearing shall be accomplished as soon as practicable after such notice has been issued by the Commissioner. Any Interested Owner or Represented Party who has opposition to the application shall give immediate notice thereof to the Commissioner, District Manager and the applicant.

These Rules of Procedure shall in no way alter or change the right of any Interested Person, as provided in Paragraph F, Section 6 of Chapter 1 of Title 30, to have the Commissioner of Conservation call a hearing for the purpose of taking action in respect to a matter within the jurisdiction of the Commissioner, nor the requirement that the Commissioner, upon receiving the request, promptly call a hearing.

RULE 3 - PRE-APPLICATION NOTICE

Except as provided by Rule 8, any person intending to apply for a hearing, prior to filing application, shall send a notice outlining the proposal to the Commissioner (in duplicate) with a copy to the District Manager and to each Interested Owner and Represented Party. Interested Owners and Represented Parties need not be furnished the list described in sub-paragraph (a), but the applicant upon request shall furnish a copy of said list to the requesting party.

Each pre-application notice shall include or be accompanied by the following:

a. A list of the names and addresses of all Interested Owners and Represented Parties to whom it is being sent.

b. A statement that a reasonable effort has been made to determine to whom the notices as required by this Rule must be sent.

c. An explanation of the nature of the proposal and a copy of a unit plat for each sand, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-B, with any geological bases for any unit boundary labeled thereon. A reasonable effort shall be made to prepare the plat in sufficient detail to enable affected parties to determine the location of their lands.

d. A day, time and place for a conference which need be held only if notice of a desire to confer with respect to the application is given as hereinafter provided. Any such conference shall be held within the State of Louisiana (unless mutually agreed otherwise among all Interested Owners and Represented Parties) in a city reasonably convenient to the persons involved and shall be scheduled for not less than 20 calendar days following the date of the pre-application notice.

e. A definition of the sand proposed for unitization with such sand defined in each reservoir thereof by reference to well log measurements.

If an applicant has proof acceptable to the Commissioner that there is no necessity to confer about the proposal because there is no indication of opposition from any person to whom the pre-application notice must be sent, he may immediately proceed to file his application and need not schedule a conference nor comply with Rules 7a and 7d hereof.

RULE 4 - RELEASE OF PERTINENT DATA

Pertinent data shall be made available to Interested Owners and Represented Parties sufficiently in advance of any conference to allow a reasonable time for review and interpretation thereof prior to such conference.

Reference to source, including commercial outlets, from which or whom such data can be obtained, at the cost of the requesting party, shall be included in notices and applications required by these Rules.

RULE 5 - OPPOSITION - PRE-APPLICATION NOTICE

If any Interested Owner or Represented Party desires to confer about the applicant's proposal as set forth in the pre-application notice, he shall, within ten calendar days after the date of said notice, advise the applicant of his desire to confer, and the applicant shall, within 15 calendar days after the date of the pre-application notice, advise in writing the Commissioner, the District Manager and all other persons to whom the pre-application notice was sent that the conference will be held. Any Interested Owner and Represented Party may attend and participate in the conference even though not requesting it. If the applicant does not timely receive notice of a desire to confer from any party receiving the pre-application notice, he may immediately proceed to file his application.

RULE 6 - PROCEDURE FOR CONFERENCES

At any conference held pursuant to these Rules, the appli-

cant shall present the available and appropriate geological, engineering or other bases for his position supported by sufficient data and detail for the conferees to have reasonable opportunity to discuss and attempt to resolve their differences in good faith.

Any opponent or party supporting the applicant, who has had an opportunity to study the matter and who has developed the geological, engineering or other bases for his opposition or support, shall present his position in sufficient detail to permit the parties to attempt to resolve the differences in good faith.

If, however, any opponent or party supporting the applicant is not prepared to discuss the geological, engineering or other bases for his opposition or support at the conference, he shall later comply with the provisions of Rule 7 or 8 and 10 hereof.

At any conference held pursuant to these Rules, any participant proposing to create or revise a unit or units shall exhibit a map or plat, reasonably prepared in sufficient size and detail to enable affected parties to determine the location of their lands.

Conferences held pursuant to these Rules are designed to promote an open exchange of views among the parties; therefore, any reference to discussions among the parties as to geological, engineering, or other bases for a party's position at said conferences shall not be admissible in evidence at any hearing. Tape recordings and transcriptions made at any such conference also shall not be admissible in evidence.

Conference reports prepared pursuant to Rules 7 and 8 shall be limited to a statement of whether or not there is disagreement among the parties and shall contain no reference to individual geological, engineering or other opinions expressed at said conferences, but they shall indicate the issues that are likely to be controverted and the number of parties likely to present opposing plans.

RULE 7 - HEARING APPLICATION

The hearing application may be filed immediately after the pre-application conference or as otherwise provided in Rules 3 and 5 and shall be filed with the Commissioner (in duplicate) with a copy to the District Manager and to each Interested Owner and Represented Party. Interested Owners and Represented Parties need not be furnished the lists described in sub-paragraphs (a) and (b), but the applicant upon request shall furnish copies of said lists to the requesting party. In addition to outlining the purpose thereof, the application shall include or be accompanied by the following:

a. A list of the names and addresses of Interested Owners and Represented Parties notified, as required by Rule 3(a).

b. A list of the names and addresses of all Interested Parties who are known to the applicant after reasonable search. In addition to the publication of the Legal Notice by the Commissioner in the official state journal, the applicant shall provide for posting of a copy of the Legal Notice of the hearing and unit plat or plats in a prominent place in the area affected and publication of a copy of the Legal Notice in a newspaper published in the vicinity or general area of the affected field at least 15 days before the hearing. The applicant shall mail copies of the Legal Notice to all Interested Owners, Represented Parties and Interested Parties and a copy of the unit plat or plats shall be included with the Legal Notice, if said parties have not already been furnished same. Evidence to establish posting, publishing and mailing shall be submitted at the hearing.

c. A statement that a reasonable effort has been made to obtain a complete list of Interested Parties, Interested Owners and Represented Parties.

d. A statement that a conference has or has not been held, including a brief report on the conference, if held, and a list of the parties in attendance.

e. A unit plat, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning

nomenclature of Section II of Statewide Order No. 29-B, with any geological bases for any unit boundary labeled thereon and the other items required by statute or by the Commissioner.

f. A definition of the sand proposed for unitization with such sand defined in each reservoir thereof by reference to well log measurements.

A request for Rules and regulations for more than one sand shall be considered a separate application for each sand and the Commissioner shall be furnished an extra copy of the application for each additional sand affected thereby. A fee of \$300 for each sand shall be filed with the application as required by Section 21 of Title 30 of Louisiana Revised Statutes of 1950.

If, as a result of any conference, the applicant's proposal as set forth in a pre-application notice is revised, the revised proposal shall be explained in the application, and if units are involved and are revised, the revised unit plat shall be filed with the application.

If the application does not change or alter the units as proposed in the pre-application notice, additional plats need not be furnished to Interested Owners and Represented Parties.

If differences are not resolved or if any Interested Owner or Represented Party desires to oppose or support a proposal by the introduction of evidence at the hearing, then not less than 15 calendar days before the hearing, he must file with the Commissioner and furnish to the District Manager, the applicant and all persons who attended the pre-application conference his counterplan or supporting plan, including a plat of his proposed units, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-B, with any geological bases for any unit boundary labeled thereon, accompanied by a letter explaining any points of difference with the applicant's plan.

RULE 8 - WAIVER OF PRE-APPLICATION NOTICE

If circumstances indicate that the 20 day delay required by the pre-application procedure in the filing of an application for a public hearing would result in undue hardship to the applicant, the Commissioner may waive the pre-application notice requirements, and Rule 3 of these Rules shall not apply.

However, each such waiver must be expressly approved by the Office of Conservation, and in no instance shall the Office of Conservation approve a waiver under these Rules unless there can be compliance with the 15 day provision of Rule 18.

The hearing application under this procedure shall be filed with the Commissioner (in duplicate), with a copy to the District Manager and to each Interested Owner and Represented Party. Interested Owners and Represented Parties need not be furnished the lists described in sub-paragraphs (b) and (c), but the applicant upon request shall furnish copies of said lists to the requesting party. In addition to outlining the purpose thereof, the application shall include or be accompanied by the following:

a. A statement to the effect that the Office of Conservation has waived the pre-application notice requirements and that Rule 3 of these Rules shall not apply.

b. A list of the names and addresses of Interested Owners and Represented Parties who are being furnished with a copy of the application.

c. A list of the names and addresses of all Interested Parties who are known to the applicant after reasonable search. In addition to the publication of the Legal Notice by the Commissioner in the official state journal, the applicant shall provide for posting of a copy of the Legal Notice of the hearing and unit plat or plats in a prominent place in the area affected and publication of a copy of the Legal Notice in a newspaper published in the vicinity or general area of the affected field at least 15 days before the hearing. The applicant shall mail copies of the Legal Notice to all Interested Owners, Represented Parties and Interested Parties and a copy of the unit plat or plats shall be included with the Legal Notice, if said

parties have not already been furnished same. Evidence to establish posting, publishing and mailing shall be submitted at the hearing.

d. A statement that a reasonable effort has been made to obtain a complete list of Interested Parties, Interested Owners and Represented Parties.

e. A day, time and place for a pre-hearing conference which shall be scheduled for not less than ten calendar days after the date of the application. Any such conference shall be held within the State of Louisiana (unless mutually agreed otherwise among all Interested Owners and Represented Parties), in a city reasonably convenient to the persons involved.

f. A unit plat, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-B, with any geological bases for any unit boundary labeled thereon, and the other items required by statute or by the Commissioner. A reasonable effort shall be made to prepare the plat in sufficient detail to enable affected parties to determine the location of their lands.

g. A definition of the sand proposed for unitization with such sand defined in each reservoir thereof by reference to well log measurements.

A request for Rules and regulations for more than one sand shall be considered a separate application for each sand, and the Commissioner shall be furnished an extra copy of the application for each additional sand affected thereby. A fee of \$300 for each sand shall be filed with the application as required by Section 21 of Title 30 of Louisiana Revised Statutes of 1950.

If any Interested Owner or Represented Party desires to confer about the applicant's proposal, he shall be represented at the pre-hearing conference provided for above. The pre-hearing conference shall be conducted in accordance with Rule 6.

Immediately after the pre-hearing conference, the applicant shall furnish the Commissioner and the persons to whom the application was sent a brief report on the conference and a list of the parties in attendance.

If, as a result of the pre-hearing conference, the applicant's proposal as set forth in the application is revised, the applicant shall notify the Commissioner, the District Manager and all parties to whom the application was sent of the revision and furnish them with a copy of the revised unit plat, if units are involved, and with an explanation of the revision.

If differences are not resolved or if any Interested Owner or Represented Party desires to oppose or support a proposal by the introduction of evidence at the hearing, then not less than five calendar days before the hearing, he must file with the Commissioner and furnish to the District Manager, the applicant and all persons who attended the conference his counterplan or supporting plan, including a plat of his proposed unit, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-B, with any geological bases for any unit boundary labeled thereon, accompanied by a letter explaining any points of difference with the applicant's plan.

RULE 9 - REVISIONS AFTER APPLICATION

If, after the application is filed, the applicant's proposal is revised, the applicant shall promptly notify the Commissioner, the District Manager and all parties to whom the application was sent, of the revision and furnish to them a copy of any revised plan and unit plat, if units are involved, and shall, if requested, hold a conference to discuss the revised proposal prior to the hearing. If there are differences among the applicant, Interested Owners and Represented Parties as to the applicant's revised proposal, and the differences are resolved as a result of any conference, the applicant shall file the revised plan and plat promptly with the Commissioner and furnish a copy to the District Manager and to all parties to

whom the application was sent. No revised proposal may be considered at the hearing unless notice of the revision has been sent to the Commissioner, the District Manager and to all parties to whom the legal notice was sent at least five days prior to the hearing. The applicant shall present both the original application proposal and the revised proposal at the hearing, with evidence to support the revision. The time provisions of Rules 7 and 8 shall not apply to revised proposals filed less than 20 days prior to the day of the hearing.

RULE 10 - ADDITIONAL REQUIREMENTS FOR OPPOSITION TO OR SUPPORT OF APPLICATION

If any opponent or party supporting the applicant did not present the geological, engineering or other bases for his opposition or support at the pre-application conference, pre-hearing conference, or such other conferences provided by these Rules, or if there has been a change in the bases for his opposition or support, such opponent or supporting party shall disclose to the parties in attendance at such conference the geological, engineering or other bases for his opposition or support by mailing to them on or before the date set for filing a counterplan copies of his structure map and such other geological and engineering interpretations of the data as were disclosed by the applicant pursuant to Rule 6.

If any Interested Owner or Represented Party desires to add one or more units to an applicant's plan, such Interested Owner or Represented Party shall, within five days after receiving the applicant's pre-application notice, secure waiver of pre-application notice and file his application under Rule 8 for the additional units so proposed, scheduling the required conference at the same time, date and place as the pre-application conference scheduled by the initial applicant.

With respect to any hearing application relating to the initial creation of poolwide units under Section 5C (Act 441 of 1960) of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, any party who has received notice of the hearing and who wishes to introduce evidence in opposition to such application shall file with the Commissioner and furnish to the District Manager and Interested Owners and Represented Parties, at least ten calendar days prior to the date of the hearing, a letter explaining the opposition to the applicant's plan, including a plat, if appropriate, and at the request of any party, shall immediately disclose to the requesting party the geological, engineering or other bases for his opposition in a manner convenient to the parties.

RULE 11 - COMMISSIONER'S CONFERENCE

The Commissioner shall have the right to call a pre-hearing conference at any time prior to the hearing, if in his opinion such a conference would resolve or narrow the issues in controversy or would assist in the conduct of the hearing.

RULE 12 - TIMELINESS OF FILINGS

All notices and filings provided for herein shall be presumed as given timely when the date or actual date of receipt, if hand delivered, of the copy received by the Commissioner complies with appropriate delays herein provided. Copies to Interested Owners and Represented Parties shall be deposited on the same day in the United States mail, properly stamped and addressed, or, if telegraphic or wireless communication is used, dispatched on that day by the transmitting party.

RULE 13 - NOTICE OF CONTINUED HEARING

When a hearing is opened and continued, the notice given for the original hearing shall be applicable to the continued hearing, if the hearing officer at the time of granting the continuance designates the new time, date and place of the continued hearing. In all other instances of a continued hearing, the applicant shall at least 15 days before the hearing provide notice of the continued hearing by posting such notice in a prominent place in the area affected, by publishing such notice in a newspaper published in the

vicinity or general area of the affected field and by mailing such notice to all Interested Owners, Represented Parties and Interested Parties.

RULE 14 - RULES OF HEARING CONDUCT AND PROCEDURE

The applicant shall first present the entire geological, engineering or other bases in support of his proposal. Any Interested Owner or Represented Party who supports the applicant and complied with Rules 7, 8 or 10 shall next present the entire geological, engineering or other bases in support of the applicant's proposal.

Any Interested Party wishing to present evidence supporting the applicant's proposal shall do so immediately after the applicant and supporting parties have completed their presentations.

Opponents who have complied with Rules 7, 8 or 10, in the order determined by the Commissioner, shall then present the entire geological, engineering or other bases for their opposition. After all opponents have made their presentations, the applicant may present rebuttal geological, engineering or other testimony, but strictly limited to a refutation of the matters covered by the opponents. Rebuttal testimony should not be used to prove matters that should have been proven on direct examination.

Any witness shall be subject to cross-examination by the Commissioner or any member of his staff and by no more than two representatives of a party. Cross-examination shall be conducted in accordance with the following guidelines:

a. Cross-examination should be limited to questions concerning the testimony and exhibits presented by the witness, and the witness should not be required to make measurements or calculations or comparisons between his exhibits and those presented by any other witness.

b. Matters peculiarly within the knowledge of the cross-examiner or his witnesses should be presented by them on direct examination, and there should be no attempt to establish such matters by cross-examination.

c. Cross-examination shall be conducted in a polite and courteous manner without reference to personalities of the witness or the party represented by the witness.

After the applicant and any opponents have made their presentations, any party shall be afforded an opportunity to make a statement. If such a statement includes technical data, the party shall be subject to being sworn and cross-examined.

The applicant, any opponent, or any supporting party may make opening or closing statements concerning their positions, but such statements shall not include technical matters which have not been presented by sworn testimony. The applicant shall have the right to make the last closing statement.

RULE 15 - NEW EVIDENCE

If new pertinent data becomes available to any person after proceedings have been initiated hereunder, such evidence shall be made available immediately to all Interested Owners and Represented Parties by notice of its availability and by release in accordance with Rule 4. Such evidence may be used by any person at the hearing and may be the basis for revision of units or other proposals previously made by the applicant or any opponent, but the Commissioner in his discretion may determine that additional time should be afforded for consideration thereof. The Commissioner in his discretion may also establish a time limit beyond which new evidence may not be employed in the present proceedings. In this event application for a new hearing to consider the new evidence shall be made as soon as possible.

