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# Executive Orders

## EXECUTIVE ORDER NO. DCT 83-6

WHEREAS, the Job Training Partnership Act of 1982 (JTPA), (Public Law 97-300), establishes a partnership between the private and public sectors in aspects of local policymaking, planning, administration, and program operations for the purpose of helping prepare people with serious employment barriers to be productive members of the labor force and,

WHEREAS, "JTPA" requires the Governor, after receiving the proposal of the State Job Training Coordinating Council, to designate service delivery areas for the State; and,

WHEREAS, "JTPA" requires the governor to coordinate and approve job training policy, plans and services of all service delivery and state agencies throughout the State of Louisiana; and,

WHEREAS, the term "Job Training" includes training, education programs, and supportive services aimed at increasing the skills and employment opportunities for persons who are economically disadvantaged and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment; and,

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

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

WHEREAS, the State Job Training Coordinating Council must be established in accordance with the guidelines set forth in the Job Training Partnership Act of 1982, and the Secretary of Labor's Rules and Regulations as published in the *Federal Register*.

NOW, THEREFORE, I, DAVID TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and the laws of this State, do hereby order and direct the following:

1. The Louisiana Department of Labor is herewith designated as the administrative entity for all JTPA operations in the State.

2. The Governor's State Job Training Coordinating Council is created and established and shall consist of the following:

(A) One-third of the membership of the State Council shall be representatives of business and industry (including agriculture, where appropriate) in the State, including individuals who are representatives of business and industry on private industry councils in the State.

(B) Not less than 20 percent of the membership of the State Council shall be representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State advisory council on vocational education, the State board of education (when not otherwise represented), State public assistance agencies, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic de-

velopment agency, State veterans' affairs agencies or equivalent, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State.

(C) Not less than 20 percent of the membership of the State Council shall be representatives of the units or consortia of units of general local government in such State (including those which are administrative entities or grantees under this Act) which shall be nominated by the chief executive officers of the units or consortia of units of general local government; and,

(D) Not less than 20 percent of the membership of the State Council shall be representatives of the eligible population and of the general public, representatives of organized labor, representatives of community-based organizations, and representatives of local educational agencies (nominated by local educational agencies).

(E) From these groups I will designate one non-governmental member to be chairman of the State Council.

3. The State Council shall meet at regular intervals and at other times it deems advisable.

4. The State Council shall be provided professional, technical, and clerical staff which organizationally will be within the Louisiana Department of Labor and answerable to the Secretary of Labor or his designee.

5. The plans and decisions of the State Council shall be subject to approval by the Governor.

6. The State Council shall:

(A) Plan, coordinate and monitor the provision of programs and services under the Act.

(B) Recommend a Governor's coordination and special services plan;

(C) Recommend to the Governor substate service delivery areas, plan resource allocations under Section 202 (b) for the Governor's coordination and special services plan, develop appropriate linkage with other programs, coordinate activities with private industry councils, develop the Governor's coordination and special services plan and recommend variations in performance standards;

(D) Advise the Governor and local entities on job training plans and certify the consistency of such plans with criteria under the Governor's coordination and special services plan for coordination of activities under the Act with other Federal, State, and local employment related programs, including programs operated in designated enterprise zones.

(E) Review the operation of programs conducted in each service delivery area, and the availability, responsiveness, and adequacy of State services, and make recommendations to the Governor, appropriate chief elected officials, and private industry councils, service providers, the State legislature, and the general public with respect to ways to improve the effectiveness of such programs or services;

(F) Review and comment on the State plan developed for the State employment service agency;

(G) Make an annual report to the Governor which shall be a public document and issue such other studies, reports or documents as it deems advisable to assist service delivery areas in carrying out the purpose of the Act.

(H) Identify, in coordination with the appropriate State agencies, the employment and training and vocational education needs throughout the State and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other Federal, State, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs; and

(I) Comment at least once annually on the reports re-

quired pursuant to Section 105 (d) (3) of the Vocational Education Act of 1963; and

(J) Review plans of all State agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate Federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the State.

BE IT FURTHER RESOLVED, that Executive Order No. 80-5 is hereby rescinded and recalled, and is null, void, and of no effect.

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 19th day of April, A.D., 1983.

David C. Treen  
Governor of Louisiana

#### **EXECUTIVE ORDER NO. DCT 83-7**

WHEREAS, Section 125 (A) of the Job Training Partnership Act of 1982 requires the Governor of each state to designate an organizational unit to oversee and manage a comprehensive statewide labor market and occupational supply and demand system; and

WHEREAS, under the new federal legislation each state is responsible for the design of a cost-effective labor market information system which is responsive to the economic demand and education and training supply support needs of the state and areas within the state; and

WHEREAS, each system must meet federal standards stipulated in Chapter 35 of Title 44, United States Code and other appropriate federal standards established by the Bureau of Labor Statistics of the United States Department of Labor; and

WHEREAS, each system must standardize available federal and state multi-agency administrative records and direct survey data sources to produce an employment and economic analysis to be used in carrying out the provisions of the Job Training Partnership Act, the Vocational Education Act, and the Wagner-Peyser Act; and

WHEREAS, the Louisiana Department of Labor, Office of Employment Security collects employment and occupational data from employers in order to operate Louisiana's Unemployment Insurance Program through a highly automated labor market information system; and

WHEREAS, the information gathered and developed by the Louisiana Department of Labor is the State's core information basic to any comprehensive, statewide labor market and occupational supply and demand information system;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, do hereby order and direct:

1. The administrative unit of Louisiana's labor market information programs shall be contained within the Louisiana Department of Labor under the direction of the Secretary of the Department;

2. The Secretary of the Department of Labor shall continue to use the Louisiana State Occupational Information Coordinating Committee as the lead agency in the dissemination of career and occupational information and, in addition, oversee the operation of such other systems as may be developed by the Committee;

3. The Secretary of the Department of Labor shall be responsible for the allocation of any federal, state or private funds

appropriated for labor market information purposes or programs.

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 19th day of April, 1983.