RULE 16 - COVERAGE OF RULES

Any Interested Owner or Represented Party who is not notified by an applicant, as set forth in Rule 3 or Rule 8, as appropriate, and who does not attend the conference requested

pursuant to Rule 5 or the conference scheduled pursuant to Rule 8, whichever is applicable, shall not be bound by the time periods set forth in Rules 7 and 8. The time periods set forth in Rule 7 and 8 shall be modified in the discretion of the Commissioner as the circumstances justify.

Any attorney or consultant engaged at any time by an Interested Party shall immediately notify the applicant, Interested Owners and Represented Parties of his representation and thereafter said Interested Party shall be considered a Represented Party and shall comply with these Rules of Procedure. In this circumstance, Rule 10 shall be applicable if a conference were held, and the time periods set forth in Rule 7 and 8 may be modified in the discretion of the Commissioner as the circumstances justify.

RULE 17 - PENALTY FOR NON-COMPLIANCE

Failure to comply with the provisions of or the spirit of these Rules of Procedure shall prevent an application from being advertised or heard, or shall prevent an opponent or supporting party from presenting evidence at the hearing, but an order issued by the Commissioner shall not be invalid by operation of this Rule.

RULE 18 - TIME OF COMMENCEMENT

Unless circumstances indicate that undue hardship would otherwise result, every applicant shall commence proceedings under these Rules of Procedure so as to permit the application to be docketed, advertised, heard and properly considered for at least 15 days before the order is issued.

NOTE: If at all possible, any application hereunder should be received in the Baton Rouge office of the Office of Conservation at least 45 days before the application is to be fixed for hearing.

These Rules of Procedure shall become effective on and after October 11, 1983 and shall supersede and replace the Rules of Procedure made effective September 1, 1971. Any proceedings with respect to a proposed hearing covered by these Rules initiated after the effective date hereof shall be in compliance with these Rules.

Patrick H. Martin
Commissioner

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7), and 1084 B (1), and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted revisions to the Louisiana Air Quality Regulations at the July 28, 1983, hearing. Preceding final adoption of the revisions by the Commission, the revisions were forwarded and found acceptable by the Joint Committee on Natural Resources.

The revisions deleted Section 14.0 of the Air Quality Regulations. This action was in conformance with the federal rule promulgated on January 5, 1983, revoking the hydrocarbon standard.

Persons requesting copies and/or further information concerning the revisions listed below may contact Ms. Terrie deLorimier, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-9028.

LOUISIANA AIR QUALITY REGULATIONS REVISIONS

Revise Section 14.0 to read as follows:
14.0 Reserved

Delete Sections 14.1, 14.2, 14.3, 14.4, 14.4.1, 14.4.2, 14.5, 14.5.1, 14.5.2 and 14.6 of the Air Quality Regulations.

In Tables 1 and 1a, delete the entry for hydrocarbons (other than methane).

In addition, delete the sentence,

"The hydrocarbon standard is for use as a guide in devising plans to achieve the oxidant standard."

from the notes for these tables.

In Table 2, delete the entry for "hydrocarbons."

B. Jim Porter
Assistant Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7), and 1084 B (1), and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted revisions to the Louisiana State Implementation Plan at the July 28, 1983, hearing. Preceding final adoption of the revisions by the Commission, the revisions were forwarded and found acceptable by the Joint Committee on Natural Resources.

These actions allow eight facilities adequate time to implement Volatile Organic Compound (VOC) bubbles under a schedule. Under justifiable circumstances, certain point sources were unable to meet the December 31, 1982 deadline to be in compliance with the Clean Air Act. Therefore, excess reductions achieved at other sources within the same facilities were used to offset the emission levels of the subject point sources. The "bubble" will be in effect until the schedule which brings the total facility into compliance is met. There will be no adverse effects on the ambient air quality.

The facilities receiving approval to implement the bubbles are:

1. Vulcan Chemicals Company, Geismar, Ascension Parish, LA.
2. Exxon Company, U.S.A., Baton Rouge Refinery, Baton Rouge, East Baton Rouge Parish, LA.
3. Union Carbide Corporation, Taft Plant, Hahnville, St. Charles Parish, LA.
4. Kaiser Aluminum and Chemical Corporation, Gramercy Works, Gramercy, St. James/St. John Parishes, LA.
5. American Can Company, New Orleans Plant, New Orleans, Orleans Parish, LA.
6. Inland Steel Container, New Orleans, Orleans Parish, LA.
7. Dow Chemical, U.S.A., Plaquemine, Iberville Parish, LA.
8. Ethyl Corporation, Baton Rouge, East Baton Rouge Parish, LA.

Persons requesting copies and/or further information concerning the revisions listed above may contact Ms. Terrie deLorimier, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-9028.

B. Jim Porter
Assistant Secretary

RULE

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

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7), and 1084 B (1), and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted a revision to the Louisiana State Implementation Plan at the July 28, 1983, hearing. Preceding final adoption of the revision by the Commission, the revision was forwarded and found acceptable by the Joint Committee on Natural Resources.

The revision to the State Implementation Plan (SIP) asserts the view of Breton Island Bird Refuge will remain unimpaired from man-made air pollution. Section 169A of the Clean Air Act requires the prevention of any impairment of visibility for mandatory Class I Federal areas. Since the Federal Land Manager has not designated the Refuge as an Integral Vista, the State and EPA have agreed this revision will satisfy requirements of the Clean Air Act.

Persons requesting copies and/or further information concerning the revisions listed below may contact Ms. Terrie deLorimier, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-9028.

**STATE IMPLEMENTATION PLAN
PROTECTION FOR INTEGRAL VISTAS**

Breton Island Bird Refuge is mandated a Class I area consisting of a chain of small islands and surrounding water stretching from near the mouth of the Mississippi River to the Mississippi coast near the city of Gulfport, Mississippi. The area was primarily established as a nesting area for waterfowl.

This area of southern Louisiana has very low relief. Much of the Refuge is under water when tides are above normal. Since the area is used for wild bird nesting, public access is not encouraged. Some fishermen visit the area by boat.

It is our understanding the Federal Land Manager will not be designating any integral vistas for Breton.

Due to the nature of the land mass, there are few stationary sources near the Refuge. There was a small refining operation located at Venice. Presently, this operation is all but shut down. Venice is about 13 air miles from the nearest land mass in the Refuge. There are two menhaden plants in Empire, Louisiana, near the Mississippi River. The most significant point source in the area is a refinery located in Alliance. Alliance is about 45 air miles from the Refuge. It is not likely this point source could adversely affect visibility in the Refuge. There are some emissions associated with this activity, but they are relatively small and intermittent. As in any coastal area, the Refuge will be covered with fog periodically. This natural occurrence will have a more pronounced effect on visibility than any man-made endeavor.

Therefore, considering the description of the area, the lack of public access, the lack of industrial activity nearby, and the lack of a designation of any integral vistas for the Breton area, the state asserts that the visibility of the Refuge will be protected by judicious review of any new source permit applications for the surrounding area.

B. Jim Porter
Assistant Secretary

RULE

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

In accordance with Louisiana Revised Statutes 46:700.1 through 56:700.5, the Fishermen's Gear Compensation Fund, and pursuant to Notice of Intent published July 20, 1983, the Department of Natural Resources has adopted a fee of \$200 per state mineral lease and \$200 per state right-of-way for those leases and rights-of-way located in the Coastal Zone of Louisiana. The fee will be assessed on August 20, 1983, and will apply to all leases and rights-of-way in effect on that date.

Frank P. Simoneaux
Secretary

RULE

**Department of Public Safety
Office of Management and Finance**

Notice is hereby given that the Department of Public Safety has implemented a new pricing policy for fiscal year 1983/84 for contractual agreements which require multiple updates over a period of time of motor vehicle registration and drivers license records. The rate for this service has been increased from \$.018 per record to \$.02 per record.

Pricing and conditions for computerized database information are as follows:

All initial inquiries will be directed to Rex McDonald at 925-6031. Rates will be updated each fiscal year or as statutes change. For one time requests, a minimum deposit of one half the estimated cost is required. For contractual agreements which require multiple updates over a period of time, the customer must provide a bond or a certified check covering three billing cycles of the estimated amount.

I. Pricing policy for motor vehicle and drivers license master records utilizing the standard utility programs available for one time is as follows:

A. Parish and Municipal Governments - Requesting Less Than 25,000 Records

5,000 or less records	\$100
10,000 or less records	\$200
15,000 or less records	\$300
20,000 or less records	\$400
25,000 or less records	\$500

B. State, Parish and Municipal Governments - Requesting Greater Than 25,000 Records

Basic Programming Fee	\$500
First 50,000 records	\$.01 each
Next 100,000 records	\$.005 each
Next 850,000 records	\$.0025 each
All additional records	\$.00125 each

C. All Non-Governmental Bodies

Basic Programming Fee	\$500
First 50,000 records	\$.02 each
Next 100,000 records	\$.01 each
Next 850,000 records	\$.005 each
All additional records	\$.0025 each

D. Cost of Supplies

II. Pricing policy for driver history data is \$5 per history as per statute.

III. Pricing policy for contractual agreements which require multiple updates over a period of time is as follows:

A. Cost of programmer work hours at \$30 per hour.

- B. Setup cost for Data Control and Operations as applicable (\$20 per hour).
- C. Flat rate charge of \$.02 per record.
- D. Cost of supplies.
- IV. Pricing policy for customized one time requests is as follows:
 - A. Cost of programmer work hours at \$30 hour.
 - B. Record pricing policy reflected in Section I.
 - C. Cost of supplies.
- V. Pricing policy for subscriptions to continually updated printed reports requested by non-governmental bodies will be determined on an individual basis.
- VI. Pricing policy for copies of preprinted in-house statistical reports is \$1 per page plus postage.
- VII. Copies of an individual's own public records requested by an indigent citizen of Louisiana shall be furnished free of charge.

Oris B. Johnson
Undersecretary

Notices of Intent

NOTICE OF INTENT Department of Agriculture Agricultural Commodities Commission

In accordance with the provisions of R.S. 49:961, et seq., the Administrative Procedure Act, and R.S. 3:3405, relative to the authority of the Louisiana Agricultural Commodities Commission for rule-making, notice is hereby given that the Department of Agriculture, Louisiana Agricultural Commodities Commission, will conduct a public hearing beginning at 9:30 a.m. on September 8, 1983, on the Twenty-first floor of the State Capitol, Baton Rouge, to consider amendments of its Rules and Regulations, as follows:

Rule 8.10 E will be amended to read as follows:

Whenever any warehouse ceases to operate as a licensed warehouse, alternate security offered in lieu of the required bond shall be retained by the Commission: (1) for a period of 30 days after final publication of public notice of the Commission's intention to release the alternate security, such public notice to be made at least seven times in a daily newspaper in the licensee's area or at least once in a weekly newspaper, if there is no daily newspaper, in the licensee's area; and (2) until completion of a final audit, which final audit shall be completed in not more than 120 days.

Rule 12.8 will be amended to read as follows:

12.8 The Commission may accept alternate security in an amount of \$75,000 in lieu of the required bond.

A. Alternate security may be offered only by (1) pledging of certificates of deposit or other similar negotiable instruments, or (2) filing of an irrevocable letter of credit, which shall be non-cancellable for a period of one year.

B. All alternate security instruments must be assigned to the Commission and will be maintained in the Commission's office

in Baton Rouge; holders of certificate of deposit may continue to draw interest thereon.

C. Whenever any grain dealer ceases to operate as a licensed grain dealer, alternate security offered in lieu of the required bond shall be retained by the Commission: (1) for a period of 30 days after final publication of public notice of the Commission's intention to release the alternate security, such public notice to be made at least seven times in a daily newspaper in the licensee's area or at least once in a weekly newspaper, if there is no daily newspaper, in the licensee's area; and (2) until completion of a final audit, which final audit shall be completed in not more than 120 days.

D. Alternate security offered in lieu of the required bond is subject to the approval of the Commission and must be so approved prior to issuance of the license.

As a result of the enactment of House Bill 166 during the 1983 Session of the Louisiana Legislature, the Commission will repeal its Rule 4.2 D, and the existing Rule 4.2 E will be renumbered as Rule 4.2 D.

The Commission will also consider and may adopt any amendment which is recommended by any commenter responding to this Notice. Written comments will be accepted by Manning Broussard, Director of the Commission, 4432 Florida Boulevard, Baton Rouge 70806 up to and including September 6, 1983, or may be presented in person at the hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom
Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
\$300 annually for estimated expenses of publishing notices prior to release of alternate security.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No additional costs to affected groups. Repeal of the requirement for an audited financial statement prior to initial licensure may result in savings estimated at \$5,000 for a small elevator up to a possible \$40,000 for a large chain.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

John Compton
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT Department of Agriculture Market Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:405, 410-412, relative to the authority of the State Market Commission for the

establishment and regulation of state grades of food products, notice is hereby given that a public hearing will be conducted by the State Market Commission at 10 a.m., October 10, 1983 in the Conference Room on the 21st Floor of the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations governing the grading and certification of fish and fish products, including but not limited to consideration of the following: establishment of official state grades, requirements for certification, time limits for issuance of certificates, waivers of specification requirements, final delivery of product, and obligations of vendors.

A copy of the text of the proposed Rules may be secured by writing to Bryce Malone, Assistant Commissioner for Marketing, P. O. Box 44184, Baton Rouge, LA 70804, or in person at Malone's office at 12055 Airline Highway, Baton Rouge, LA.

Written comments will be accepted by Malone at his office, or may be presented in person at the hearing. All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fish and Fish Products**

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

The estimated implementation cost for personnel and associated expenses will be as follows:

FY 1983-84 - \$70,123 (State General Funds)
\$10,854 (SGR) \$4,933 (Fed.) = \$85,910

FY 1984-85 - \$73,629 (State General Funds)
\$11,397 (SGR) \$5,180 (Fed.) = \$90,206

FY 1985-86 - \$77,310 (State General Funds)
\$11,967 (SGR) \$5,439 (Fed.) = \$94,716

Funding for the program has been provided in the 1983-84 budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Self-generated revenues are expected to increase during the relevant fiscal years as listed above. Additional federal funds will also be collected as listed above.

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

Vendors offering products to state or local agencies requiring grading and certification services will bear the cost projected above.

However, only vendors which voluntarily elect to offer products to state or local agencies will bear these costs. The grading and certification of fish and fish products is not required by law for sales in the private market.

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

Vendors who elect to offer products for consumption by state or local agencies will be required to incur additional costs however, this rule applies equally to all such vendors. Vendors offering products for sale in the private market place are not affected by this Rule.

Bob Odom
Secretary

Jean S. Vandal
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Civil Service
Civil Service Commission**

Notice is hereby given that the State Civil Service Commission, under the authority conferred by Article X, Section 10 (A)(1) of the Constitution of Louisiana, will conduct a public hearing on September 7, 1983 at 9 a.m. at the Rivergate, Rooms 9 & 10 (Mezzanine), Canal Street at the River across from the International Trade Mart Building, New Orleans, Louisiana, to consider the following amendment to Civil Service Rule 3.1.

PROPOSED RULE

3.1 Duties of the Director

It shall be the duty of the Director of Personnel

(a)-(q) . . .

(r) To require departments and agencies to establish and implement, in accordance with established policy, an affirmative action program to assure equal employment opportunity in the classified service of state government.

Written comments will be accepted by Herbert Sumrall, Director, Department of State Civil Service, Box 44111, Baton Rouge, LA 70804 up to and including September 6, 1983.

All interested persons will be afforded an opportunity to submit data, views or arguments, orally at the public hearing.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

7. The Board approved an amendment to Bulletin 746 and the proposed Foreign Language Certification requirements as follows:

"Beginning with freshmen entering higher education institutions in the 1984-85 school year all candidates for certification will be required to complete 36 semester hours or 24 hours above the sophomore level which shall include a three-hour methods course in modern foreign languages. A minimum of 12 of the 24 hours may be fulfilled by a two-semester residence in a university abroad or by two summers of intensive immersion study on a Louisiana university campus, an out-of-state university campus, or abroad."*

*The two-semester abroad or alternative is required for French certification and is optional for all other foreign languages. NOTE: Certification is awarded in each individual language.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., September 5, 1983 at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Foreign Language Certification**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be little additional cost to most students if they choose to study abroad. Costs of study abroad is actually less than a similar time period of study in Louisiana. A more competent teacher proficient in the language will benefit Louisiana and the student.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is expected that a more competent teacher who is more proficient in the language will be better able to find and maintain employment.

James V. Soileau
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
RULE 10: Revenues would increase sufficiently to cover costs of each course.
RULE 27: There would be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
RULE 10: Each participant would pay \$5 per hour for instructions, a total of \$75 for the 15 hour course. They would benefit by being better prepared as a licensed administrator.
RULE 27: There would be no costs to affected groups. N.H.A.'s would have a guide to professional practice.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
RULE 10: There would be no effect on competition or employment.
RULE 27: There would be no effect on competition or employment.

Winborn E. Davis
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

1. RULE 10: C
"The Board may periodically conduct courses on nursing home administration, especially designed for licensure applicants, when the demand is sufficient to defray expenses. Applicants who desire this course will pay \$5 per hour of instruction."
2. RULE 27: Code of Ethics
"Every person licensed as a nursing home administrator shall subscribe to and practice by the Code of Ethics established by the Board. The Board shall supply Code of Ethics form to each administrator."
Interested persons may secure exact wording of the proposed changes and comment on them in writing through September 3, 1983, at the following address: Louisiana State Board of Examiners for Nursing Home Administrators, 3535 Government St., Suite D, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
RULE 10: It will cost the agency approximately \$600 to conduct a 15 hour course.
RULE 27: Added costs would be approximately \$100 per year.

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Veterinary Medicine**

In accordance with the provisions of LSA-R.S. 49:951, et seq. (The Administrative Procedure Act) and LSA-R.S. 37:1511, et seq. (The Louisiana Veterinary Practice Law), notice is hereby given that the Louisiana Board of Veterinary Medicine will conduct a public hearing on Thursday, September 1, 1983, at 10 a.m. in the State Capitol, House Committee Room No. 3, Baton Rouge, LA.

The purpose of the hearing is to consider adoption and/or amendment of Rules and Regulations generally dealing with the requirements necessary for a person to be licensed to practice veterinary medicine by endorsement; exemption of fees for licensing; and the setting of fees for license renewal.

Specifically, the public hearing will consider the following proposed Rules:

- (1) R.S. 37:1522
To provide generally the granting of licenses to practice veterinary medicine to persons already licensed in other states.
- (2) R.S. 37:1518(3)
To provide for fees for license renewal.
- (3) R.S. 37:1518(3) and R.S. 37:1524
To provide exemption of fees for disabled veterinarians.
Inquiries concerning the intended actions, subjects, and issues involved may be directed to Allan R. Allbritton, D.V.M., at the Louisiana Board of Veterinary Medicine, Box 15191, Baton Rouge, LA 70895.

All interested persons shall be afforded reasonable opportunity to submit data, views, or arguments, orally or in writing, at the public hearing on September 1, 1983.

Allan R. Allbritton, D.V.M.
President

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

Rule Title: License by Endorsement, License Renewal Fees, and Exemption from Fees

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No implementation costs or savings are expected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect on total revenue collections is expected. Item 2 in I.(A) will offset exemptions provided in Item 3 in 1(A).
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Permit the Board of Veterinary Medicine to give needed consideration to senior members of the profession.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No adverse effect is anticipated.

Edward F. Glusman
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 Rule in the AFDC and Refugee Resettlement programs. This proposed Rule is authorized by 45 CFR 233.36.

PROPOSED RULE

R-121 *Recipients Required To Monthly Report*

A. Assistance Payments Program

AFDC and Refugee Resettlement recipients included in certifications with the following characteristics shall be included in Monthly Reporting:

- (1) Earned income (Reported in Item 45).
- (2) Stepparent in the home (Recipient numbers 47, 48 and 49 in item 61).
- (3) Voluntary contributions (Item 43; Code 02, 05, or 06).
- (4) Unemployment compensation (Item 41; Code 03).
- (5) Certifications in which deprivation is based on incapacity.
- (6) Cases with recent work history (defined as those cases certified in which any member of the income unit was employed within the three prior months).
- (7) AFDC and Refugee Resettlement cases in which the payee is the head of an NPA Food Stamp household required to monthly report (type 4).
- (8) Cases losing characteristics (1) through (5) above will remain in monthly reporting for 3 months subsequent to the loss of the characteristic.

NOTE: AFDC and E related Medically Needy Program certifications (types 20, 21 and 22) are discontinued AFDC and E type cases (77, 83 ad 84) are excluded from Monthly Reporting.

AFDC categories to be included in Monthly Reporting are based on waiver requests submitted to and approved by the United States Department of Health and Human Services.

A Public Hearing has been scheduled for September 8, 1983, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA.

Interested persons may submit written comments through September 5, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton

Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this notice is available for review in each parish Office of Family Security.

Roger P. Guissinger
Secretary

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

Rule Title: AFDC & Refugee Resettlement Program Changes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Estimated savings in administrative costs are \$110,832 for 1983-84 and \$147,776 for 1984-85 and 1985-86. This savings includes an average savings of \$0.83 per case in operating expenses which would be expended if this rule is not implemented. This includes the cost of printing, postage, envelopes and miscellaneous expenses.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Federal revenues will be decreased by the following amounts as a result of this rule: \$55,416 in 1983-84, \$73,888 in 1984-85 and 1985-86.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Approximately 14,837 public assistance recipients currently required to monthly report will no longer be required to do so.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

R. K. Banks
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 amend the Title XIX State Plan, Methods and Standards for Payment for Medical and Remedial Care and Services - Skilled Nursing and Intermediate Care Facilities.

Effective August 20, 1983, Attachment 4.19-D, page 103 after paragraph 4 and page 114 after paragraph 4 D. will be amended as follows:

PROPOSED RULE

Page 103.

5. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

Page 114.

4.E. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

The intent of the regulation is to ensure reasonable rates for care provided during the FY 83-84.

As a result of problems identified in establishing allowable costs and the time required to resolve these conflicts, this method is established.

An Emergency Rule is being published simultaneously with this Notice of Intent.

Interested persons may submit written comments through September 5, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this proposed Rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

Roger P. Guissinger
Secretary

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 a Rule in the Food Stamp Program as mandated by Federal Regulations 7 CFR §271 et seq., as published in the *Federal Register* of Tuesday, May 25, 1982, Vol. 47, No. 101, pp. 22684-22701 regarding Monthly Reporting and Retrospective Budgeting.

PROPOSED RULE

The Rules entitled "Implementation of Monthly Reporting and Retrospective Budgeting in the Food Stamp Program", which were published in the *Louisiana Register*, Vol. 8, No. 7 dated July 20, 1982 and in Vol. 8, No. 12, dated December 20, 1982, are hereby repealed and replaced by this rulemaking.

Effective October, 1983, the following households shall be required to *monthly report*:

- (1) Households containing at least one member receiving earned income.
- (2) Households containing at least one member receiving contributions.
- (3) Households containing at least one member receiving Unemployment Compensation Benefits.
- (4) Households whose head of household is required to monthly report for AFDC purposes.
- (5) Households containing at least one member who is subject to work registration and who has recent work history. "Recent Work History" is defined as having been employed within the three months prior to the month of application.

A household which loses one of the stated Monthly Reporting inclusion characteristics will remain in Monthly Reporting for three months subsequent to the loss in accordance with OFS policy.

Food Stamp recipients subject to monthly reporting will be required to submit a monthly report of household circumstances including verification of income to the local Office of Family Security (OFS).

The monthly reports shall be submitted to the local Office of Family Security by the 10th day of each month or the next working day if the 10th is a holiday or weekend. Failure to submit a complete report, including verification each month, may result in suspension or closure of the case.

Migrant farmworker households, as defined in Section 12-200 of the OFS Food Stamp Program Operating Guidelines, shall not be subject to the monthly reporting requirement, while in the migrant job stream.

Households that have no earned income and in which all adult members are elderly or disabled as defined in Section 12-200 of the Food Stamp Program Operating Guidelines shall not be subject to the monthly reporting requirement.

Effective October, 1983, all food stamp households shall be subject to *retrospective budgeting* except migrant farmworker households, as defined in the Section 12-200 of the OFS Food Stamp Program Operating Guidelines, while in the migrant job stream.

Eligibility will be determined prospectively. The amount of benefits for food stamp recipients will be based on the actual income or circumstances which existed in the second prior month, with the exception of the following types of income which require special treatment:

- (1) Income from self-employment which is received other than monthly shall be annualized as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-239;
- (2) Annual income received by contract in less than one year shall be prorated over the period the income is intended to

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Freezing of Long Term Care Reimbursement Rates at the 1982-83 Level

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

Implementation of this Rule will save an estimated \$12,217,130 in 1983-84, including \$4,618,075 in state funds. This estimate assumes a 7 percent rise in the Consumer Price Index, which is the projected increase used by the Office of Family Security in its 1983-84 budget request. Under current Rules, OFS would be obliged to grant a similar increase in rates to long-term care providers. The above estimate of savings does not take into account the impact of new nursing homes going into operation during 1983-84.

Total program expenditures if this Rule is not implemented are calculated at \$186,747,557 for 1983-84, \$199,819,886 for 1984-85 and \$213,807,278 for 1985-86. These figures represent annual growth rates of 7 percent. Savings are computed with the assumption that payment rates will remain frozen at the 1982-83 level with total expenditures of \$174,530,427:

	1983-84	1984-85	1985-86
State	(\$4,618,075)	(\$9,723,797)	(\$15,101,949)
Federal	(7,599,055)	(15,565,662)	(24,174,902)
Total	(\$12,217,130)	(\$25,289,459)	(\$39,276,851)

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues are estimated to decrease by the following amounts as a result of this Rule: \$7,599,055 in 1983-84, \$15,565,662 in 1984-85 and \$24,174,902 in 1985-86.

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

This Rule will freeze rates at 1982-83 levels. It should be noted that actual expenditures for payments to private long-term care facilities in 1982-83 were \$174,530,427, while the level of appropriation for 1983-84 is \$167,282,562. Thus, an additional \$7,247,865 is needed to maintain the 1982-83 payment level during 1983-84, assuming no increase in the number of beds operational.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

cover as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-237; or

(3) Non-excluded scholarships, deferred educational loans, fellowships, veterans educational benefits, and other educational grants shall be prorated over the period they are intended to cover as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-236.

The categories of recipients to be included in Monthly Reporting are based on a waiver request submitted to the United States Department of Agriculture.

A Public Hearing has been scheduled for September 8, 1983, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA.

Interested persons may submit written comments through September 5, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this notice is available for review in each parish Office of Family Security.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Implementation of Monthly Reporting and Retrospective Budgeting in the Food Stamp Program

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

Estimated additional administrative costs are \$211,026 for 1983-84 and \$221,760 for 1984-85 and 1985-86. This represents an average additional cost of \$0.66 per case in operating expenses. This includes the cost of printing, postage, envelopes, etc., but does not include additional data processing costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues will be increased by \$105,513 for 1983-84 and \$110,880 for 1984-85 and 1985-86. Half of the administrative costs of the program can be paid with federal funds.

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

Approximately 55,000 Food Stamp households will be directly affected as these households will be required to submit monthly reporting forms in a timely manner. In some instances, monthly reporting may result in loss of eligibility for certain households. Approximately 193,000 Food Stamp households will have their benefits budgeted retrospectively. In some instances retrospective budgeting may result in a decrease in benefits and in other cases in an increase in benefits depending upon the actual circumstances of the household.

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

There is no effect on competition and employment.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to adopt the following Rule in the Medical Assistance Program.

PROPOSED RULE

Effective for services beginning November 1, 1983 the Medical Assistance Program shall increase the amount paid for mileage for Ambulance Transportation providers to \$2 per mile. Emergency mileage is not to exceed 25 miles beyond the providers geographical base region. In exceptional situations approval for payment of mileage in excess of 25 miles may be approved by the State Office of Family Security if evidence is submitted by the provider which clearly establishes that the hospital is the nearest one with appropriate facilities for the necessary care.

Interested persons may submit written comments through September 5, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed rule. A copy of this notice is available for review in each parish Office of Family Security.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Title XIX - Change in Reimbursement Rate for Ambulance Transportation Providers

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

Estimated implementation costs are \$9,841 for 1983-84, \$17,039 for 1984-85 and \$17,209 for 1985-86.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues will be increased by \$6,121 in 1983-84, \$10,486 in 1984-85 and \$10,704 in 1985-86.

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

The 24 ambulance providers in the state would receive an increase in revenue by the addition of \$1.00 to the reimbursement rate for mileage. For FY 1983-84 the increase would be \$9,841.00 and for FY 1984-85 the increase would be \$17,039.00. The increase for 1985-86 would be \$17,209.00.

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

There will be no effect on competition and employment.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Office of Family Security in coordination with Office of Human Development and Department of Labor proposes to implement the Work Incentive Program in East Baton Rouge Parish effective October 1, 1983.

The Work Incentive Program (WIN) is currently operative in Caddo, Ouachita, Rapides, and Orleans Parishes. The WIN Program is a means of assisting parents or other relatives supporting dependent children to develop the capability for obtaining employment which will lead to self-support and ultimate removal from the welfare rolls. The WIN Program is regulated by 45 CFR 224. The WIN Program in East Baton Rouge will be governed by existing WIN policy.

Interested persons may submit written comments on these proposed changes through September 6, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this notice is available for review in each parish office of Family Security.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: "WIN" East Baton Rouge Parish -
AFDC Program**

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

	FY 83-84	FY 84-85	FY 85-86
STATE	\$18,903.00	\$33,299.00	\$33,299.00
FEDERAL	34,270.00	60,369.00	60,369.00
TOTAL	(\$53,173.00)	(\$93,668.00)	(\$93,668.00)

The above savings assume that AFDC rolls will be reduced as a result of expansion of the WIN program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

Loss of federal funding due to reduced state expenditures in AFDC payments in the following amounts: 83-84: \$34,270; 84-85: \$60,369; 85-86: \$60,369.

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

It is projected that 158 recipients will be gainfully employed in FY 83-84 and 212 in FY 84-85 and FY 85-86. The average AFDC grant reduction is projected to be \$108 per month.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

None other than that projected in III. above.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Health and Human Resources
Office of the Secretary**

The Louisiana Department of Health and Human Resources (DHHR) proposes to amend the application for the Low Income Home Energy Assistance Program (LIHEAP) Block Grant federal funding for FY 1983-84 by adding a new Section I to the Block Grant application as follows:

PROPOSED RULE

I. Low cost weatherization activities are provided through the Weatherization Assistance Program administered by the Loui-

siana Department of Urban and Community Affairs, Office of Community Services. Fifteen percent of the Low Income Home Energy Assistance Program's total Block Grant amount will be allocated to the Department of Urban and Community Affairs for residential weatherization of eligible low income households.

The LIHEAP Block Grant is administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the Federal Register Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493. A Rule published elsewhere in this issue of the *Louisiana Register* adopts the policies under which the LIHEAP Block Grant shall be administered.

The amendment as proposed in Section I above is in response to recommendations received at the statewide public hearings held May 12, 1983 through May 20, 1983. It is also responsive to House Concurrent Resolution No. 237 of the 1983 Regular Session of the Louisiana Legislature.

A public hearing has been scheduled for Thursday, September 8, 1983, at 9:30 a.m. in the State Library Auditorium, 760 Riverside North, Baton Rouge, Louisiana. Interested persons may submit written comments through September 8, 1983 to R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule. A copy of this notice and amended application are available for review in each parish Office of Family Security.

Roger P. Guissinger
Secretary

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

Rule Title: Low Income Energy Assistance Program

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

An amount estimated to be \$17,276,890 is to be allocated to the State of Louisiana for Federal FY 1984 to provide for administration and benefits of the Low Income Home Energy Assistance Program (LIHEAP). This estimate is based on the level of funds allocated to Louisiana for Federal FY 1983. Ten percent of the total LIHEAP allocation will be transferred to the Title XX Social Services Block Grant. The carry-over of LIHEAP funds from Federal FY 1983 is estimated to be \$3,277,928 which makes available \$18,827,129 for LIHEAP after transfer of the ten percent to the Title XX Block Grant.

Fifteen percent of the estimated funds available to the State for FY 84 will be allocated to the Department of Urban and Community Affairs (DUCA) for residential weatherization for eligible low income households.

Therefore, the estimated amount available to provide assistance for home energy cost is \$15,143,906.

Administrative costs cannot exceed ten percent of the total allotment and are estimated to be \$600,000 for LIHEAP.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

\$17,276,890 in Federal funds would be available for use in the FY 84 Low Income Home Energy Assistance Program.

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

Estimate obtained using data from the Office of Family Security's file indicates 120,189 households will have eligibility for assistance established based on declared income and vulnerability to the rising cost of energy. The estimated average benefits will be \$63 in February and August, 1984. Total benefits will depend upon the state's actual allotment.

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

Competition and employment will not be noticeably affected by the Low Income Home Energy Assistance Program as benefits to eligible recipients will be applied to on-going current utility bills for the households. The economic impact is that the State will have an additional \$15,143,906 in circulation by the low income consumer groups.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of the Secretary**

Effective September 20, 1983 the Department of Health and Human Resources proposes to implement new, uniform (regardless of funding source) and minimum standards for client care providers in Louisiana.

Specifically excluded from the scope of these proposed standards are Intermediate Care Facilities I and II and Skilled Nursing Facilities, hospitals and quasi-hospital facilities. Specifically, these standards apply to all providers offering one or more of the following services or types of care:

- Case Management/Service Coordination
- Family Support/Subsidy Services
- In-Home and/or Personal Care Attendant Services
- Out-of-Home Respite Care
- Out-of-Home Early Intervention Care

These standards are being proposed to secure a waiver by the Health Care Financing Administration of the federal Department of Health and Human Services from the Title XIX State Plan for Louisiana. These standards have been submitted for certification of these services in Louisiana for federal funding. However, these standards apply to all clients receiving the above cited services or care whether Title XIX eligible or not.

These proposed uniform and minimum standards are new.

The proposed uniform and minimum standards are too bulky for publication but are available for review at the Division of Licensing and Certification, 333 Laurel Street, Room 620, in Baton Rouge, LA. Copies of the proposed standards may be obtained upon written request to Billy W. Brown, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

A public hearing on these proposed standards has been scheduled for September 8, 1983 at 1:30 p.m. in the State Police Training Academy (Library), 7901 Independence Boulevard, Baton Rouge, LA.