David C. Treen  
Governor of Louisiana

#### **EXECUTIVE ORDER NO. DCT 83-8**

WHEREAS, it has been reported to me by the Commissioner of Administration that the receipts of the Treasury appear likely to fall short of revenue estimates for the fiscal year 1982-1983; and

WHEREAS, continued maintenance of the appropriated level of expenditures will result, assuming the accuracy of current revenue estimates, in a deficit;

NOW, THEREFORE, pursuant to the authority granted me by Section 9 of Act 13 of the 1982 Regular Session of the Legislature, R.S. 39:55, and by Article IV, Section 5 of the Constitution, it is hereby ordered that the General Fund appropriations indicated in schedules 20-08-00, 20-09-00, and 20-10-00 of Act 13 of the 1982 Regular Legislative Session be reduced, on an annual basis, an additional 5.6 percent of the original amounts and that the State Treasurer shall make the distribution accordingly.

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 4th day of May, A.D., 1983.

David C. Treen  
Governor of Louisiana

## **Rules**

### **RULE**

#### **Department of Agriculture Agricultural Commodities Commission**

Notice is hereby given that the Louisiana Department of Agriculture, Louisiana Agricultural Commodities Commission, in accordance with the authority granted under LSA 3:3405 A (1) and pursuant to Notice of Intent published on February 20, 1983, has adopted the following Rules and Regulations for the Administration of LSA 3:3401 through LSA 3:3425:

LOUISIANA DEPARTMENT OF AGRICULTURE  
Louisiana Agricultural Commodities Commission  
RULES AND REGULATIONS  
For the Administration of LSA 3:3401-3425

GENERAL PROVISIONS

- 1.0 Definitions
- 2.0 Administration of the affairs of the Commission
- 3.0 Agricultural commodities and other farm products regulated by the Commission

APPLICATION FOR LICENSE

- 4.0 Application for Warehouse and Grain Dealer License
- 5.0 Grounds for refusal to issue or renew a warehouse or grain dealer license

WAREHOUSE LICENSES

- 6.0 Requirements applicable to all warehouses
- 7.0 Standards for approval of facilities for storage of agricultural commodities
- 8.0 Bond required for warehouse license; provisions relative to licensed capacities
- 9.0 Provisional stock insurance required for warehouse license
- 10.0 Amendment to license required when change of status occurs
- 11.0 Procedure for initial licensing of warehouses during the period January 1, 1983 - June 30, 1983

GRAIN DEALERS

- 12.0 Requirements applicable to all grain dealers
- 13.0 Risk position requirements

ASSESSMENTS

- 14.0 Assessments; amount, time of payment, payment under special conditions

SCALE TICKETS

- 15.0 Scale tickets: filing, contents, maintenance in records

WAREHOUSE RECEIPTS

- 16.0 Warehouse receipts: required form; completion, distribution and maintenance requirements; form of non-negotiable receipts; use of State Warehouse Commission receipt forms
- 17.0 Warehouse receipts: issuance; open storage; partial delivery; duplicate receipts; delivery of commodities covered by receipts; cancellation; receipts on company-owned commodities; non-negotiable receipts; cessation of business; other applicable laws

GRADING; OUT-OF-CONDITION COMMODITIES

- 18.0 Official grades
- 19.0 Out-of-condition commodities

RECORDS AND REPORTS

- 20.0 Contracts required to be in written form
- 21.0 Records required to be maintained
- 22.0 Reports required

ACCESS REQUIREMENTS

- 23.0 Access requirements

POSTING REQUIREMENTS

- 24.0 Posting requirements

SUSPENSION/REVOCAION OF LICENSE; OTHER PENALTIES

- 25.0 Adjudication required prior to suspension/revocation of license or imposition of other penalties; amount of penalties; surrender of license

SCHEDULE OF INSPECTIONS; VOLUNTARY INSPECTION SERVICE

- 26.0 Inspection of physical facilities and contents; schedule
- 27.0 Voluntary inspection service

EXEMPTIONS

- 28.0 Exemptions

## General Provisions

### 1.0 Definitions

- 1.1 "Act" means the Agricultural Commodity Dealer and Warehouse Act (LSA 3:3401-3425).
- 1.2 "Advance" means a partial payment against total proceeds due to a seller.
- 1.3 "Adjudicatory proceeding" means an open public hearing by the Commission to determine whether violations of the Act or these regulations have occurred. Such proceedings are conducted in accordance with the Louisiana Administrative Procedure Act (LSA 49:951, et seq.).
- 1.4 "Agricultural commodities" means sugar, all agricultural products commonly classed as grain (rice, rough rice, corn, wheat, oats, rye, soybeans, barley, milo, and grain sorghum), and any other agricultural commodity, other than cotton, which the Commission may declare to be an agricultural commodity subject to regulation under the Act.
- 1.5 "Applicant" means any person making application for a license to engage in any of the activities regulated under the Act.
- 1.6 "Audited", with respect to a financial statement, means a financial statement prepared by an independent certified public accountant, the basis of which financial statement is the accountant's independent examination of the books and records of the business entity covered by the financial statement.
- 1.7 "Authentic act" means a statement executed before a notary public and at least two witnesses.
- 1.8 "Authorized agent", with reference to the authorized agent of a warehouse or grain dealer, means any representative thereof whose name has been filed with the Commission as such. A person whose name has not been filed with the Commission as an authorized agent will not be recognized by the Commission as entitled to act for or on behalf of a warehouse or grain dealer.
- 1.9 "Capacity" means all of the area of a licensee which is in any kind of protected enclosure.
- 1.10 "CCC" means Commodity Credit Corporation.
- 1.11 "Certified", with respect to the financial statements required under the Act, means a written statement signed by the independent certified public accountant preparing the financial statement.
- 1.12 "Commission" means the Louisiana Agricultural Commodities Commission.
- 1.13 "Commissioner" means the Louisiana Commissioner of Agriculture.
- 1.14 "Compilation", with respect to a financial statement, means a financial statement prepared by an independent certified public accountant solely on the basis of representations of the management of the business entity covered by the financial statement.

- 1.15 "Current financial statement" means a financial statement containing all of the documents listed in Rule 4.2 and presenting financial position as of the close of the applicant's or licensee's most recent fiscal year.
- 1.16 "Deferred price commodities" means commodities purchased by a grain dealer from a producer for which the sale price will be established after date of the initial agreement between the parties. The agreement between the parties covering deferred price commodities should be in writing. The term "deferred price commodities" is the same as the other following terms in general usage: price later, no price established (NPE), delayed price, basis contract, future settlement delivery, or contract for purchase.
- 1.17 "Department" means the Louisiana Department of Agriculture.
- 1.18 "Director" means the employee of the Commission who is responsible for implementing the policies of the Commission and performing the administrative responsibilities delegated to the Commissioner under the Act.
- 1.19 "Farm products" means products employed directly in the cultivation, production, or harvesting of any agricultural commodities, such as fertilizers or pesticides, and/or containers for agricultural commodities or farm products.
- 1.20 "Fee" means any charge imposed by a warehouse, directly or indirectly, for care of agricultural commodities belonging to any person other than the warehouse owner, including but not limited to base price adjustments, storage, handling, dockage, commission, drying, and/or conditioning fees.
- 1.21 "Field warehouse" means a warehouse operated by a management organization under a contractual agreement between the management organization and the owner of the warehouse.
- 1.22 "First point of sale" means (A) the initial time when title to agricultural commodities or farm products passes from a seller to a buyer, (B) the time when agricultural commodities or farm products are removed from storage, or (C) the time when agricultural commodities are placed under CCC loan.
- 1.23 "Grain dealer" means any person who purchases agricultural commodities from producers, sells agricultural commodities for producers, or represents producers in the purchase or sale of agricultural commodities. The term does not include producers who purchase grain commodities for their own use as feed or seed.
- 1.24 "Hedge", with respect to a contract to sell commodities, means a secondary contract to buy commodities to protect the obligations incurred with respect to the contract to sell. "Hedge", with respect to a contract to buy commodities, means a secondary contract to sell commodities to protect the obligations incurred with respect to the contract to buy.
- 1.25 "Independent certified public accountant" means a person who has completed all requirements established by the American Institute of Certified Public Accountants and the state Society of Certified Public Accountants. To be

recognized as an independent public accountant, the accountant, members of his immediate family, and his accounting business associates must be totally free of any obligation to or interest in the client, its management, or its owners.

- 1.26 "Licensee" means any person holding a license as a warehouse or grain dealer issued by the Commission.
- 1.27 "Licensed capacity" means the warehouse area which is bonded for the storage of agricultural commodities or farm products belonging to a person other than the owner of the warehouse.
- 1.28 "Open" or "open position" means the grain dealer's contracts for purchase or sale of agricultural commodities which are unhedged.
- 1.29 "Person" means any individual, partnership, company, firm, association, corporation, cooperative association, or any other legal entity engaged in any of the activities regulated under the Act.
- 1.30 "Producer" means the owner, tenant, lessee, or operator of land within this state who has an interest in or receives all or any part of the proceeds from the sale of agricultural commodities produced thereon.
- 1.31 "Review", with respect to a financial statement, means a financial statement prepared by an independent certified public accountant, in the preparation of which financial statement the accountant makes such inquiries of management and performs such analyses and/or comparisons as may appear appropriate to the accountant.
- 1.32 "Risk position" means the loss potential to the grain dealer resulting from bringing his open position to market.
- 1.33 "Scale ticket" means the document issued to a producer when agricultural commodities are delivered to a warehouse or grain dealer.
- 1.34 "Spot" or "spot sale" means a transaction where title to agricultural commodities passes from the producer to the buyer on the day of delivery, in which transaction the producer is paid promptly at the market price established on the day of delivery.
- 1.35 "Storage" means the physical possession by a warehouse, in any manner and/or under any type of fee arrangement, of agricultural commodities belonging to any person other than the owner of the warehouse. The term "storage" does not apply to a transaction in which title passes from the seller to the buyer upon delivery.
- 1.36 "Warehouse" means any building, structure, or any other protected enclosure in which agricultural commodities or farm products are stored for the public for a fee. The term includes facilities which commingle commodities, facilities which preserve the identity of separate lots of agricultural commodities, and facilities which dry and/or condition agricultural commodities belonging to any person other than the facility owner.



- 1.37 "Warehouseman" or "warehouse operator" means any person or other entity operating a warehouse.
- 1.38 "Warehouse receipts" may be negotiable or non-negotiable and are defined as follows:
- A. "Non-negotiable warehouse receipts" are written evidence of the deposit of agricultural commodities or farm products in a warehouse, which cannot be sold or traded by the holder and cannot be used to secure a loan.
  - B. "Negotiable warehouse receipts" are written evidence of the deposit of agricultural commodities or farm products in a warehouse, which can be sold or traded by the holder and can be used to secure a loan.

## 2.0 Administration of the affairs of the Commission

- 2.1 The officers of the Commission shall be a Chairman and a Vice-Chairman, who shall serve for terms of one year but may be elected for an indefinite number of terms.
- 2.2 After the initial election of officers, the Chairman and Vice-Chairman shall be elected at the Commission's regular meeting during the first quarter of each year.
- 2.3 In the absence of the Chairman at any meeting of the Commission, the Vice-Chairman shall preside.
- 2.4 The Commission shall hold at least one regular meeting during each quarter of the year, but may meet more frequently upon the call of the Chairman.
- 2.5 Meetings of the Commission shall normally be held in its domicile but may be held at other locations upon the determination of the Chairman or the will of the Commission.
- 2.6 The quorum of the Commission is five members.
- 2.7 An affirmative vote of a minimum of five members shall be required for the adoption of any motion.
- 2.8 There shall be no voting by proxy.
- 2.9 Rules and Regulations of the Commission, and amendments thereto, shall be noticed, adopted, and promulgated as required by the Louisiana Administrative Procedure Act.
- 2.10 The Chairman shall designate a Hearing Officer, who may or may not be a member of the Commission, to preside at all adjudicatory proceedings of the Commission. The Chairman may, if he so desires, serve as Hearing Officer at any adjudicatory proceeding.

- 2.11 The Commission shall serve as the Hearing Body in all adjudicatory proceedings and shall make the final determination with regard to the disposition of all matters coming to adjudication.
- 2.12 The Director shall provide clerical and other support services as may be required by the Commission and shall maintain and distribute appropriate Minute records of the Commission.
- 2.13 No member of the Commission shall participate in any discussion or vote concerning any matter before the Commission in which such member has a personal or commercial interest.
- 2.14 No member of the Commission or the staff shall disclose any financial information pertaining to any licensee or applicant for license.
- 2.15 The Commission may, from time to time, delegate any of its responsibilities to subcommittees appointed by the Chairman. Such subcommittees may perform such specific duties as may be assigned by the Chairman but all actions of such subcommittees shall be subject to ratification by the full Commission.