Interested persons may submit written comments on the proposed standards through September 4, 1983 to the attention of Billy Brown, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

Roger P. Guissinger
Secretary

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

Rule Title: New Client Care Provider Standards

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

The cost is minimal as all providers who may offer these services or care are already surveyed. The savings to the agency is minimal because the surveys are already partially paid for by Title XIX of the providers who may offer these services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None.

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

The benefit to affected groups may be that some clients who otherwise would have to be served in more restrictive environments could be served at home or in the community.

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

None.

Billy Brown
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, Division of Narcotics and Dangerous Drugs, intends to adopt the following revisions to Regulations pertaining to Controlled Dangerous Substances as authorized by R.S. 40:972.

**PROPOSED RULE
PART I**

Section 1

(a) Licensing of manufacturers, wholesalers, distributors, researchers or dispensers of controlled dangerous substances. Any person who manufactures, distributes or dispenses controlled dangerous substances must be licensed by the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, as of the anniversary date of initial licensing each year.

(b) Any person who engages or proposes to engage in any of the activities mentioned in "a" above in more than one establishment where controlled dangerous substances are routinely stored (warehoused) must hold a valid license for each such establishment.

(c) Exemption from license requirements:

1) A workman contract carrier, warehouseman or any employee thereof whose handling of controlled dangerous substances is in the usual course of his business or employment.

2) Any person who obtains or possesses a controlled dangerous substance pursuant to a valid prescription, either for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

3) A pharmacist who dispenses controlled dangerous substances in a pharmacy which has been licensed by the State Board of Pharmacy, and has a valid narcotic license issued by the State of Louisiana, Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

4) An agent or employee of any licensed manufacturer, distributor, wholesaler, dispenser or researcher in the course of his employment and only in the premises of his employer, but not a sales representative, detail man or manufacturer's medical service representative.

Section 1.1 Term of license.

This license shall be issued on a yearly basis and shall extend for one year from the date of its issuance, unless sooner revoked in accordance with the provision of the Uniform Controlled Dangerous Substance Law and the regulations, and shall be renewed annually thereafter on the anniversary of its issuance unless revoked, suspended, or surrendered in the interim.

Section 2 Applications for Licensure.

Persons wishing to obtain a license to engage in any activity for which a license is required must send an application to the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs. This form is obtainable at the Division of Narcotics and Dangerous Drugs Office, Box 3776, Baton Rouge, LA 70821.

Section 2.1

The application shall be completed in full by the applicant and forwarded to the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs at least 30 days prior to the expiration date stated in his current license. The applicant will enclose a check or money order (no cash) made payable to the State of Louisiana in an amount proportional to his class of business which shall be as follows:

(a) Manufacturer	\$100.00
Broker	50.00
Hospital	50.00
Wholesaler (Distributor)	50.00
Practitioner	20.00
Researcher	30.00
Manufacturer's Medical Service Representative (also known as Detail Man or Sales Representative)	20.00

(b) Persons who knowingly or intentionally submit a false or fraudulent application, or an application any part of which is false or fraudulent, shall be deemed to have committed a prohibited act under Section 975 of the Act.

Section 3 Denial of application for license.

(a) The Secretary of the Department of Health and Human Resources may deny application for license if the applicant has committed a prohibited act under Section 975 of the Act, or if he has not qualified as provided in these regulations.

(b) If the Secretary of the State Department of Health and Human Resources denies an application for licensure, it shall so inform the applicant, in writing of this denial within 30 days after receipt of application. The notification shall state the basis for denial.

Section 4 Surrender of license.

(a) Any person or firm holding a valid license to engage in any activity described in Section 1 who ceases to engage in this activity shall surrender said state license to the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs at the time he ceases to engage in this activity.

(b) Upon surrendering the said license, all controlled dangerous substances and any unused order forms in his possession or under his control shall be forwarded to the United States Drug Enforcement Administration as provided by Federal regulations.

Section 5 Definitions.

1) "Prescription". In addition to the term "prescription" as defined in the Statute, R.S. 40:961 (30) the following is adopted for clarification in administering this Act. A prescription means an order issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.

The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment, or in legitimate and authorized research is not a prescription within the meaning and intent of this Part and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for by R.S. 40:971.

2) "Distribute" means to deliver a controlled dangerous substance whether by physical delivery, administering, subterfuge, furnishing a prescription, or by filling, packaging, labeling or compounding the substance pursuant to a lawful order of a practitioner. "Distributor" means a person who delivers a controlled dangerous substance as herein defined.

Section 6 Required inventories.

(a) All licensees handling controlled dangerous substances in Schedules I, II, III, IV or V shall prepare a complete and accurate inventory of each such substance in his possession or under his control on January 1, 1971. All licensees will have records open for inspection by Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

(b) This inventory shall list the common or established name of each such controlled dangerous substance.

(c) If the controlled dangerous substances are in dosage unit form, it will fully identify the form (e.g., amphetamine sulfate, 10 mg. tablets), and record the number of dosage units. If the controlled dangerous substance is an ingredient in a powder, crystalline, liquid, bead or other form, this inventory will fully identify the form, (e.g., dextro amphetamine sulfate, elixir, 5 mg. per five cc's) and record the amount of each form.

(d) This inventory shall be placed on a record separate from other business, professional or required records.

(e) This record shall be prepared, dated and signed by a responsible official of the establishment.

(f) This record shall be kept for a period of at least two years from date of preparation. Inventory records shall be prepared in accordance with the provisions of this paragraph every two years on the anniversary of the date of the initial inventory.

These inventories may coincide with the licensee's regular fiscal inventory, provided that he maintains his records of receipt, distribution and dispensing in such a manner as to facilitate complete accounting for his handling of controlled dangerous substances (perpetual inventory control).

(g) A licensee failing to comply with (a), (b), (c), (d), (e), or (f) above shall be deemed to have committed a prohibited act as provided in Section R.S. 40:971.

Section 7 Obtaining controlled dangerous substances.

(a) All licensees handling controlled dangerous substances in Schedules I and II shall maintain a file of the duplicate copies of all order forms used to obtain controlled dangerous substances within these classes.

1) This file shall be kept separate from the licensee's other business or professional records. All purchasing records or procurement records for Phentermine and Phendimetrazine shall be kept with this file.

2) This file shall be a complete and accurate record of the licensee's receipt of controlled dangerous substances within Schedules I and II (excluding those controlled dangerous substances received pursuant to an import permit).

3) Each duplicate copy of any order form used to order controlled dangerous substances shall be kept in this file for a period of at least two years from the date this order form was completed.

(b) All licensees handling controlled dangerous substances in Schedules III, IV or V shall maintain complete and

accurate records of all receipts of these substances for a period of at least two years from the date of each such receipt. These records shall contain the full name, address and license number of the supplier, the common or established name of the controlled dangerous substance, its dosage form and strength, the amount, and the date of receipt.

(c) A licensee failing to comply with (a) or (b) above shall be deemed to have committed a prohibited act as provided in Section 976 of the Act.

Section 8 Manufacture of Controlled Dangerous Substances.

(a) A license is required for out of state manufacturers transporting or selling controlled dangerous substances within the state of Louisiana.

(b) All licensees in Louisiana engaged in the manufacture of controlled dangerous substances within Schedules I, II, III, IV, or V shall prepare a complete and accurate record of the date of manufacture, the theoretical and actual yields, the quantity of loss during manufacture (if any), the quantity used for quality control, the identity of batch numbers or other appropriate identification, and the quantity of any product reworked for any reason for each manufactured batch of controlled dangerous substances or each manufactured batch of drugs in which a controlled dangerous substance was used as a raw material.

(c) The licensee shall maintain manufacturing records in such a manner that the identity of a batch of controlled dangerous substance finished product can be matched to the identity of the controlled dangerous substance raw material used to make that product.

Likewise, these manufacturing records shall be maintained in such a manner that the identity of a controlled dangerous substance raw material can be matched to the identity of the batch of controlled dangerous substance finished product made from that raw material.

(d) The licensee shall maintain any other such records as are necessary to account for all controlled dangerous substances used in the manufacturing process.

(e) A licensee failing to comply with (a), (b), (c) or (d) above shall be deemed to have committed a prohibited act as provided in Section 971 of the Act.

Section 9 Distribution of Controlled Dangerous Substances

(a) All licensees handling controlled dangerous substances in Schedules I or II shall maintain a file of the original copies of all order forms received and filled by them for orders of controlled dangerous substances within these classes.

1) This file shall be kept separate from the licensee's other business or professional records.

2) This file shall be a complete and accurate record of the licensee's distribution of controlled dangerous substances within Schedules I and II (excluding those controlled dangerous substances distributed pursuant to an export permit or pursuant to or by a valid prescription.)

3) Each original copy of an order form filled by the licensee shall be kept in this file for a period of at least 2 years from the date the order was filled.

4) All licensees will maintain their records open for inspection by the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

(b) All licensees handling controlled dangerous substances in Schedules III, IV and V shall maintain complete and accurate records of all distributions of these substances for a period of at least two years from the date of each such distribution. These records shall contain the full name, address and registration number, if any, of the distributee, the common or established name of the controlled dangerous substance, its dosage form and strength, the amount, and the date of the distribution.

(c) A licensee failing to comply with (a) or (b) above shall

be deemed to have committed a prohibited act as provided in Section 971 of the Act.

Section 10 Dispensing Controlled Dangerous Substances

(a) Except when administered by a practitioner, all licensees engaged in the dispensing of Schedule II substances shall do so only by or pursuant to a written, valid prescription. Prescriptions for Schedule II substances may not be refilled.

(b) In the case of a bona fide emergency situation wherein there is an immediate medical need, a pharmacist may dispense a Schedule II substance upon receiving an oral authorization of a practitioner provided that:

1) The quantity be limited to that amount sufficient to last the ultimate user until he can be brought to a physician.

2) The dispensation be reduced to writing by the pharmacist and signed by him. This document shall contain all information required in a valid prescription except for the physician's signature. It will also contain a brief statement of the circumstances supporting the nature of the emergency and what measures the pharmacist took to assure that the ultimate user was brought to a physician.

3) This document shall be kept for a period of at least two years from the date of the dispensation.

(c) Each registered individual practitioner required to keep records and institutional practitioner shall maintain inventories and records of controlled substances in the manner prescribed in Section 9 and 10 of these regulations. All records will be open for inspection by the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

(d) Except when administered by a practitioner, all licensees engaged in the dispensing of Schedule III, IV and V substances shall do so only by or pursuant to a valid prescription. Oral prescriptions for Schedule III, IV and V substances shall be reduced to writing by the pharmacist at the time of their filling and signed by him.

Prescriptions for Schedule III, IV and V substances may not be refilled more than five times nor later than 6 months after the date of the prescription. Additional quantities of Schedule III, IV, and V substances may only be authorized through issuance of a new prescription.

(e) Each refilling of a prescription for a Schedule III, IV and V substance shall be indicated on the prescription document. Such indications will state the date of each such refill, the amount dispensed if less than the full prescription and the initials of the pharmacist.

(f) Each registered pharmacy shall maintain the inventories and records of controlled substances as follows:

1) Inventories and records of all controlled substances listed in Schedules I and II shall be maintained separately from all other records of the pharmacy, and prescriptions for such substances shall be maintained in a separate prescription file; and

2) Inventories and records of controlled substances listed in Schedules III, IV and V shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy, and prescriptions for such substances shall be maintained either in separate prescription file for controlled substances listed in Schedules III, IV and V only or in such form that they are readily retrievable from the other prescription records of that pharmacy. Prescriptions will be deemed readily retrievable if, at the time they are initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" no less than 1-inch high and filed either in the prescription file for controlled substances listed in Schedules I and II or in the usual consecutively numbered prescription file for non-controlled substances.

(g) The following Schedule III controlled dangerous sub-

stances are exempt from the prescription requirements of Section 978 (B) of the Act:

1. Anti-diarrheal preparations containing not more than 500 milligrams of opium per 100 milliliters or per 100 grams, with one or more of the following active non-narcotic anti-diarrheal ingredients in recognized therapeutic amounts:

1. Albumin Tannate
2. Bismuth Subsalicylate
3. Kaolin
4. Pectin
5. Sodium Carboxmethylcellulose

(h) The following Schedule V controlled dangerous substances are exempt from the prescription requirements of Section 978 (C) of the Act:

1. Anti-diarrheal preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams in combination with one or more of the following non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable anti-diarrheal qualities other than those possessed by the narcotic drug alone:

1. Albumin Tannate
2. Bismuth Subsalicylate
3. Kaolin
4. Pectin
5. Sodium Carboxymethylcellulose

The above listed controlled dangerous substances (g) and (h) may be dispensed only for a legitimate medical purpose by a pharmacist and not by an employee of a pharmacist. However, once the pharmacist has fulfilled his legal and professional duties as set forth below, the actual financial transaction may be completed by an employee of the pharmacist.

(i) Schedule III and V controlled dangerous substances, exempted from the prescription requirements by these regulations, may only be dispensed without a prescription to a person at least 18 years of age. The pharmacist must require every dispensee of a Schedule III and V controlled dangerous substance to furnish suitable identification (include proof of age, when appropriate).

Not more than 8 ounces of any Schedule III and V controlled dangerous substances enumerated above may be dispensed to the same consumer in any given 48 hour period without a prescription.

(j) A complete and accurate record shall be prepared and maintained of each dispensation of a Schedule III and V controlled dangerous substance enumerated in Section 10 (g) and (h) of these regulations using the following continuous format:

Date	Name of Recipient	Address	Name of Substance	Amount

All records will be open for inspection by the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

Section 11 Order Forms

Controlled dangerous substances in Schedule I and II shall be distributed only by a licensee, pursuant to an order form. Phentermine, Phendimetrazine and Pentazocine are exempt from the requirement of distribution by a licensee pursuant to an order form. Compliance with the provisions of Federal laws regulating such substances respecting order forms shall be deemed compliance with this section.

Section 12 Disposal of excess or undesired stocks of controlled dangerous substances

(a) Licensees shall not destroy excess or undesired stocks of controlled dangerous substances without prior notification and approval of the State Department of Health and Human Resources. Upon notification, the State Department of Health and Human Resources will contact the United States Drug Enforcement Administration and will then employ a witnessed or unwitnessed disposal procedure in implementing the destruction of undesired stocks of controlled dangerous substances. The method of disposal will depend upon the circumstances, the substances involved and the quantity.

Under no circumstances shall controlled dangerous substances be destroyed or, otherwise, disposed of without the approval of the Division of Narcotics and Dangerous Drugs and the United States Drug Enforcement Administration.

The licensee shall keep the original copy of the inventory form supplied by the United States Drug Enforcement Administration for a period of at least two years, and forward one copy to the Division of Narcotics and Dangerous Drugs office and two copies to the United States Drug Enforcement Administration.

(b) Failure to conform with provisions of this Section. A licensee who fails to conform with the provisions of this Section shall be deemed to have committed a prohibited act under Section 971 of this Act.

Section 13 Reporting Thefts or Unexplained Losses of Controlled Dangerous Substances

(a) Notification and reporting. A licensee shall immediately notify the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, of any theft or unexplained loss of any controlled dangerous substance in his custody. The original copy of the notification will be kept by the licensee for a period of at least two years from the date of such theft or unexplained loss. If the date of the theft or unexplained loss is not known, then the original copy of the notification will be kept for a period of at least two years from the date of notification of the Division of Narcotics and Dangerous Drugs.

(b) Custody of in-transit substances. For the purpose of implementing this Section, controlled dangerous substances stolen or lost while in-transit, are deemed to be in the custody of the consignor until actual delivery to the consignee.

(c) Failure to notify and report. A licensee who fails to fulfill the provisions of (a) above shall be deemed to have committed a prohibited act under Section 971 of the Act.

Section 14 Physical Security Controls for Non-Practitioners.

Compliance with the provisions of Federal Laws regulating physical security controls for non-practitioners shall be deemed compliance with this Section.

Section 15 Physical Security Controls for Practitioners.

Compliance with the provisions of Federal Laws regulating physical security controls for practitioners shall be deemed compliance with this Section.

Section 16 Labeling and Packaging Requirements for Controlled Substances.

Compliance with the provisions of Federal Laws regulating the labeling and packaging requirements for controlled substances shall be deemed compliance with this Section.

Section 17 Criteria applicable to terms used or defined in Section 963 of the Act.

(a) In determining whether a drug has a "stimulant effect" on the central nervous system, the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

1. Extended wakefulness

2. Elation, exhilaration, or euphoria (exaggerated sense of well-being).
3. Alleviation of fatigue.
4. Insomnia, irritability, or agitation.
5. Apprehension or anxiety
6. Flight of ideas, loquacity, hypomania or transient deliria.

(b) In determining whether a drug has a "depressant effect" on the central nervous system, the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

1. Calming effect or relief of emotional tension or anxiety.
2. Drowsiness, sedation, sleep, stupor, coma, or general anesthesia.
3. Increase of pain threshold.
4. Mood depression or apathy.
5. Disorientation, confusion, or loss of mental acuity.