3.0 Agricultural commodities and other farm products regulated by the Commission

- 3.1 The following agricultural commodities shall be regulated by the Commission at all times:

- A. Sugar

- B. All agricultural commodities commonly classed as grain, including:

- |               |                   |
|---------------|-------------------|
| 1. Rice       | 6. Rye            |
| 2. Rough rice | 7. Soybeans       |
| 3. Wheat      | 8. Barley         |
| 4. Corn       | 9. Milo           |
| 5. Oats       | 10. Grain sorghum |

- 3.2 Whenever Commission warehouse receipts are issued to cover any of the following agricultural commodities, the following agricultural commodities shall be regulated by the Commission:

- 1. Peppers
- 2. Oils (vegetables and mineral)
- 3. Pecans
- 4. Molasses and/or syrup
- 5. Any canned and/or frozen vegetables/fruits/juices

- 3.3 Whenever Commission warehouse receipts are issued to cover any of the following farm products while in storage, the following farm products shall be regulated by the Commission:

- A. Pesticides
- B. Fertilizers
- C. Containers for agricultural commodities listed in Rules 3.1 and 3.2 and farm products listed in this rule

- 3.4 Cotton being specifically excluded from the agricultural commodities regulated under the Act, warehouses storing cotton are not required to be governed by these regulations. However, whenever a warehouse storing cotton wishes to issue official Commission receipts on such cotton, the warehouse must voluntarily comply with these regulations. Approval for issuance of Commission warehouse receipts will not be granted for receipts covering cotton unless the warehouse voluntarily conforms to these regulations, certifies its willingness to do so, and collects and remits the assessments established by the Commission for cotton.
- 3.5 Commodities and farm products enumerated in Rules 3.2, 3.3, and 3.4 above shall be subject to all requirements set forth in these regulations whenever Commission warehouse receipts are issued.

Application for Warehouse and Grain Dealer License

- 4.0 Application for license (initial and renewal); time for filing; contents; fees; style of document
- 4.1 Applications for renewal of warehouse and grain dealer licenses must be filed no later than April 30th of each year. Applications for initial license may be filed at any time during the year. For both initial and renewal licenses, the following information must be furnished on the application form provided by the Commission:
- A. Type of application
    - 1. Warehouse
    - 2. Grain dealer
  - B. Date of submission
  - C. Nature of application
    - 1. Initial application
    - 2. Renewal application
  - D. Nature of applicant's business
    - 1. Sole proprietorship
    - 2. Partnership
    - 3. Corporation
    - 4. Association
    - 5. Agricultural cooperative
    - 6. Other
  - E. Name under which the business will operate
  - F. Address of the principal office of the business, either in-state or out-of-state, including mailing address, physical location, and phone number

- G. Name of the person in charge (e.g., manager, warehouseman, principal dealer, etc.) and his residence address and phone number
- H. If a partnership, the names, addresses, and interests of all partners
- I. If a corporation, the names and addresses of all officers
- J. If an association, including an agricultural cooperative, the names and addresses of all members of the board of directors
- K. Name and address of the owner of the business, if not shown under Items G, H, or I. Owner must be identified.
- L. Status of the facility in which the business will be operated:
  - 1. Owned by applicant
  - 2. Leased by applicant (short term or long term)
  - 3. Rented by applicant and name and address of owner
  - 4. Other
- M. Type of agricultural commodities that the applicant will store or trade
- N. For all business locations to be operated under one license:
  - 1. Address
  - 2. Total capacity
  - 3. Capacity to be licensed, if different from total capacity
  - 4. Name and residence address of person in charge of each facility
  - 5. Prior experience in storing or trading agricultural commodities of each person in charge (by years of experience)
- O. Bond status of the applicant
  - 1. Amount of bond posted
  - 2. Name and address of bonding company
  - 3. Period for which bond written
- P. Insurance of applicant
  - 1. Amount of provisional stock insurance carried
  - 2. Name and address of carrier
  - 3. Term of policy
- Q. Names and residence addresses of all authorized agents
- R. If business previously operated under another name, name and address of previous business

- S. Names and addresses of at least three references, by persons not in the employ of the applicant, as to the applicant's record, character, and business standing
- T. A statement that the applicant will abide by the requirements of the Act and these regulations
- U. A certified statement that all representations contained in the application and in all required attachments are true and correct
- V. Indication of the type of record storage available (fireproof, etc.)
- W. Grain dealer applicants only: Average total paid to producers during applicant's most recent fiscal year
- X. Warehouse applicants only:
  - 1. Date (month and year) of last inspection by Weights & Measures Division of the Department
  - 2. Name and license number of weighmaster for each location covered by the warehouse license
  - 3. Name and certificate number of employee certified as a pesticides applicator

4.2 For initial licensure under the Act, each applicant must provide a financial statement as of the close of the applicant's most recent fiscal year.

- A. The financial statement must be prepared and signed by an independent certified public accountant and must be presented in accordance with generally accepted accounting principles.
  - 1. Financial statements shall include contracts covering commodities which have not been delivered. Contracts covering commodities which have not been delivered to the licensee or applicant must be brought to market in the financial statement. Contracts on commodities which have not been delivered to the licensee or applicant may be made a part of the financial statement by means of a footnote to the statement.
  - 2. Fixed assets must be presented at cost on financial statements.
- B. The financial statement presented for initial licensure under the Act may be any of the following:
  - 1. Compilation
  - 2. Review
  - 3. Audited

C. The financial statement must contain:

1. A balance sheet
2. A statement of income (profit and loss)
3. A statement of retained earnings
4. A statement of changes in financial position
5. A certificate by the applicant or the chief executive officer of the applicant, in the form of an authentic act, that the financial statement accurately reflects the financial condition of the applicant for the period covered in the financial statement
6. Whenever the certificate required under Item 5 is executed by a representative of the applicant other than the owner or president, a resolution of the Board of Directors authorizing such representative to execute the certificate

D. Each applicant for initial licensure under the Act must agree to and cooperate with the conduct of a comprehensive audit of his books, records, and physical inventory by the Department immediately prior to the Commission's consideration of his application for license. The Department's report of the audit of the applicant's books, records, and inventory will be taken into account by the Commission in its consideration of the applicant's request for initial licensure under the Act. The Commission may waive this requirement for any applicant or licenses who submits an audited financial statement prepared by an independent certified public accountant.

E. Multi-state and/or multi-national corporations with subsidiary divisions located in Louisiana must either:

A. Submit a fully audited financial statement showing the position of the parent company, together with sufficient financial information pertaining to the Louisiana subsidiary to reasonably reflect the corporation's ability to satisfy all obligations to Louisiana producers; OR

B. Pay all expenses necessary for performance of a full audit, at one or more locations where pertinent corporation records are maintained, by the Department's Central Audit Committee.

4.3 Subsequent to July 1, 1983, each licensee must file a financial statement conforming to the requirements of Rule 4.2 above within ninety (90) days after the close of the licensee's fiscal year.

4.4 Each applicant must also provide the following information, in addition to completing the required application form and providing a financial statement:

A. Three signature cards, on card forms provided by the Commission, completed by each person listed as an authorized agent of the applicant, together with a resolution of the Board of Directors naming each person, other than the owner or president, whose name is listed as an authorized agent

- B. Bond which meets the requirements set forth in Rule 8.0 (warehouse license applicants) or Rule 12.7 (grain dealer license applicants)
  - C. Evidence of provisional stock insurance which meets the requirements set forth in Rule 9.0 (warehouses) or Rule 12.0 (grain dealers)
  - D. Copy of scale ticket. Applicants who do not use scale tickets in their business operations must certify to that effect in lieu of filing a scale ticket.
  - E. Applicants who apply under corporate status must provide evidence of compliance with Louisiana's Corporation Laws.
  - F. Applicants for warehouse license must also provide a copy of the warehouse's current schedule of tariffs or charges.
- 4.5 A fee of \$100, as required by the Act, must accompany each application at the time of filing. This fee is non-refundable, whether or not the license is granted.
- 4.6 All licenses shall signify on the face the following information:
- A. Name and address of licensee
  - B. Location of all licensed facilities
  - C. Licensed capacity of all locations
  - D. Amount of bond
  - E. Term of license
- 4.7 Approved licenses shall be issued in the name of the Commission and signed by the Commissioner.
- 5.0 Grounds for refusal to issue or renew a warehouse or grain dealer license
- 5.1 The Commission may refuse to issue or renew a warehouse or grain dealer license in any of the following circumstances:
- A. The applicant does not possess a good reputation.
  - B. The applicant cannot demonstrate to the satisfaction of the Commission that he is competent to operate the business for which the license is sought.
  - C. The applicant cannot demonstrate a reasonable net worth.
  - D. The applicant has failed to provide all of the information required in the application for license.
  - E. The applicant has previously refused to permit audit of his records.
  - F. The applicant has not or cannot secure the bond required by the Act.

- G. The applicant has not or cannot secure the insurance required by the Act.
  - H. If an applicant for a warehouse license: the facilities in which the business will be operated are not suitable for storage of agricultural commodities.
  - I. If an applicant for a grain dealer license: the applicant has failed to hedge his obligations to producers as required by the Act and these Rules and Regulations.
- 5.2 Any warehouse or grain dealer whose application for license is refused by the Commission may appeal the decision of the Commission under the Administrative Procedure Act or through the judicial process.

#### Warehouse Licenses

#### 6.0 Requirements applicable to all warehouses

- 6.1 No person shall operate a warehouse subject to regulation under the Act unless licensed by the Commission or under the U. S. Warehouse Act. The following types of warehouses are specifically defined as warehouses subject to regulation under the Act:
  - A. Any facility offering storage as defined in Rule 1.35 hereof.
  - B. Any facility which issues state warehouse receipts covering agricultural commodities or farm products.
  - C. All field warehouses. The management organization operating a field warehouse must secure a separate license for each location. Field warehouses shall be licensed in the same manner as any other warehouses and regulations governing other warehouses shall apply equally to field warehouses.
- 6.2 Warehouses licensed under the U. S. Warehouse Act are not required to submit the application required under the Act but are subject to all other requirements of the Act, including the duty to collect and remit assessments levied on producers.
- 6.3 No warehouse, whether licensed under this Act or the U. S. Warehouse Act, shall buy or sell agricultural commodities for producers unless such warehouse is also licensed by the Commission as a grain dealer.
- 6.4 A single business entity which operates warehouse facilities at more than one location may be covered by one license. In such instances, the applicant must provide separate capacity and personnel information for each location but may submit a consolidated financial statement covering all locations.
- 6.5 When two or more businesses which are separate legal entities, even though owned and/or operated by the same individual or the same legal entity, are operated at one or more physical locations, each separate legal entity must obtain a separate license.



- 6.6 Each license is personal to the holder thereof and may not be transferred or assigned to another for any purpose or any period of time.
- 6.7 Licenses issued by the Commission shall be consecutively numbered and the the number shall include a fiscal year designation.
- 6.8 All warehouse licenses issued by the Commission shall expire on June 30th following date of issue, except licenses issued during the period January 1, 1983, through June 30, 1983, which may be issued to expire on June 30, 1984.
- 6.9 For initial and continuing licensure, the facility must meet all requirements of Rule 7.0 hereof.
- 6.10 The warehouse must meet all bonding and insurance requirements set forth in Rules 8.0 and 9.0 hereof prior to issuance of the license. Failure to maintain the required bond and insurance in full force and effect throughout the license period shall subject the licensee to revocation of his license.
- 6.11 The staff of each warehouse unit (excluding warehouses licensed under the U. S. Warehouse Act) must include a weighmaster licensed by the Weights and Measures Division of the Department who must be physically present at the facility during all normal business operations. The Commission may waive this requirement for any facility which does not normally weigh the agricultural commodities or farm products stored in the facility.
- 6.12 The staff of each warehouse unit must include a person certified as a commercial or private pesticide applicator. The Commission may waive this requirement for facilities which employ licensed pest control firms.
- 6.13 The person in charge of each warehouse unit must possess the following qualifications:
- A. Must be of legal age
  - B. Must demonstrate the following:
    - 1. Knowledge of the practical facts of keeping accurate records regarding the storage of agricultural commodities
    - 2. Knowledge of proper pest control and fumigation procedures
- 6.14 Provisions relative to the schedule of tariffs or charges
- A. On or before March 1, 1983, each warehouse must file its current tariff with the Commission for the Commission's approval as to form.
  - B. Whenever there is any change in any warehouse's tariff, the new tariff must be filed with the Commission prior to implementation of any changes.
  - C. The Director shall note on each warehouse's tariff the fact of its receipt by the Commission. Upon the warehouse's receipt of the tariff bearing the Director's notation, the warehouse shall post the copy bearing the Director's signature in a conspicuous location at the warehouse.