(c) In determining whether a drug is "habit forming" the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

1. A psychological or physical dependence on the drug (compulsive use).
2. Euphoria (exaggerated sense of well-being).
3. Personality changes.
4. Transient psychoses, deliria, twilight state, or hallucinoses.
5. Chronic brain syndrome.
6. Increased tolerance or a need or desire to increase the drug dosage.
7. Physical dependence or a psychic dependence evidenced by a desire to continue taking the drug for the sense of improved well-being that it engenders.
8. Pharmacological activity similar or identical to that of drugs previously designated as habit forming.

(d) In determining whether a drug has a "hallucinogenic effect," the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, will consider, among other relevant factors, whether there is substantial evidence that the drug may produce hallucinations, illusions, delusions, or alteration of any of the following:

1. Orientation with respect to time or place.
2. Consciousness, as evidenced by confused states, dreamlike revivals of past traumatic events, or childhood memories.
3. Sensory perception, as evidenced by visual illusions, synesthesia, distortion of space and perspective.
4. Motor coordination.
5. Mood and affectivity, as evidenced by anxiety, euphoria, hypomania, ecstasy, autistic withdrawal.
6. Ideation, as evidenced by flight of ideas, ideas of reference, impairment of concentration and intelligence.
7. Personality, as evidenced by depersonalization and derealization, impairment of conscience and of acquired social and cultural customs.

(e) The Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:

1. There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community: or
 2. There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels: or
 3. Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice: or
 4. The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.
- Section 18 Combination drugs; exemptions from certain requirements of Section 976 of the Act.

The list of combination drugs which are exempt from specified requirements of Section 965 of the Act will be supplied by the Louisiana Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, which is charged with the duty of continuously revising said list.

Interested persons may submit written comments on this proposed Rule through September 7, 1983 to the following address: Dr. Raymond J. Fagot, Director, Division of Narcotics and Dangerous Drugs, Box 3776, Baton Rouge, Louisiana 70821. He is the person responsible for responding to inquiries regarding this proposed Rule.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revisions to Uniform Controlled Dangerous
Substance Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
NONE. About twenty letters will be sent to licensing agencies affected by the changes. Application forms will have the new schedules of fees printed when regular forms are purchased.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Fees will be doubled. Approximate increase is \$10.00 average per registrant. Total increase will be \$80,000 for 1983-84 and \$96,000 for 1984-85.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Increased fees will permit us to continue with present level of services. Fees will double for registrants.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

R. P. Guissinger
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A (1) and (5) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures on proposed amendments to the Louisiana Hazardous Waste Management Plan (HWMP) at its May 26, 1983 hearing. Following the initiation of rulemaking procedures by the ECC, the proposed amendments were forwarded to the Joint Committees on Natural Resources for their consideration and approval. Upon approval by the Joint Committees on Natural Resources, the ECC intends to consider adoption of the proposed amendments at its regularly scheduled September 22, 1983 hearing at 9 a.m., in the State Land and Natural Resources Building, Mineral Board Hearing Room, 625 North Fourth Street, Baton Rouge, LA.

The primary purpose of the proposed amendments to the HWMP is to increase the liability coverage required by industries engaged in the treatment, storage or disposal of hazardous waste for both sudden and nonsudden accidental occurrences. The proposed amendments to the HWMP revise the second sentence of 14.8.1 as follows:

"The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$5 million per occurrence exclusive of legal defense costs."

In addition, a revision is proposed in the second sentence of 14.8.2 as follows:

"The owner or operator must have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$5 million per occurrence with an annual aggregate of at least \$10 million, exclusive of legal defense costs."

The agency contact responsible for responding to inquiries concerning the proposed amendments is Ms. Mary MacDonald, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or telephone (504) 342-1227.

All interested persons are invited to submit written comments, speak at the public hearing scheduled on September 22, 1983, or both, about any of the proposed actions. Comments received by the agency both in person or by mail, prior to the public hearing will be considered by the Commission before a final decision is rendered to adopt the proposed regulations. All comments and requests to speak at the public hearing should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, LA 70804-4066.

B. Jim Porter
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: La. Hazardous Waste Management Division

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

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

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no estimated effect on revenues.

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

The increase of the liability coverage will not present a new problem to the regulated community. Industry was responsible for complying with these amendments (higher liability coverage) prior to the promulgation of the July 20, 1983 regulations.

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

There will be no estimated effect on competition and employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Pursuant to the provisions of R.S. 49:953, the Environmental Control Commission (ECC) gives notice that it initiated rulemaking procedures at the March 24, 1983 hearing to revise the Louisiana State Implementation Plan (SIP). This proposed revision will be forwarded to the Joint Committee on Natural Resources for their approval. Upon their approval, the ECC will then consider adoption at the regular October hearing.

This proposed action allows Conoco, Incorporated, Lake Charles Refinery, and Conoco Chemicals, Company adequate time to implement Volatile Organic Compound (VOC) bubbles under a schedule. Under justifiable circumstances, certain point sources were unable to meet the December 31, 1982 deadline to be in compliance with the Clean Air Act. Therefore, excess reductions achieved at other sources within the same facilities were used to offset the emission levels of the subject point sources. The "bubble" will be in effect until the schedule which brings the total facility into compliance is met. There will be no adverse effects on the ambient air quality.

The person within the agency responsible for responding to inquiries about the proposed revisions is Ms. Terrie deLorimier, Air Quality Division, Box 44066, Baton Rouge, LA 70804-4066; telephone 504/342-9028.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the actions proposed above. Comments, received in person or by mail before the public hearing, will be considered by the Commission before final decision on any of the actions is made. All comments and requests to speak at the hearing should be submitted to B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066. All documents relating to actions on this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Office of Environmental Affairs, 3845 North I-10 Service Road, Metairie, LA.

Office of Environmental Affairs, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Office of Environmental Affairs, 804 31st Street, Monroe, LA. State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Office of Environmental Affairs, 1155 Ryan Street, Lake Charles, LA.

Office of Environmental Affairs, 100 Eppler Road, Lafayette, LA.

B. Jim Porter
Assistant Secretary

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

Rule Title: Revision to State Implementation Plan (SIP)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no estimated implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Fire Marshal for the State of Louisiana hereby intends to adopt the following admendment to Section 17-4:19 by adding the following sections to read as follows:

L.A.C. 17-4:19.2 Retail Fireworks Sales

In addition to the requirements of Louisiana Revised Statutes including but not limited to Louisiana Revised Statutes 51:650 et seq. and more specifically Section 653 and 654 as well as Louisiana Revised Statutes 40:1563 et seq. and more specifically 1578.6, 1605, and 1603, licensed retail sellers of fireworks are required to comply with the following requirements:

1. There shall be no open flame heating devices in any location from which the sale of fireworks is made at retail.
2. There shall be no sleeping within the facility in which fireworks are sold, offered for sale or stored.
3. In any place where retail fireworks sales are made or offered or retail fireworks are stored, there shall be a minimum of one unobstructed exit.
4. The physical facility, such as a fireworks stand, retail fast food outlet or any other similar facility out of which fireworks are sold, offered for sale or stored shall not be located less than 75 feet from any facility or mechanism in which flammable liquids are dispensed and/or stored above ground. Additionally, no fireworks shall be exploded within 75 feet of any facility or mechanism where flammable liquids are dispensed and/or stored above ground.
5. No fireworks shall be stored, displayed, or offered for sale within ten feet of any required exit unless the fireworks are stored or contained within a container which will resist fire from any outside source.
6. No facility for the retail sale or storage of fireworks shall be located less than 25 feet from a public roadway.
7. All of the wiring in any facility for the retail sale or storage of fireworks shall be in accordance with the National Electric Code.
8. Any facility for the retail sale or storage of fireworks shall have available one servicable fire extinguisher in accordance with N.F.P.A. 10 and L.A.C. 17-4:21.

Anyone having any questions with regard to this proposed

administrative ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street, New Orleans, LA 70115, Area Code 504-897-6600 or Wilmer R. Dane, Assistant Fire Marshal, 7701 Independence, Baton Rouge, LA 70806, Area Code 504-925-3656. There will be a hearing in the Office of the Attorney for the State Fire Marshal on September 6, 1983 at 12 noon at which time and place any person may present their views orally or in writing.

Carrol L. Herring
State Fire Marshal

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

Rule Title: Amendment by way of Addition to Section 17-4:19 Fireworks

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are none.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There would not appear to be any estimated costs although there is a great benefit to the public by rendering the locations at which retail sales of fireworks are made safer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There should be no effect on competition and employment.

Carrol L. Herring
State Fire Marshal

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Fire Marshal for the State of Louisiana hereby intends to adopt the following administrative rulings to add a new section L.A.C. 17-4:25 to read as follows:

L.A.C. 17-4:25 Specification for Flammable and Combustible Liquid Containers

1. All flammable liquid (Class I) containers shall meet the requirements of N.F.P.A. 30, Chapter 4-2.1, 1981 edition except as otherwise provided herein.
2. Non reusable polyethylene containers made of DOT Type III plastic, treated if necessary to prevent permeation, having a minimum overall thickness of 0.010 inches, a rated capacity not over 2.5 gallons, a 15 percent maximum outage over mark capacity meeting the closure and testing requirements of, and containing combustible products authorized by DOT Specification 2U, shall be acceptable for Class II and Class III fuels. No container permitted by this paragraph shall have a fill opening larger than 5/8ths of an inch in diameter.
3. All containers must be labeled to verify ANSI-ASTM D 3435-78 for Class I liquids and DOT Specification 2U for Class II and Class III liquids.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street, New Orleans, LA

70115, Area Code 504-897-6600 or D. Jeffrey Gleason, Chief Administrative Fire Marshal, 1033 North Lobdell Boulevard, Baton Rouge, LA 70806, 504-925-4911. There will be a hearing in the Office of the Attorney for the State Fire Marshal on September 6, 1983 at 12 noon at which time and place any person may present their views orally or in writing.

Carrol L. Herring
State Fire Marshal

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

**Rule Title: L.A.C. 17-4:25 Specification for Flammable
and Combustible Liquid Containers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no costs or savings involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
We have a copy of a letter from the Allied Fibers and Plastics Company dated June 20, 1983 which essentially indicates that consumers of the State of Louisiana would save approximately \$2,428,120.00 by having available plastic 2 gallon versus metal 2 gallon containers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The makers of metal containers and the sellers of metal containers (although they could sell plastic containers, I presume) stand to lose \$4,428,120 in sales that would otherwise go to metal containers.

Carrol L. Herring
State Fire Marshal

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Rules to delete coverage for sponsored dependent parents, effective July 1, 1984, except as it applies to those presently covered or those who become eligible and apply for coverage prior to June 1, 1984. Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on Tuesday, September 6, 1983, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

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

**Rule Title: Delete coverage for
sponsored dependent parents**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation of the Rule change will not affect the costs of this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenue collections will not be impacted.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no cost or benefits to affected plan members.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition and employment will not be affected.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at the regular meeting held in New Orleans, Louisiana on Tuesday, July 26, 1983.

WHEREAS, The Louisiana Department of Wildlife and Fisheries received the Rockefeller Wildlife Refuge under a conditional Deed of Donation in 1920; and

WHEREAS, The Deed of Donation has been revised by a Memorandum of Agreement between the Department of the Interior and the Louisiana Department of Wildlife and Fisheries effective April 18, 1983; and

WHEREAS, Provisions of the original Deed of Donation and Memorandum of Agreement permit recreational use of the area; and

WHEREAS, The Louisiana Department of Wildlife and Fisheries has been permitting sport fishing and other recreational use of the area for 25 years without interference with the wildlife management programs on the area; and

WHEREAS, Numerous regulations have been adopted by the Louisiana Wildlife and Fisheries Commission to control public use of the wildlife refuge area; and

NOW, THEREFORE, BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations to govern the use of the Rockefeller Wildlife Refuge for sport fishing and other recreational uses.

1. The visiting season on the Rockefeller Wildlife Refuge will extend from March 1 through December 1 throughout the refuge except those restricted areas designated to prohibit interference with research activities. Use of Humble Canal; Joseph Harbor Bayou; Headquarters Canal; Union Producing Canal; Deep Lake; East End Boundary Canal; and Rollover Bayou shall be year-round. In addition to this access, sport fishermen shall be permitted to enter the Refuge from the Gulf side in East Constance Bayou, East Little Constance Bayou, Big Constance Bayou, Little Constance Bayou. Access through these bayous will be permitted only as far inland as the existing water control structures. The remainder of the Refuge shall be restricted during the winter months and will be closed to all trespassing.

2. Use of the Refuge will be allowed from one-half hour before official sunrise until official sunset. This includes access routes through the Refuge.

3. Overnight camping is prohibited.

4. Hunting, molesting or intentional disturbing of wildlife is prohibited.

5. Trawling on the Refuge is prohibited. Trotlines, trammel and gill fish nets are prohibited. All commercial fishing is prohibited. One hundred pounds of shrimp per boat is allowed during the inside open shrimp season as established by the Louisiana Wildlife and Fisheries Commission annually. Ten pounds of shrimp for bait purposes may be caught during the closed season. Shrimp can be harvested only by cast net or dip net on the Refuge and only for sport fishing or home consumption use.

6. Crawfish may be harvested from the open portion of the Refuge and 100 pounds per boat or vehicle is allowed. Set nets or traps may be used but must be attended and removed from the Refuge daily. No commercial harvest allowed.

7. Oysters may be harvested from the natural reefs. One gallon per boat is allowed and oysters must be opened at the reef and the shells returned to the reef.

8. The burning of the marshes is prohibited. Water control structures are not to be tampered with or altered by anyone other than employees of the Louisiana Department of Wildlife and Fisheries.

9. Bringing firearms, bows and arrows, liquor and controlled substance narcotics onto the Refuge is prohibited. All boats and vehicles are subject to search by all authorized employees of the Louisiana Department of Wildlife and Fisheries at any time.

10. Boat travel on the Refuge will be maintained at a minimum and boats shall be operated so as to create a minimum of wave wash. Speed boat racing and water skiing is prohibited.

11. No littering is allowed. Visitors must remove their litter or place in appropriate litter disposal sites. Cleaning of fish on the Refuge is allowed, however remains must be properly disposed of.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Secretary is hereby authorized to publicize this change in regulations through the news media.

Interested persons may submit their views in writing to Allan Ensminger, Chief, Fur and Refuge Division, Box 15570, Baton Rouge, LA 70895.

Jesse J. Guidry
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Rockefeller Refuge
Visitor regulations**

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

Postage for distribution of approximately 10,000 visitor permits on an annual basis. Savings - \$2,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None - Permits are free of charge to the public.

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

Remove the need to obtain permit before entrance into the Refuge for recreational outing.

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

Not applicable.

Mary Mitchell
Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

The following resolution was presented to the Louisiana Wildlife and Fisheries Commission at its regular meeting held in New Orleans, Louisiana July 26, 1983.

WHEREAS, studies conducted by the Louisiana Department of Wildlife and Fisheries on Toledo Bend Reservoir have demonstrated the detrimental effects that the use of certain types of commercial fish nets have on gamefish populations, and

WHEREAS, a survey conducted prior to the initial net ban request of August, 1981 indicated a moderate commercial fishery does exist in Toledo Bend Reservoir, however, the majority of commercial fishermen fished only on a part time basis, and the primary fish sought after were catfishes, and

WHEREAS, commercial fishermen on this lake can still effectively take catfish with the use of hoop nets, slat traps, setlines, bush lines, and trot lines, and

WHEREAS, to protect and enhance the viable sportfishery that now exists in Toledo Bend Reservoir,

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby extends the prohibition on gill nets, trammel nets, flag webbing and fish seines in the Louisiana portion of Toledo Bend Reservoir and

FURTHER BE IT RESOLVED, that the closed season on hoop nets continue during the period March 1 through May 15 each year only in that portion of Toledo Bend Reservoir from a point north of Logansport where the lake enters Texas, and south to a point on the Lake where the Texas Duck Refuge Canal intersects the old channel of the Sabine River. The extension of this Rule will remain in effect for a three year period until October 20, 1986.

Interested persons may submit their views in writing to Bennie Fontenot, Chief, Fish Division, Box 15570, Baton Rouge, LA 70895.

Jesse J. Guidry
Secretary

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

Rule Title: Extension of Toledo Bend netting restrictions

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

There will be no implementation costs. Enforcement of this regulation will be performed during regular work periods.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no loss of revenue to the Department as this restriction has been in effect since October, 1981.

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

We estimate that striped bass sport fishing on Toledo Bend for Louisiana portion of the reservoir is 400,000 man-days annually. The 1975 National Survey of Hunting, Fishing and Wildlife Associated Recreation reports \$11.50 is spent by sportfishermen per fishing day. Using these figures the annual value of the striped bass sport fishery for Louisiana projects to \$4,600,000. These figures will certainly increase as the striped bass fishery is allowed to expand in future years. Based on the best commercial fish harvest data available to us (National

Reservoir Research Program, U.S. Fish and Wildlife Services) the commercial fish harvest for 1981 projects to 254,120 pounds valued at \$354,120. The benefit cost ratio for this prohibition is 12.99:1.

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

There will be no effect on competition. Employment will be effected by the displacement of approximately 19 full time commercial fishermen, 13 that earn more than half of their income and 69 that earn less than half of their income fishing Toledo Bend. Other nearby areas remain open to commercial fishing where they can pursue their trade.