- D. Each tariff must indicate whether charges are made on the basis of barrels, bushels, or hundredweights.
  - E. The tariff should contain all fees routinely charged to depositors.
  - F. The tariffs or charges must be the same for the same class of services to each customer of the warehouse.
- 6.15 Each warehouse must maintain a daily inventory report on forms to be provided by the Commission.
- 7.0 Standards for approval of facilities for storage of agricultural commodities
- 7.1 The building must be of sound construction, in good physical condition, and suitable for storage of the agricultural commodities to be stored therein.
  - 7.2 The building must be weathertight so as to protect the commodities stored in it from the elements at all times.
  - 7.3 The building and the surroundings must be reasonably clean and free of debris of any kind.
  - 7.4 There must be safe ingress and egress to all storage units.
  - 7.5 Storage units having entrances more than 20 feet above ground or floor level must be equipped with a safe and adequate lift or ladder.
  - 7.6 All catwalks must be equipped with railings, must be structurally sound, and must be kept free of all grain or other matter which might endanger human human life.
  - 7.7 The facility must maintain reasonable provisions for rodent and insect control.
  - 7.8 Commodities or farm products stored in containers rather than in bulk must be separated by an aisle of sufficient width to permit passage for inspection.
  - 7.9 When different agricultural commodities are stored in the same facility in bulk, the different commodities must be separated by a substantial partition.
  - 7.10 When a warehouse license covers more than one facility, each warehouse unit must be designated by a number, beginning with the number "1", which number may not be changed without the prior approval of the Commission.
  - 7.11 Each storage unit, building, bin, or compartment must have painted thereon or securely affixed, in a conspicuous manner and location, an identifying number or letter, or both, which may not be changed without prior approval of the Commission.
  - 7.12 Bulk grain bins shall be numbered at all openings on top and also on or near all outlet valves underneath so as to be easily identified.

7.13 Each facility must contain adequate and accurate weighing and sampling equipment. All scales in warehouses licensed by the Commission are subject to examination by the Division of Weights and Measures of the Department.

7.14 Special requirements for rice:

Provisions for identification cards must be securely attached to all bins and when commodities are placed under receipt, an identification card showing the following information must be firmly attached to the bin boards:

- A. The lot number
- B. Whether the receipt is negotiable or non-negotiable
- C. The number of the receipt
- D. The name of the person or company to whom the receipt was issued
- E. The number of containers of commodities, if not in bulk, in the bin

8.0 Bond required for warehouse license; provisions relative to licensed capacities

8.1 Each applicant must execute and file a bond, on bond forms provided by the Commission, which bond must be issued by a company authorized to do business in Louisiana prior to issuance of the license.

8.2 Each bond must be conditioned upon (A) the faithful performance of all duties and obligations to patrons of the warehouse and (B) compliance with all requirements of the Act and these regulations.

8.3 The amount of the bond shall be established on the basis of the capacity to be licensed:

- A. The Commission shall establish capacity records for all licensed facilities. Whenever there is a discrepancy between the capacity claimed by the applicant and the Commission's capacity figures for the applicant, the bond to be required shall be determined by the Commission's capacity figures. A licensee may, however, appeal the decision of the Commission whenever he disagrees with the capacity figures established by the Commission for his facility.
- B. All facilities which commingle agricultural commodities must bond 100% of their available capacity, subject to the exemptions contained in Items E and F below.
- C. Facilities which store identity-preserved commodities may, with the prior approval of the Commission, bond 75% of their available capacity. In such event, the amount of the bond must be increased if commodities in storage exceed the licensed capacity.
- D. All capacity under one roof must be bonded.

- E. Outside tanks which are used solely for storage of company-owned commodities are not required to be bonded.
  - F. Buildings which are used solely for storage of company-owned commodities are not required to be bonded.
- 8.4 The amount of the bond shall be as follows:
- A. 20¢ per bushel for the 1st million bushels of licensed capacity - up to \$200,000 for a licensed capacity of 2 million bushels
  - B. Plus 15¢ per bushel for the 2nd million bushels of licensed capacity - a total of \$350,000 for a facility with a licensed capacity of 2 million bushels
  - C. Plus 10¢ per bushel for all bushels over 2 million bushels up to 3.5 million bushels of licensed capacity - a maximum of an additional \$150,000
- 8.5 A minimum bond of \$25,000 is required for all facilities of 125,000 bushels or less licensed capacity.
- 8.6 A maximum bond of \$500,000 is required for all facilities of 3.5 million or more bushels of licensed capacity.
- 8.7 Each bond shall be written for a period of one year, beginning on July 1st, or for such other period of time as the Commission may require for facilities licensed during the period of January 1, 1983, through June 30, 1983.
- 8.8 Each bond must provide for at least ninety (90) days written notice to the Commission prior to cancellation.
- 8.9 Each bond is subject to final approval by the Commission and must be so approved prior to issuance of the license.
- 8.10 Provisions for alternate security in lieu of the required bond:
- A. The Commission may accept alternate security in lieu of the required bond in an amount equal to 150% of the required bond. For example, alternate security for facilities containing 125,000 bushels or less licensed capacity would be \$37,500, and alternate security for facilities containing 3.5 million or more bushels licensed capacity would be \$750,000.
  - B. Alternate security may be offered only by:
    - 1. Pledging of certificates of deposit or similar negotiable instruments.
    - 2. Filing of an irrevocable letter of credit, which shall be non-cancellable for a period of one year
  - C. Alternate security is subject to the approval of the Commission and must be so approved prior to issuance of a license.

- D. All alternate security instruments shall be assigned to the Commission and maintained in the Commission office in Baton Rouge. Holders of certificates of deposit will continue to draw the interest thereon.
- E. 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 until some form of public notice has been given and a final audit has been completed, which final audit shall be completed in not more than 120 days.

9.0 Provisional stock insurance required for warehouse license

- 9.1 At all times, each warehouse must carry sufficient provisional stock insurance to assure protection against fire and other hazards for all agricultural commodities in storage. Provisional stock insurance records are subject to examination by the Commission during audit of the facility.
- 9.2 The provisional stock insurance must be written for a period of at least one year by an insurance company authorized to do business in Louisiana and must provide for thirty (30) days written notice to the Commission prior to cancellation.
- 9.3 A copy of the insurance policy or a certificate of insurance must be filed with the Commission prior to issuance of the license.