Mary Mitchell
Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at the regular meeting held in New Orleans, Louisiana on Tuesday, July 26, 1983.

WHEREAS, The fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and

WHEREAS, This resource is a renewable natural one, which has proven under wise management to increase in importance in our state; and

WHEREAS, An annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management; and

WHEREAS, Fur prices were depressed for a second year during the 1982/83 trapping season as a result of the world economic situation; and

WHEREAS, This depressed price level combined with winter flooding both in upland and coastal areas produced a dramatic drop in trapper success, trapper effort and the resulting harvest; and

WHEREAS, Federal restrictions imposed by the Endangered Species Office concerning out-of-state shipment for otter and bobcat furs will again require placement of a possession tag by trappers or buyers to insure state origin; and

WHEREAS, The zonation concept during the past two seasons has proved workable and beneficial in reducing late caught unprime furs and has produced favorable comments generated within the fur industry; and

WHEREAS, Legislation during the 1983 session allows a licensed hunter to take raccoon and/or opossum during daylight hours during the open squirrel season; and

NOW, THEREFORE, BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby establish the 1983-84 fur bearers trapping season for the northern zone as being November 20, 1983 through February 15, 1984 and the southern zone as being December 1, 1983 through February 28, 1984, and sets a bag limit for daytime and nighttime raccoon and opossum hunting outside the trapping season or one raccoon and/or opossum per hunter per day or night; and

BE IT FURTHER RESOLVED, That the regulations governing the buying, tagging and shipment of bobcat and otter pelts are adopted for the 1983-84 trapping season.

**BOBCAT AND OTTER TAGGING
REQUIREMENTS**

In order to obtain federal approval to export bobcat and otter out of the United States, the Louisiana Department of Wildlife and Fisheries is required to insure that only Louisiana trapped otter and bobcat are tagged with Louisiana export tags.

In order to accomplish this, a special possession tag will be made available to fur buyers.

A blue tag for otter and a red tag for bobcat must be filled out by the trapper at the time the pelt is sold.

The information required includes trapper name, trapper license number, parish caught in and date trapped.

No bobcat or otter pelt shall be purchased from a trapper or be in the possession of a fur buyer without a possession tag.

Dealers shall not purchase bobcat or otter pelts without a possession tag attached.

No bobcat or otter pelt shall be shipped from the state without an export tag attached.

Dealers will obtain export tags for bobcat and otter by providing to the Department one completed possession tag for each pelt to be shipped from the state.

It shall be illegal to falsify possession tags or attach Louisiana export tags to out-of-state bobcat or otter pelts.

Once possession tags have been received and counted by Department personnel, export tags will be mailed immediately.

Trappers shipping bobcat or otter out of state must provide completed possession tags to the Department in order to receive export tags.

Interested persons may submit their views in writing to Allan Ensminger, Chief, Fur and Refuge Division, Box 15570, Baton Rouge, LA 70895.

Jesse J. Guidry
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 1983/84 Trapping Season**

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

Annual cost of implementation is approximately \$1,500 for tags to affix to bobcat and otter pelts in compliance with International Trade Convention Treaty requirements. Minimum expense is also required for necessary shipping tags which the Department is required to provide dealers and buyers.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Severance tax is collected by the Department of Wildlife and Fisheries on each furbearer pelt shipped out of the State of Louisiana. Severance tax varies in amount depending upon species. Additional revenue is generated to the Department by the sale of trapping licenses to approximately 13,000 trappers.

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

Annual harvest of furbearing animals in Louisiana average approximately \$15,000,000 each year. This income is of importance to trappers, landowners, fur buyers and fur dealers.

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

The annual trapping season stimulates employment in the entire state and provides the major source of income for several thousand families. Approximately 2,250,000 pelts are harvested from the state each year and approximately 1,500,000 pounds of meat from various species is also utilized. Louisiana leads the nation in the production of wild furs.

Mary Mitchell
Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

**House of Representatives
Subcommittee on Oversight
Joint Committee on Health and Welfare**

Honorable David Treen, Governor
State of Louisiana
State Capitol
Baton Rouge, Louisiana 70804

Re: Report on Disapproval of Proposed Rules on Licensing Requirements for Foster Care/Substitute Family Care

Dear Governor Treen:

This is to certify that the proposed Rules on licensing requirements for foster care/substitute family care providers by the Department of Health and Human Resources, Office of the Secretary have been found unacceptable and disapproved in accordance with R.S. 49:968.

The House members of the Subcommittee on Oversight of the Joint Committee on Health and Welfare, acting as a committee on behalf of their respective house of the legislature, have, as specifically provided by R.S. 49:968 (D) and (E), disapproved the proposed Rules by a vote of 5 to 0. Voting to disapprove the Rules were Rep. Eddie D'Gerolamo, Rep. Quentin Dastugue, Rep. Louis (Woody) Jenkins, Rep. Jon Johnson, and Rep. Bruce Lynn.

With respect to the proposed Rules, the committee made the following determinations:

1. The Rules contain an absolute prohibition on the use of corporal punishment in the disciplining of foster children by foster parents.

Section 45 of the proposed Rules provides as follows:

"Foster parents shall not use the following punishments or permit their use by others on clients:

* * *

B. Corporal punishment."

* * *

"Corporal punishment" is defined by the Rules as follows:
"Punishment inflicted in any manner upon the body."

2. Such a broad prohibition on corporal punishment prohibits normal spanking on the buttocks, even when applied with reasonable force.

3. Reasonable corporal punishment is a necessary alternative method of discipline which is normal and useful in teaching some children right from wrong and in helping some children grow and mature in a normal way.

4. A prohibition on corporal punishment deprives foster parents of the authority they need to discipline such children and to treat them as normal family members. Most foster homes consist of both natural children and foster children. It is undesirable to impose on these children two different standards of discipline.

5. No law or court ruling prohibits Louisiana from allowing corporal punishment of normal children who are placed in foster homes.

6. Public school teachers and principals should not have greater authority than foster parents in the disciplining of foster children. However, Louisiana law currently permits public school teachers and principals to use reasonable corporal punishment to discipline all children, including foster children. This creates the paradoxical situation wherein teachers can spank foster children in their classrooms but foster parents, who have greater responsibility for such children, cannot spank such children at home.

7. Foster parents should have the same authority to discipline foster children as they have in disciplining their own children.

Of course, Louisiana law now strictly prohibits child abuse, and permitting reasonable corporal punishment of foster children would in no way condone or permit abuse of such children.

It is recommended that the Department of Health and Human Resources come forward with new Rules specifically permitting reasonable corporal punishment by foster parents.

Under the provisions of R.S. 49:968 (G), please be advised that you have five calendar days to consider this report and, if it is your desire, to disapprove the action taken by the subcommittee. Please indicate your approval or disapproval of the subcommittee's action and return this document to my office at 732 North Boulevard, Baton Rouge, LA 70802. Please be advised that state law requires you to state written reasons, if you decide to disapprove the subcommittee action.

Louis (Woody) Jenkins, Chairman
Subcommittee on Oversight
Joint Committee on Health and Welfare

ACTION OF THE GOVERNOR

I disapprove the action of the Subcommittee on Oversight for the following reasons:

The Committee's action would result in the disapproval of new licensing standards which were developed in a joint effort by DHHR and private child care providers thus negating the past year's effort to update existing standards which were promulgated in 1976. Additionally, the Department has applied for Title XIX waivers to fund certain services such as foster family care, group home care, and supervised apartment care and these standards are essential for the success of those applications.

In regard to allowing corporal punishment for foster children, the prohibition of corporal punishment of foster children has been a long-standing policy of the Department of Health and Human Resources primarily because a large number of children coming into foster care have been subjected to physical abuse in their own homes. Any change in the policy should be based on a careful study conducted not only by the Department's child caring professionals, but also by foster parents and professionals in the private sector engaged in caring for these children.

In 1973, the Louisiana Supreme Court in the *Vonner v. DPW* case held the State of Louisiana to a high standard of duty in

protecting the interests of foster children including preventing harm to them while they are in the State's custody. In 1982, the United States Supreme Court in the *Youngberg v. Romeo* case held that the proper test for determining whether a State had adequately protected the rights of individuals in its care was an examination of whether professional judgment had been exercised. In 1976, the United States District Court for the Eastern District of Louisiana in the *Gary W. et al v. State of Louisiana et al* case set forth certain minimum standards for care and treatment of individuals in placements funded by the State of Louisiana. One of those standards prohibited the use of corporal punishment. The package of proposed standards submitted by the Department in this Rule satisfies its commitment to the Court in the *Gary W.* case to assure minimum levels of care and treatment for the individuals it serves.

In my review of this Committee decision to change policy, I must recognize the State's obligation to protect these children and accord great weight to the opinion of professionals in the field. Therefore, I am disapproving the Committee's action to abolish the prohibition on corporal punishment of foster children.

David C. Treen
Governor of Louisiana

Legislation

LEGISLATION

LOUISIANA ADMINISTRATIVE PROCEDURE ACT R.S. 49:950-970

(Editor's Note: The following is R.S. 49:950-970 (the Administrative Procedure Act) as amended and reenacted in the Regular Session of 1983. There are several procedural changes which should be noted regarding the Office of the State Register and the agencies involved in rulemaking.)

Act No. 713 of the Regular Session, 1983, amended and reenacted R.S. 49:953(A)(1) and (2) and (B) and R.S. 49:968(D), (E), (F), and (H), all to provide with respect to the Administrative Procedure Act, to provide with respect to the adoption of agency rules and the review of such rules by legislative committees and by the governor, to provide for notice of intended action by the agency and for submission of such notice to the State Register, to provide for hearings by the agency to provide for the adoption of emergency rules, to provide for legislative committee hearings and for report of the committee's determination, to provide for the time of action on the rule by the agency, and otherwise to provide with respect thereto.

CHAPTER 13. ADMINISTRATIVE PROCEDURE R.S. 49:950-970

§950. Title and form of citation

This Chapter shall be known as the Administrative Procedure Act and may be cited as the Administrative Procedure Act.

§951. Definitions

As used in this Chapter:

(1) "Adjudication" means agency process for the formulation of a decision or order.

(2) "Agency" means each state board, commission, department, agency, officer, or other entity which makes rules, regulations, or policy, or formulates, or issues decisions or orders pursuant to, or as directed by, or in implementation of the Constitution or laws of the United States or the Constitution and statutes of Louisiana, except the Legislature or any branch, committee, or officer thereof, any political subdivision, as defined in Article VI, Section 44 of the Louisiana Constitution, and any board, commission, department, agency, officer, or other entity thereof, and the courts.

(3) "Decision" or "order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency, in any matter other than rulemaking, required by constitution or statute to be determined on the record after notice and opportunity for an agency hearing, and including non-revenue licensing, when the grant, denial, or renewal of a license is required by constitution or statute to be preceded by notice and opportunity for hearing.

(4) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(5) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(6) "Rule" means each agency statement, guide, or requirement for conduct or action, exclusive of those regulating only the internal management of the agency, which has general applicability and the effect of implementing or interpreting substantive law or policy, or which prescribes the procedure or practice requirements of the agency. "Rule" includes, but is not limited to, any provision for fees, fines, process or penalties, the attainment or loss of preferential status, and the criteria or qualifications for licensure or certification by an agency. A rule may be of general applicability even though it may not apply to the entire state, provided its form is general and it is capable of being applied to every member of an identifiable class. The term includes the amendment or repeal of an existing rule but does not include declaratory rulings or orders.

(7) "Rule-making" means the process employed by an agency for the formulation of a rule. The fact that a statement of policy or an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection.

§952. Public information; adoption of rules; availability of rules and orders

Each agency which engages in rulemaking shall:

(1) File with the Department of the State Register a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests.

(2) Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

(3) Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the agency in the discharge of its functions.

(4) Make available for public inspection all final orders, decisions, and opinions.

§953. Procedure for adoption of rules

A. Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(1) Give notice of its intended action at least fifty days prior to taking action on the rule. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved; a statement, approved by the Legislative Fiscal Office, of the fiscal impact of the intended action, if any; or a statement, approved by the Legislative Fiscal Office that no fiscal impact will result from such proposed action; a statement, approved by the Legislative Fiscal Office, of the economic impact of the intended action, if any; or a statement, approved by the Legislative Fiscal Office, that no economic impact will result from such proposed action; the name of the person within the agency who has the responsibility for responding to inquiries about the intended action; and the time when, the place

where, and the manner in which interested persons may present their views thereon. The notice shall be published at least once in the Louisiana Register and shall be submitted to the Louisiana Register at least sixty days prior to the date the agency will take action on the rule. Notice of the intent of an agency to adopt, amend or repeal any rule and the approved fiscal and economic impact statements, as provided for in this Subsection, shall be mailed to all persons who have made timely request of the agency for such notice, which notice and statements shall be mailed at the earliest possible date, and in no case later than the date when the proposed rule change is submitted to the Louisiana Register. For the purpose of timely notice as required by this Paragraph, the date of notice shall be deemed to be the date of publication of the issue of the Louisiana Register in which the notice appears, such publication date to be the publication date as stated on the outside cover or the first page of said issue.

(2) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed rule change has been referred under the provisions of R.S. 49:968. Any hearing pursuant to the provisions of this Paragraph shall be held no later than fifteen days after the publication of the Louisiana Register in which the notice of the intended action appears. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption.

(3)(a) For the purposes of this Subsection, the statement of fiscal impact shall be prepared by the proposing agency and submitted to the Legislative Fiscal Office for its approval. Such fiscal impact statement shall include a statement of the receipt, expenditure, or allocation of state funds or funds of any political subdivision of the state.

(b) For the purposes of this Subsection, the statement of economic impact shall be prepared by the proposing agency and submitted to the Legislative Fiscal Office of its approval. Such economic impact statements shall include an estimate of the cost to the agency to implement the proposed action, including the estimated amount of paperwork; an estimate of the cost or economic benefit to all persons directly affected by the proposed action; an estimate of the impact of the proposed action on competition and the open market for employment, if applicable; and a detailed statement of the data, assumptions, and methods used in making each of the above estimates.

B. If an agency finds that either an imminent peril to the public health, safety, or welfare or federal regulations require adoption of a rule upon shorter notice than that provided in R.S. 49:953(A) and within five days of adoption states in writing, to the governor of the state of Louisiana, the attorney general of Louisiana, and the Department of the State Register, its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. Notice of the emergency rule shall be mailed to all persons who have made timely request of the agency for notice of rule changes, which notice shall be mailed within five days of adoption of the emergency rule. Any emergency rule shall be published in full in the Louisiana Register with the reasons for the finding of the emergency submitted by the agency.

C. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the

procedure for their submission, considerations, and disposition. Within ninety days after submission of a petition, the agency shall either deny the petition in writing, stating reasons for the denial, or shall initiate rule making proceedings in accordance with this Chapter.

D. When a rule is adopted, amended, or repealed in compliance with federal regulations, the adopting agency's notice of intent and the actual text of the rule as published in the Louisiana Register, must be accompanied by a citation of the Federal Register issue in which the determining federal regulation is published, such citation to be by volume, number, date, and page number.

§954. Filing; taking effect of rules

A. No rule adopted on or after January 1, 1975, is valid unless adopted in substantial compliance with this Chapter. Each rule making agency shall file a certified copy of its rules with the Department of the State Register. No rule, whether adopted before, on, or after January 1, 1975, shall be effective, nor may it be enforced, unless it has been properly filed with the Department of the State Register. No rule, adopted on or after November 1, 1978, shall be effective, nor may it be enforced, unless prior to its adoption a report relative to the proposed rule change is submitted to the appropriate standing committee of the Legislature or to the presiding officers of the respective houses as provided in R.S. 49:968. No rule, adopted on or after September 12, 1980, shall be effective, nor may it be enforced, unless the approved economic and fiscal impact statements, as provided in R.S. 49:953A, have been filed with the Department of the State Register and published in the Louisiana Register. The inadvertent failure to mail notice and statements to persons making request for such mail notice, as provided in R.S. 49:953, shall not invalidate any rule adopted hereunder. A proceeding under R.S. 49:963 to contest any rule on the grounds of noncompliance with the procedures for adoption, as given in this Chapter, must be commenced within two years from the date upon which the rule became effective.

B. Each rule hereafter adopted shall be effective upon its publication in the Louisiana Register, said publication to be subsequent to the act of adoption, except that:

(1) If a later date is required by statute or specified in the rule, the later day is the effective date.

(2) Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective on the date of its adoption, or on a date specified by the agency to be not more than sixty days future from the date of its adoption, provided written notice is given within five days of the date of adoption to the governor of Louisiana, the attorney general of Louisiana and the Department of the State Register as provided in R.S. 49:953(B). Such emergency rule shall not remain in effect beyond the publication date of the Louisiana Register published in the month following the month in which the emergency rule is adopted, unless such rule and the reasons for adoption thereof are published in said issue; provided, however, that any emergency rule so published shall not be effective for a period longer than one hundred twenty days, but the adoption of an identical rule under Paragraphs (1), (2) and (3) of Subsection A of R.S. 49:953 is not precluded. The agency shall take appropriate measures to make emergency rules known to the persons who may be affected by them.

§954.1. Louisiana Administrative Code and Louisiana Register; publication; distribution; copies; index; interagency rules

A. The Department of the State Register shall compile, index, and publish a publication to be known as the Louisiana Administrative Code, containing all effective rules adopted by each agency subject to the provisions of this Chapter, and all boards, commissions, agencies and departments of the Executive

Branch, notwithstanding any other provision of law to the contrary. The Louisiana Administrative Code shall also contain all executive orders issued by the Governor on or after May 9, 1972, which are in effect at the time the Louisiana Administrative Code is published. The Louisiana Administrative Code shall be supplemented or revised as often as necessary and at least once every two years.

B. The Department of the State Register shall publish at least once each month a bulletin to be known as the Louisiana Register which shall set forth the text of all rules filed during the preceding month and such notices as shall have been submitted pursuant to this Chapter. It shall also set forth all executive orders of the governor issued during the preceding month and a summary or digest of and fiscal note prepared for each such order as required by the provisions of R.S. 49:215. In addition, the Department of the State Register may include in the Louisiana Register digest or summaries of new or proposed rules; however, if any conflict should arise between the written digest of a rule and the rule, the rule shall take precedence over the written digest.

C. The Department of the State Register may omit from the Louisiana Register or Louisiana Administrative Code any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or processed form is made available on application to the adopting agency, and if the Louisiana Register or Louisiana Administrative Code, as the case may be, contains a notice stating the general subject matter of the omitted rule and stating how a copy thereof may be obtained.

D. One copy, or multiple copies if practical, of the Louisiana Register and Louisiana Administrative Code shall be made available upon request to each agency of the state free of charge and to other persons at prices fixed by the Department of the State Register to recover all or a portion of the mailing and publication costs.

E. The Department of the State Register shall prescribe a uniform system of indexing, numbering, arrangement of text and citation of authority and history notes for the Louisiana Administrative Code.

F. The Department of the State Register may publish advertisements for bids and other legal notices in the Louisiana Register in addition to other publications thereof required by law.

G. The Department of the State Register is hereby authorized and empowered to promulgate and enforce interagency rules for the implementation and administration of this Section.

H. The governor shall be the publisher of the Louisiana Administrative Code and Louisiana Register provided for through the Department of the State Register.

§955. Adjudication; notice; hearing; records

A. In an adjudication, all parties who do not waive their rights shall be afforded an opportunity for hearing after reasonable notice.

B. The notice shall include:

- (1) A statement of the time, place, and nature of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) A reference to the particular sections of the statutes and rules involved;
- (4) A short and plain statement of the matters asserted.

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

C. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all

issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

D. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

E. The record in a case of adjudication shall include:

- (1) All pleadings, motions, intermediate rulings;
- (2) Evidence received or considered or a resume thereof if not transcribed;
- (3) A statement of matters officially noticed except matters so obvious that statement of them would serve no useful purpose;
- (4) Offers of proof, objections, and rulings thereon;
- (5) Proposed findings and exceptions;
- (6) Any decision, opinion, or report by the officer presiding at the hearing.

F. The agency shall make a full transcript of all proceedings before it when the statute governing it requires it, and, in the absence of such requirement, shall, at the request of any party or person, have prepared and furnish him with a copy of the transcript or any part thereof upon payment of the cost thereof unless the governing statute or constitution provides that it shall be furnished without cost.

G. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

§956. Rules of evidence; official notice; oaths and affirmations; subpoenas; depositions and discovery; and confidential privileged information

In adjudication proceedings:

(1) Agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. Agencies may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(2) All evidence, including records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

(3) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(4) Any agency or its subordinate presiding officer conducting a proceeding subject to this Chapter shall have the power to administer oaths and affirmations, regulate the course of the hearings, set the time and place for continued hearings, fix the time for filing of briefs and other documents, and direct the parties to appear and confer to consider the simplification of the issues.

(5) Any agency or its subordinate presiding officer shall have power to sign and issue subpoenas in the name of the agency requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence. No subpoena shall be issued until the party who wishes to sub-

poena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before an agency only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the agency with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned under this Section neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the agency may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt. It shall be the duty of the judge to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case; and upon such hearing, the judge shall have power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

(6) The agency or a subordinate presiding officer or any party to a proceeding before it may take the depositions of witnesses, within or without the state, in the same manner as provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken shall be admissible in any proceeding affected by this Chapter. The admission of such depositions may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by the agency or presiding officer in accordance with the rules of evidence provided in this Chapter.

(7) An agency having power to conduct adjudication proceedings in accordance with this Chapter may adopt rules providing for discovery to the extent and in the manner appropriate to its proceedings.

(8) Records and documents, in the possession of any agency or of any officer or employee thereof including any written conclusions drawn therefrom, which are deemed confidential and privileged shall not be made available for adjudication proceedings of that agency and shall not be subject to subpoena by any person or other state or federal agency.

Such records or documents shall only include any private contracts, geological and geophysical information and data, trade secrets and commercial or financial data, which are obtained by an agency through a voluntary agreement between the agency and any person, which said records and documents are designated as confidential and privileged by the parties when obtained, or records and documents which are specifically exempt from disclosure by statute.

Any violation of this prohibition shall be a waiver of governmental immunity from suit for damage resulting from any such disclosure.

§957. Examination of evidence by agency

When in an adjudication proceeding a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, or the proposed order is not prepared by a member of the agency, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made final until a proposed order is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposed order shall be accompanied by a statement of the reasons therefor and of the

disposition of each issue of fact or law necessary to the proposed order, prepared by the person who conducted the hearing or by one who has read the record. No sanction shall be imposed or order be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative, and substantial evidence. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

§958. Decisions and orders

A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

§959. Rehearings

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for such action shall be either that:

(1) The decision or order is clearly contrary to the law and the evidence;

(2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;

(3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or

(4) There is other good ground for further consideration of the issues and the evidence in the public interest.

B. The petition of a party for rehearing, reconsideration, or review, and the order of the agency granting it, shall set forth the grounds which justify such action. Nothing in this Section shall prevent rehearing, reopening or reconsideration of a matter by any agency in accordance with other statutory provisions applicable to such agency, or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening, or rehearing, the matter may be heard by the agency, or it may be referred to a subordinate deciding officer. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

§960. Ex parte consultations and recusations

A. Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a case of adjudication notices and docketed for hearing shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any party or his representative, or with any officer, employee, or agent engaged in the performance of investigative, prosecuting, or advocating functions, except upon notice and opportunity for all parties to participate.

B. A subordinate deciding officer or agency member shall withdraw from any adjudicative proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a subordinate deciding officer

or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a subordinate deciding officer, the agency shall assign another in his stead or shall conduct the hearing itself. Upon the disqualification of a member of an agency, the Governor immediately shall appoint a member pro tem to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of R.S. 49:957 shall apply.

§961. Licenses

A. When the grant, denial, or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this Chapter concerning adjudication shall apply.

B. When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

C. No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gives notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee is given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

§962. Judicial review of declaratory orders and rulings

Each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the agency. Declaratory orders and rulings shall have the same status as agency decisions or orders in adjudicated cases.

§963. Judicial review of validity or applicability of rules

The validity or applicability of a rule may be determined in an action for declaratory judgment in the district court of the parish in which the agency is located. The court shall declare the rule invalid or inapplicable if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without substantial compliance with required rule-making procedures. The agency shall be made a party to the action. An action for a declaratory judgment under this Section may be brought only after the plaintiff has requested the agency to pass upon the validity or applicability of the rule in question and only upon a showing that review of the validity and applicability of the rule in conjunction with review of a final agency decision in a contested adjudicated case would not provide an adequate remedy and would inflict irreparable injury.

§964. Judicial review of adjudication

A. A person who is aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial review under this Chapter whether or not he has applied to the agency for rehearing, without limiting, however, utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if

review of the final agency decision would not provide an adequate remedy and would inflict irreparable injury.

B. Proceedings for review may be instituted by filing a petition in the district court of the parish in which the agency is located within thirty days after mailing of notice of the final decision by the agency or, if a rehearing is requested, within thirty days after the decision thereon. Copies of the petition shall be served upon the agency and all parties of record.

C. The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

D. Within thirty days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

E. If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

F. The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

G. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
- (6) Manifestly erroneous in view of the reliable, probative,

and substantial evidence on the whole record. In the application of the rule, where the agency has the opportunity to judge of the credibility of witnesses by firsthand observation of demeanor on the witness stand and the reviewing court does not, due regard shall be given to the agency's determination of credibility issues.

§965. Appeals

An aggrieved party may obtain a review of any final judgment of the district court by appeal to the appropriate circuit court of appeal. The appeal shall be taken as in other civil cases.

§965.1. Expenses of administrative proceedings; right to recover

A. When a small business files a petition seeking: (1) relief from the application or enforcement of an agency rule or regulation, (2) judicial review of the validity or applicability of an agency rule, (3) judicial review of an adverse declaratory order or ruling, or (4) judicial review of a final decision or order in an adjudication proceeding, the petition may include a claim against the agency for the recovery of reasonable litigation expenses. If the small business prevails and the court determines that the agency acted without substantial justification, the court may award such expenses, in addition to granting any other appropriate relief.

B. A small business shall be deemed to have prevailed in an action when, in the final disposition, its position with respect to the agency rule or declaratory order or ruling is maintained, or when there is no adjudication, stipulation, or acceptance of liability on its part. However, a small business shall not be deemed to have prevailed, if the action was commenced at the instance of, or on the basis of a complaint by, anyone other than an officer, agent, or employee of the agency and was dismissed by the agency on a finding of no cause for the action or settled without a finding of fault on the part of the small business.

C. An agency shall pay any award made against it pursuant to this Section from funds in its regular operating budget and shall, at the time of its submission of its proposed annual budget, submit to the division of administration and to the presiding officer of each house of the legislature a report of all such awards paid during the previous fiscal year.

D. As used in this Section:

(1) "Reasonable litigation expenses" means any expenses, not exceeding seven thousand five hundred dollars in connection with any one claim, reasonably incurred in opposing or contesting the agency action, including costs and expenses incurred in both the administrative proceeding and the judicial proceeding, fees and expenses of expert or other witnesses, and attorney fees.

(2) "Small business" means a small business as defined by the Small Business Administration, which for purposes of size eligibility or other factors, meets the applicable criteria set forth in 13 Code of Federal Regulations, Part 121, as amended.

§966. Construction and effect; judicial cognizance

A. Nothing in this Chapter shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Notwithstanding the foregoing, and except as provided in R.S. 49:967, any and all statutory requirements regarding the adoption or promulgation of rules other than those contained in Sections 953, 954, 954.1 and 968 of this Title are hereby superseded by the provisions of this Chapter and are repealed. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. Every agency is granted all authority necessary to comply with the requirements of this Chapter through the issuance of rules or otherwise.

B. If any provision of this Chapter or the application thereof is held invalid, the remainder of this Chapter or other applications of such provision shall not be affected. No subsequent legislation shall be held to supersede or modify the provisions of this Chapter except to the extent that such legislation shall do so expressly.

C. The courts of this state shall take judicial cognizance of rules promulgated in the State Register under the provisions of this Chapter.

§967. Exemptions from provisions of Chapter

Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 shall not be applicable to the Board of Tax Appeals, the Department of Revenue and Taxation, with the exception of the Louisiana Tax Commission which shall continue to be governed by this Chapter in its entirety, unless otherwise specifically provided by law, and the Office of Employment Security; however, the provisions of R.S. 49:951(2), (4), (5), (6), and (7), 952, 953, 954, 954.1, 968, 969, and 970 shall be applicable to such board, department and office. The provisions of R.S. 49:968(F)(4) and 970 shall not be applicable to any rule promulgated by the State Civil Service Commission or the Public Service Commission.

§968. Review of agency rules

A. It is the declared purpose of this Section to provide a procedure whereby the Legislature may review the exercise of

rule-making authority, an extension of the legislative lawmaking function, which it has delegated to state agencies.

B. Prior to the adoption, amendment, or repeal of any rule, the agency shall submit a report relative to such proposed rule change to the appropriate standing committees of the Legislature or the presiding officers of the respective houses as provided herein. The report shall be so submitted on the same day the notice of intended action is submitted to the Department of the State Register for publication in accordance with R.S. 49:953(A)(1).

(1) The Department of Commerce and all of the agencies made a part of it shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.

(2) The Department of Urban and Community Affairs and all of the agencies made a part of it shall submit the report to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and Municipal Affairs.

(3) The Department of Corrections and all of the agencies made a part of it shall submit the report to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary, Section C; however, the Crime Victims Reparation Board shall submit the report to the House Committee on the Judiciary and the Senate Committee on the Judiciary, Section C.

(4) The Department of Culture, Recreation and Tourism and all the agencies made a part of it, except for the office of Tourism and the Louisiana Tourist Development Commission, shall submit the report to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Commerce. The office of Tourism and the Louisiana Tourist Development Commission shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.

(a) The office of the state library, the office of the state museum, the State Board of Library Examiners, the Louisiana Archaeological Survey and Antiquities Commission, the Board of Directors of the Louisiana State Museum, the Board of Commissioners of the Louisiana State Library, the Louisiana State Arts Council, the Louisiana State Capitol Fiftieth Anniversary Commission, and the Louisiana National Register Review Committee shall submit the report to the House Committee on Municipal, Parochial, and Cultural Affairs and the Senate Committee on Education.

(b) The office of state parks and the State Parks and Recreation Commission shall submit the report to the House Committee on Municipal, Parochial, and Cultural Affairs and the Senate Committee on Natural Resources.

(c) The office of tourism and promotion and the Louisiana Tourist Development Commission shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.

(5) The Department of State and all of the agencies made a part of it shall submit a report to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(6) The Department of Labor and all of the agencies made a part of it shall submit the report to the House Committee on Labor and Industrial Relations and the Senate Committee on Labor and Industrial Relations.

(7) The Department of Transportation and Development and all of the agencies made a part of it shall submit the report to the House Committee on Transportation, Highways, and Public Works and the Senate Committee on Transportation, Highways, and Public Works.

(8) The Department of Elections and Registration and all of the agencies made a part of it shall submit the report to the House Committee on House and Governmental Affairs and the

Senate Committee on Senate and Governmental Affairs.

(9) The Department of Justice and all of the agencies made a part of it shall submit the report to the House Committee on the Judiciary and the Senate Committee on the Judiciary, Section C.

(10) The Department of Civil Service and all of the agencies made a part of it shall submit the report to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(11) The Department of Revenue and Taxation and all of the agencies made a part of it shall submit the report to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

(12) The Department of Natural Resources and all of the agencies made a part of it shall submit the report to the House Committee on Natural Resources and the Senate Committee on Natural Resources.

(13) The Department of Public Safety and all of the agencies made a part of it shall submit the report to the House Committee on the Judiciary and the Senate Committee on the Judiciary, Section A.

(14) The Department of Wildlife and Fisheries and all of the agencies made a part of it shall submit the report to the House Committee on Natural Resources and the Senate Committee on Natural Resources.

(15) The Department of Insurance and all of the agencies made a part of it shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.

(16) The Department of Treasury and all of the agencies made a part of it shall submit the report to the House Committee on Appropriations and the Senate Committee on Finance.

(17) The Department of Health and Human Resources and all of the agencies made a part of it shall submit the report to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.

(18) The Department of Agriculture and all of the agencies made a part of it shall submit the report to the House Committee on Agriculture and the Senate Committee on Agriculture.

(19) The Department of Education and all of the agencies made a part of it shall submit the report to the House Committee on Education and the Senate Committee on Education.

(20) The Department of Public Service and all of the agencies made a part of it shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.

(21) The office of the governor and the office of the lieutenant governor and all of the agencies within or part of either and any other agency for which provisions are not otherwise made in this Subsection, shall submit the report to the speaker of the House of Representatives and the president of the Senate, except that executive orders duly issued by the governor and attested to by the secretary of state are exempt from the provisions of this Chapter. The speaker of the House of Representatives and the president of the Senate shall promptly forward the report to the appropriate standing committee of their respective houses.

C. The report, as provided for in Subsection B of this Section, shall contain;

(1) A copy of the rule as it is proposed for adoption, amendment, or repeal.

(2) A statement of the proposed action, that is, whether the rule is proposed for adoption, amendment, or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment.

(3) The specific citation of the enabling legislation purporting to authorize the adoption, amending, or repeal of the rule.

(4) A statement of the circumstances which require adoption, amending, or repeal of the rule.

(5) A statement of the fiscal impact of the proposed action and a statement of the economic impact of the proposed action, both approved by the Legislative Fiscal Office.

D. (1) The chairman of each standing committee to which reports are submitted shall appoint an oversight subcommittee, which shall conduct hearings on all rules which are proposed for adoption, amendment, or repeal. Any such hearing shall be conducted after any hearing on the same rule is conducted by the agency pursuant to R.S. 49:953(A)(2) and not later than forty days after the publication of notice of intended action on the rule in the State Register. Not later than the subcommittee hearing, the agency shall submit to the subcommittee: 1) a summary of all testimony at any hearing conducted pursuant to R.S. 49:953(A)(2), 2) a statement of any tentative or proposed action of the agency agreed upon at such hearing, and 3) if any tentative or proposed action results from such hearing, a revision of the proposed rule and a revision of the report required to be submitted to the subcommittee by the provisions of R.S. 49:968(C), revised in accordance with such tentative or proposed action.