10.0 Amendment to license required when change of status occurs

- 10.1 The licensee must give written notice to the Commission within three days after any of the following occurs:
  - A. Loss or damage to stored commodities or licensed facilities
  - B. Change of ownership of a licensed warehouse, including a change in the members of a partnership or in the officers of a corporation.
  - C. Change in management personnel of a licensed warehouse
  - D. Change in the name of the business operating the facility
  - E. Any major structural change in the facility
  - F. The termination of a lease covering a licensed facility
  - G. Change of business address
  - H. Filing of any legal action (except filing of suits for workmen's compensation) against the warehouse or the management personnel of the warehouse

- 10.2 The licensee must give prior written notice to the Commission before use of the facilities for the storage of any agricultural commodity not listed on the application and before any change in the licensed capacity of the facility (except a change resulting from fire or other actions outside the control of the warehouse).
- 10.3 Notice to the Commission concerning a change in licensed capacity shall include:
- A. Name, address, and license number of the warehouse
  - B. Warehouse or warehouses affected by the change in capacity
  - C. Current licensed capacity of the affected facility(ies)
  - D. Proposed new capacity (whether increased or decreased)
- 10.4 Whenever the licensed capacity of a facility changes, the bond required under Rule 8.0 must be changed within 45 days to conform to the new capacity. Failure to amend the bond as required herein will subject the licensee to revocation of his license.
- 11.0 Procedures for initial licensing of warehouses during the period 1/1/83-6/30/83
- 11.1 Interim license to expire June 30, 1983
- A. Warehouse licenses issued under prior law which expire during the period January 1, 1983, through June 30, 1983, may be renewed for a period expiring June 30, 1983, without full compliance with all requirements set forth in Rule 4.0.
  - B. No license issued during the stated interim for which the applicant has failed to provide all information required under Rule 4.0 will be valid after June 30, 1983. The interim license shall state on its face that the license will expire on June 30, 1983.
  - C. No license shall be issued for the period expiring June 30, 1983, unless the applicant has fulfilled the bonding and insurance requirements set forth in Rules 8.0 and 9.0.
  - D. The fee for issuance of an interim license expiring June 30, 1983, shall be the same as the fee for issuance of an annual license, or \$100.00.
- 11.2 Initial license for a period of more than one year
- A. Warehouse licenses issued under prior law which expire during the period January 1, 1983, through June 30, 1983, may be renewed from date of expiration of the existing license through June 30, 1984, by compliance with all requirements of Rules 4.0, 8.0, and 9.0 hereof.

- B. The bond of a warehouse desiring an initial license of more than one year, expiring on June 30, 1984, must be written for the entire period covered by the license. Provisional stock insurance carried by such facilities must be of sufficient term to assure protection for agricultural commodities stored therein.
- C. The fee for an initial license issued under Rule 11.2 shall be the same as the fee for an annual license, or \$100.00.

### Grain Dealers

#### 12.0 Requirements applicable to all grain dealers

- 12.1 No person shall buy and/or sell agricultural commodities for producers, or represent producers in the purchase or sale of agricultural commodities, unless licensed as a grain dealer by the Commission.
- 12.2 No grain dealer may store agricultural commodities belonging to any other person unless such grain dealer is also licensed by the Commission as a warehouse or licensed under the U.S. Warehouse Act.
- 12.3 A single business entity which operates grain dealerships at more than one location may be covered by one license. In such instances, the applicant must provide separate personnel information for each location but may submit a consolidated financial statement covering all locations.
- 12.4 When two or more businesses which are separate legal entities, even though owned and/or operated by the same individual or the same legal entity, are operated at one or more physical locations, each separate entity must obtain a separate license.
- 12.5 Each grain dealer license issued by the Commission shall expire on June 30th following date of issue.
- 12.6 The applicant must be of legal age and must be able to demonstrate knowledge of the practical facts of keeping accurate records regarding the trading of agricultural commodities.
- 12.7 The applicant must execute and file a bond, on forms provided by the Commission, which is written by a bonding company authorized to do business in Louisiana. The bond shall be in an amount of \$50,000 and shall provide for ninety (90) days written notice to the Commission prior to cancellation. The bond must be conditioned upon (A) the faithful performance of all duties and obligations to producers, and (B) compliance with all requirements of the Act and these regulations. The bond is subject to the approval of the Commission and must be so approved prior to issuance of the license. Failure to keep the bond in full force and effect shall subject the grain dealer to suspension or revocation of his license.
- 12.8 The Commission may accept alternate security in an amount of \$75,000 in lieu of the required bond. Alternate security may be offered only by (A) pledging of certificates of deposit or other similar negotiable instruments, or (B) filing of an irrevocable letter of credit, which shall

be non-cancellable for a period of one year. All alternate security instruments must be assigned to the Commission and will be maintained in the Commission's office in Baton Rouge; holders of certificates of deposit may continue to draw interest thereon. 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 until some form of public notice has been given and a final audit has been completed, which final audit shall be completed in not more than 120 days. 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.

12.9 The applicant must demonstrate net worth which is reasonably sufficient to assure his ability to meet his obligations to producers. The Commission shall be the final judge of the sufficiency of each applicant's net worth.

12.10 Each grain dealer must maintain a daily risk position report on forms to be provided by the Commission.

### 13.0 Risk position requirements

13.1 Each grain dealer must achieve and maintain a relatively even hedge position within no more than three business days after deposit of agricultural commodities by a producer. "Relatively even hedge position" means that the grain dealer has entered into contracts to buy or sell commodities which are roughly equal in value to the amount of the dealer's outstanding obligations to producers.

13.2 Whenever a grain dealer's risk position is brought to market, his loss potential should never exceed 30% of the grain dealer's current net worth. No grain dealer may maintain a risk position in excess of 30% of his current net worth, provided that the Commission may specify a lower maximum risk position for any grain dealer in an amount having a reasonable relationship to that grain dealer's current net worth.