(2) The oversight subcommittee may consist of the entire membership of the standing committee and shall consist of at least a majority of the membership of the standing committee, at the discretion of the chairman of the standing committee, with the concurrence of the speaker of the House of Representatives or the president of the Senate. House and Senate oversight subcommittees may meet jointly or separately to conduct hearings for purposes of rules review.

(3) At such hearings, the oversight subcommittees shall:

(a) Determine whether the rule change is in conformity with the intent and scope of the enabling legislation purporting to authorize the adoption thereof.

(b) Determine whether the rule change is in conformity and not contrary to all applicable provisions of law and of the constitution.

(c) Determine the advisability or relative merit of the rule change.

(d) Determine whether the rule change is acceptable or unacceptable to the oversight subcommittee.

E. Each such determination shall be made by the respective subcommittees of each house acting separately. Action by a subcommittee shall require the favorable vote of a majority of the members of the subcommittee who are present and voting, provided a quorum is present. The subcommittee vote on any determination may be taken either during a meeting or by mail ballot. Any such determination shall be made no later than forty days after publication of the notice of intended action on the rule in the State Register.

F. (1) If either the House or Senate oversight subcommittee determines that a proposed rule change is unacceptable, the respective subcommittee shall provide a written report which contains the following:

(a) A copy of the proposed rule;

(b) A summary of the determinations made by the subcommittee in accordance with Subsections D and E of this Section.

(2) The written report shall be delivered to the governor, the agency proposing the rule change, and the State Register no later than four days after the committee makes its determination.

G. After receipt of the report of the subcommittee, the governor shall have five calendar days in which to disapprove the action taken by the subcommittee. If the action of the subcommittee is not disapproved by the governor within five calendar days from the day the subcommittee report is delivered to him, the rule change shall not be adopted by the agency until it has been changed or modified and subsequently found acceptable by the

subcommittee, or has been approved by the standing committee, or by the legislature by concurrent resolution. The agency shall not, within twelve months after issuance of a written report by an oversight subcommittee finding a proposed rule change unacceptable, propose the adoption, amendment, or repeal of the same or a substantially similar rule.

H. If both the House and Senate oversight subcommittees fail to find a proposed rule change unacceptable as provided herein, or if the governor disapproves the action of an oversight subcommittee within five days as provided herein, the proposed rule change may be adopted by the agency in the identical form proposed by the agency or with technical changes or with changes suggested by the subcommittee, provided at least fifty days and no more than twelve months have elapsed since notice of intent was published in the State Register. Substantive changes in a rule proposed for adoption, amendment, or repeal must be published in the State Register and considered as a new or separate rule change if the nature of the proposed rule is altered or additional subject matters are dealt with as a result of such changes.

I. If the governor disapproves the action of an oversight subcommittee, he shall state written reasons for his action and shall deliver a copy of his reasons to the House and Senate oversight subcommittees, the agency proposing the rule change, and the State Register.

J. The State Register shall publish a copy of the written report of an oversight subcommittee and the written report of the governor in disapproving any such action, or if unduly cumbersome, expensive, or otherwise inexpedient, a notice stating the general subject matter of the omitted report and stating how a copy thereof may be obtained.

K. Each year, thirty days prior to the beginning of the regular session of the legislature, each agency which has proposed the adoption, amendment, or repeal of any rule during the previous year, shall submit a report to the appropriate committees as provided for in Subsection B of this Section. This report shall contain:

(1) All the information required by Subsection A with respect to all rules proposed for adoption, amendment, or repeal.

(2) A summary of all data, views, or arguments received by the agency concerning the rule change pursuant to R.S. 49:953 and this Section.

(3) A statement of the action taken by the agency with respect to adoption, amendment, or repeal of each such rule.

L. After submission of the report to the standing committee, a public hearing may be held by the committee for the purpose of reviewing the report with representatives of the proposing agency.

M. No later than the second legislative day of the regular session of the legislature, a standing committee to which proposed rule changes are submitted may submit a report to the legislature. This report shall contain a summary of all action taken by the committee or the oversight subcommittee with respect to agency rules during the preceding twelve months. The report shall also contain any recommendations of the committee for statutory changes concerning the agency, particularly in statutes authorizing the making and promulgation of rules of the agency.

N. A standing committee may, at any time, exercise the powers granted to an oversight subcommittee under the provisions of this Section.

§969. Legislative veto of rules and regulations

In addition to the procedures provided in R.S. 49:968 for review of the exercise of the rule making authority delegated by the legislature to state agencies, as defined by this Chapter, the legislature, by concurrent resolution, may nullify or suspend any rule or regulation or body of rules or regulations adopted by a state

department, agency, board, or commission.

§970. Gubernatorial suspension or veto of rules and regulations

The governor, by executive order, may suspend or veto any rule or regulation or body of rules or regulations adopted by a state department, agency, board or commission, except as provided in R.S. 49:967, within thirty days of their adoption. Upon the execution of such an order, the governor shall transmit copies thereof to the speaker of the House of Representatives and president of the Senate.

Potpourri

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Department of Health and Human Resources Board of Embalmers and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors will give a Funeral Director and the National Board Exam on Tuesday, September 27, 1983 at Delgado Community College, 615 City Park Ave., New Orleans, Room 104E, Building 1.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 483-4684.

Dawn P. Scardino
Administrative Assistant

POTPOURRI

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, is making the following change in proposed rulemaking which it had previously published:

Revision of GA Flat Grant Amounts - The Notice of Intent, published in the July 20, 1983, *Louisiana Register* (Volume 9, Number 7, page 508), is being withdrawn. No Final Rule will be published.

Roger P. Guissinger
Secretary

POTPOURRI

Department of Labor Office of Employment Security

Pursuant to Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which the maximum workmen's compensation weekly benefit amount will be based effective September 1, 1983, has been determined by the Louisiana Department of Labor to be \$326.26.

Ulysses Williams
Secretary

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund Claims

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 11 completed claims, amounting to \$11,178.28 were received during the month of July, 1983. Nine claims, amounting to \$6,998.45 were paid during the month of July, 1983.

A hearing will be held on Tuesday, September 6, 1983, at 10:30 a.m., in Room 1203 of the Natural Resources Building, 625 North 4th Street, Baton Rouge, LA to consider payment of the following claims:

Claim No. 82-620 (Rescheduled)

Lawrence Charpentier, of Cut Off, La., while trawling in Breton Sound at LORAN-C coordinates of 29,070.0 and 46,936.7, at approximately 3 a.m. on August 17, 1982, encountered an unidentified submerged obstruction, causing damage to his trawl, try net and tickle chain.

Amount of Claim: \$1,139.65.

Claim No. 82-710 (Rescheduled)

Gerald Leblanc, of Lafitte, La., while trawling on the vessel "Lydia Marie", in the Gulf of Mexico at approximate LORAN-C coordinates of 28,630.2 and 46,866.6, Jefferson Parish, on October 21, 1982, in the morning, encountered an unidentified submerged obstruction, causing the loss of his trawl.

Amount of Claim: \$795.

Claim No. 82-790 (Rescheduled)

Joseph A. Cheramie, of Cut Off, La., while trawling on the vessel "Cathy Cheramie", in the Gulf of Mexico, at LORAN-C coordinates of 28,261.9 and 46,822.5, Lafourche Parish, on December 13, 1982, at approximately 9 a.m., encountered an unidentified submerged obstruction, causing damage to his trawl and hardware.

Amount of Claim: \$797.11.

Claim No. 83-816 (Rescheduled)

Gelpi Cheramie, of the Joseph Cheramie Corporation, Cut Off, La., while trawling on the vessel "Joseph Cheramie", in the Gulf of Mexico, at LORAN-C coordinates of 28,441.1 and 46,838.5, Lafourche Parish, on January 10, 1983, at approximately 3 a.m., encountered an unidentified submerged obstruction, causing damage to one trawl and the loss of one trawl and one try net.

Amount of Claim: \$1,677.59.

Claim No. 83-830 (Rescheduled)

Joe Gaspard, of Cameron, La., while trawling on the vessel "Capt. Blackie", in the Gulf of Mexico, at approximate LORAN-C coordinates of 26,673.5 and 46,974.5, Cameron Parish, on January 19, 1983, at approximately 11 a.m., encountered an unidentified submerged obstruction, causing damage to his trawl.

Amount of Claim: \$347.40.

Claim No. 83-842 (Rescheduled)

James L. Terrio, Sr., of T & T Trawlers, Inc., while returning from trawling on the vessel "Master Brandon" in Belle Pass, southwest of Bayou Fourchon, Lafourche Parish, on January 14, 1983, at approximately 3 p.m., encountered an unidentified submerged obstruction, causing damage to his vessel.

Amount of Claim: \$5,000.

Claim No. 83-850

Tony Porche, of Cameron, La., while trawling on the vessel "Mr. Porche", in the Gulf of Mexico, at LORAN-C coordinates of 26,636.4 and 46,980.2, Cameron Parish, on April 9, 1983, at

approximately 2 p.m., encountered a submerged vessel, causing damage to two trawls, one try net and two sets of doors.

Amount of Claim: \$1,520.

Claim No. 83-852 (Rescheduled)

Ernest Cantrelle, Sr., of Lafitte, La., while trawling on the vessel "Hustler", in the Gulf of Mexico, at LORAN-C coordinates of 27,560.0 and 46,914.5, Iberia Parish, on April 14, 1983, at approximately 5:30 p.m., encountered an unidentified submerged obstruction, causing loss of his trawl, cable, chain and lazy line.

Amount of Claim: \$1,789.65.

Claim No. 83-855 (Rescheduled)

Albert Darda, of Lafitte, La., while trawling on the vessel "Misty Morn", in the Houma Navigational Canal, Terrebonne Parish, on April 22, 1983, at approximately 5 p.m., encountered an unidentified submerged obstruction, causing damage to his vessel.

Amount of Claim: \$5,000.

Claim No. 83-861

Wendell David, of Abbeville, La., while trawling on the vessel "Cajun Lady", in the Gulf of Mexico, at approximate LORAN-C coordinates of 27,313.0 and 46,946.0, Vermilion Parish, on April 28, 1983, at approximately 6:30 p.m., encountered an unidentified submerged obstruction, causing the loss of a trawl, boards and bridle.

Amount of Claim: \$1,620.88.

Claim No. 83-865 (Rescheduled)

Daniel Charpentier, of Cut Off, La., while trawling on the vessel "Joan of Ark", in the Gulf of Mexico, at LORAN-C coordinates of 27,457.6 and 46,913.7, Iberia Parish, on May 8, 1983, at approximately 8 a.m., encountered an unidentified submerged obstruction, causing the loss of his trawl.

Amount of Claim: \$1,109.12.

Claim No. 83-868

Henry Lloyd, Sr., of Pointe a la Hache, La., while trawling on the vessel "Danny Pan", in Pass a Loutre, Plaquemines Parish, on April 18, 1983, at approximately 4 p.m., encountered an unidentified submerged obstruction, causing the loss of his trawl.

Amount of Claim: \$1,371.

Claim No. 83-869

Henry Lloyd, Sr., of Pointe a la Hache, La., while trawling on the vessel "Danny Pan", in the Gulf of Mexico north of Pass A Loutre, Plaquemines Parish, on April 21, 1983, at approximately 10 a.m., encountered a section of pipe, causing damage to his trawl.

Amount of Claim: \$321.25

Claim No. 83-871 (Rescheduled)

Bennie Trosclair, of Marrero, La., while trawling on the vessel "Lady Nellie", in the Gulf of Mexico, at LORAN-C coordinates of 28,575.3 and 46,859.8, Jefferson Parish, on May 14, 1983, at approximately 8 a.m., encountered an unidentified submerged obstruction, causing loss of his trawl.

Amount of Claim: \$475.

Claim No. 83-872

Daniel Bruce, of Galliano, La., while trawling on the vessel "L & M", in the Gulf of Mexico east of Belle Pass, Lafourche Parish, on May 17, 1983, at approximately 2 p.m., encountered an unidentified submerged obstruction, causing the loss of his trawl.

Amount of Claim: \$640.62.

Claim No. 83-904

Joseph E. Lodirgue, Jr., of Houma, La., while trawling on the vessel "Mr. June", in Breton Sound at LORAN-C coordinates of 28,956.3 and 46,895.0, Plaquemines Parish, on June 8, 1983, at approximately 10:30 a.m., encountered a submerged shrimp boat, causing loss of two trawls.

Amount of Claim: \$1,800.

Claim No. 83-934

Julius Willis, of Cameron, La., while trawling on the vessel "Easy Money", in the Gulf of Mexico at approximate LORAN-C coordinates of 26,607.3 and 46,976.9, Cameron Parish, on June 20, 1983, at approximately 11 a.m., encountered submerged cement bags, causing damage to his trawl.

Amount of Claim: \$152.50.

Claim No. 83-952

Leon J. Harvey, of Lafitte, La., while trawling on the vessel "Guiding Light", in the Gulf of Mexico, at LORAN-C coordinates of 26,946.2 and 46,955.5, Cameron Parish, on June 12, 1983, at approximately 2:15 p.m., encountered an unidentified submerged obstruction, causing damage to his trawl net and loss of his boards.

Amount of Claim: \$298.

Claim No. 83-968

Richard Luscly, of Reggio, La., while trawling on the vessel "Richard's Pride", in St. Helena Bay, at LORAN-C coordinates of 28,980.0 and 46,949.9, position approximate, St. Bernard Parish, on June 20, 1983, at approximately 11 a.m., encountered a submerged section of pipe, causing the loss of his trawl.

Amount of Claim: \$547.70.

Claim No. 83-984

Harvey Cheramie, Sr., of Grand Isle, La., while trawling on the vessel "Silver Fox", in Caminada Pass, Jefferson Parish, on July 1, 1983, encountered an unidentified submerged obstruction, causing loss of his trawl.

Amount of Claim: \$560.73.

Claim No. 83-1003

Joseph H. Verdin, of Houma, La., while trawling on the vessel "Mr. Perry", in the Gulf of Mexico at Barataria Pass, Jefferson Parish, on June 15, 1983, at approximately 10 a.m., encountered an unidentified submerged obstruction, causing loss of his trawls, cables and boards.

Amount of Claim: \$2,553.58.

Claim No. 83-1021

Howard J. DeRouen, of Howard Boat Company, Inc., New Iberia, La., while trawling on the vessel "Sea Breeze", in Vermilion Bay approximately two miles west of Bayou Michael, Iberia parish, on July 5, 1983, at approximately 11:45 a.m., encountered an unidentified submerged obstruction, causing damage to his vessel.

Amount of Claim: \$544.

Claim No. 83-1030

Farrel Charpentier, of Galliano, La., while trawling on the vessel "Capt. Farrel", in Breton Sound at LORAN-C coordinates of 28,979.5 and 46,902.7, Plaquemines Parish, on June 6, 1983, at approximately 2 p.m., encountered an unidentified submerged obstruction, causing loss of his trawl, chain and lazy line.

Amount of Claim: \$1,408.64.

Any written objections to these claims must be received by the close of business on September 2, 1983. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44124, Capitol Station, Baton Rouge, La. 70804.

Frank P. Simoneaux
Secretary

POTPOURRI

Department of Natural Resources Office of Environmental Affairs

The Department of Natural Resources (DNR), Office of Environmental Affairs (OEA) will conduct a public meeting on the proposed delegation to the State of Louisiana by the U.S. Environmental Protection Agency (EPA) of substantial administrative authority for the Construction Grants Program. This program provides millions of dollars each year in federal funds for the construction of municipal wastewater facilities throughout the state.

The meeting will be conducted by DNR-OEA at 10 a.m. on September 8, 1983, at the following location: Conservation Hearing Room, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

The purpose of the meeting is to present for public view and comment the proposed delegation agreement between the EPA and DNR. This agreement would give to the state responsibility for such functions as the processing of grant applications and amendments, the review and approval of required technical documents, and the inspection of wastewater treatment facilities constructed under the program. Responsibilities for specific function would be delegated to the state in a step-by-step procedure, based upon demonstration of ability.

The EPA will continue to monitor state procedures to insure compliance with federal laws and regulations, and will retain primary responsibility for certain functions, such as Environmental Impact Statements.

State delegation should result in a more efficient operation of the Construction Grants Program and utilization of the limited funds available. Duplication in the processing and review of documents would be eliminated, and delays should be substantially reduced.

Copies of the proposed delegation agreement will be available for examination by the public beginning August 9, 1983, at the following DNR offices:

9th Floor, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Southwest Regional Office, 1155 Ryan Street, Lake Charles, LA.

Northeast Regional Office, 804 31st Street, Monroe, LA.

Northwest Regional Office, 1525 Fairfield Street, Room 11, Shreveport, LA.

Acadiana Regional Office, 100 Eppler Road, Lafayette, LA.

Lafourche Regional Office, 302 Barataria Street, Lockport, LA.

Southeast Regional Office, 3945 North I-10 Service Road, Metairie, LA.

J. Dale Givens
Administrator
Water Pollution Control Division

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CR—Committee Report

E—Errata **EO—Executive Order** **ER—Emergency Rule**
L—Legislation **N—Notice of Intent** **P—Potpourri**
PPM—Policy and Procedure Memorandum **R—Rule**