13.3 The Commission may require a lower maximum risk position on any grain dealer by the following procedures:

- A. The Commission shall notify the grain dealer that a public hearing will be held, within five days after notice, to establish for such grain dealer a requirement where his risk position will be less than 30% of his current net worth.
- B. The grain dealer may appear in his own behalf or may be represented by counsel at the hearing, and may show cause why such lower maximum risk position should not be established for such grain dealer.
- C. The Commission may require the submission of interim financial statements in order to make a final determination with respect to establishment of a lower risk position requirement for such grain dealer.



- D. The Commission shall make a determination at the public hearing and shall establish an exact risk position as a percentage of current net worth for such grain dealer. Written notice of the lower risk position requirement shall be given by the Director immediately following such public hearing.
- 13.4 Any grain dealer who does not adhere to the risk position requirement imposed for such grain dealer by the Commission shall be subject to the penalties set forth in Rule 25.0 hereof.
- 13.5 Any grain dealer whose risk position is established by the Commission at less than 30% of his net worth may request reconsideration of the established risk position whenever his financial position changes. Such request shall be made in writing, setting forth the reasons therefor, and the Commission shall consider the request at the next regularly scheduled quarterly meeting following receipt of such request.

#### Assessments

- 14.0 Assessments: amount, time of payment, payment under special conditions
- 14.1 Assessments shall be due and payable from the producer at the first point of sale as defined in Rule 1.22.
- 14.2 Each grain dealer shall deduct the assessments set forth in this Rule from the proceeds to be paid to producers at the time of sale of commodities, and, where no assessable sale has previously occurred, each warehouse shall collect the assessments set forth in this Rule when commodities or farm products are removed from storage.
- 14.3 Commodities placed in CCC storage shall be subject to the assessment provided under this Rule, and said assessment shall be due and payable on the date such commodities are placed under CCC loan or purchased by CCC.
- 14.4 The statutory assessment must be paid on agricultural commodities covered by a Payment-in-Kind (PIK) certificate, and such assessment shall be due and payable at the first point of sale as defined in Rule 1.22.
- 14.5 Assessments shall be levied at the rate of \$.005 per cwt on commodities normally weighed by hundredweight and at the rate of \$.003 per bushel on commodities normally weighed by bushels. The weight of commodities normally weighed in barrels shall be converted to bushels by multiplying the barrel weight times 3.6.
- 14.6 Assessments on regulated commodities listed in Rules 3.2 and 3.4 and farm products listed in Rule 3.3 shall be at rates comparable to the rates set forth in Rule 14.5 above. The exact assessment on each commodity and farm product shall be promulgated in the Louisiana Register and when so promulgated shall remain in full force and effect until changed by subsequent promulgation in the Louisiana Register. Such assessments may be collected as soon as promulgated in the Louisiana Register and shall be collected in the same manner as the assessments listed in Rule 14.5 above.

- 14.7 The grain dealer or warehouse shall be responsible for payment of the assessment set forth in this Rule on all commodities purchased from out-of-state sellers for which no assessment has been paid to the Commission by the seller.
- 14.8 CCC-owned commodities which remain in storage for more than one year shall be subject to the statutory assessment annually on the anniversary date of each warehouse receipt covering such commodities.
- 14.9 Each grain dealer and warehouse must remit all assessments withheld from producers, or otherwise due under this Rule, together with a report on the form provided by the Commission, to the Commissioner no later than the 15th day of each month.

#### Scale Tickets

- 15.0 Scale tickets: filing, contents, maintenance in records
  - 15.1 On or before the effective date of these regulations, each warehouse and each grain dealer must file a copy of the scale ticket currently used by the warehouse or grain dealer with the Commission. Scale tickets which conform to the requirements of this Rule will be approved by the Commission for continued use.
  - 15.2 Immediately upon deposit with a licensed warehouse or a licensed grain dealer of any agricultural commodity or farm product regulated under the Act, the warehouse or grain dealer must issue a scale ticket which conforms to the requirements of this Rule to the depositor. Warehouses licensed under the U. S. Warehouse Act may use scale tickets approved by the Federal licensing agency.
  - 15.3 Each scale ticket must contain the following information:
    - A. Name and location of the licensed warehouse or grain dealer
    - B. Name and other information sufficient to identify the owner of the agricultural commodities or farm products
    - C. The type, quantity, and grade (or applicable grade factors) necessary to determine the net value of the commodity received.
    - D. Date the commodity was deposited in the warehouse's or grain dealer's custody
    - E. One of the following, as appropriate:
      1. If the commodity is deposited on a "spot" basis, the words "spot" or "spot sale", and when so marked the scale ticket shall serve as written confirmation of the sale.
      2. If the commodity is deposited for any type of storage, including open storage, the word "storage"
      3. If the commodity is deposited for contract, the word "contract"

- D. Such other terms as may be agreed upon between the depositor and the warehouseman or grain dealer.
- 15.4 Scale tickets must be sequentially pre-numbered and must be issued to depositors in numerical order. Different scale ticket books may be used for different scales.
- 15.5 Each scale ticket shall consist of an original and at least one copy. The original or a copy of the scale ticket shall be maintained in numerical order in the licensee's records and shall be available for examination by the Commission at all times.
- 15.6 Whenever a scale ticket must be voided, all copies shall be so marked, dated, and signed by an authorized agent of the warehouse or grain dealer, and all copies of the voided scale ticket shall be maintained in the warehouse's or grain dealer's records.

#### Warehouse Receipts

- 16.0 Warehouse receipts: required form; completion, distribution, and maintenance requirements; form of non-negotiable receipts; use of State Warehouse Commission receipt forms
- 16.1 Except as herein provided, all warehouses shall use, only, sequentially pre-numbered warehouse receipt forms furnished by the Commission.
- 16.2 Warehouses licensed under the U. S. Warehouse Act may use receipt forms approved by the Federal licensing agency.
- 16.3 Receipts must be issued in triplicate and distributed as follows:
- A. Green copy (original, negotiable) - delivered to the person storing the agricultural commodities or farm products
  - B. Pink copy (non-negotiable) - mailed to the Commission on the day issued
  - C. Yellow copy (non-negotiable) - retained by the warehouse in numerical order as a part of the warehouse records
- 16.4 Whenever a warehouse receipt must be voided, all copies shall be so marked, dated, and signed by an authorized agent of the warehouse; the green and yellow copies of the voided receipt must be maintained in proper sequence in the warehouse's receipt records and the pink copy must be mailed to the Commission on the day voided.
- 16.5 A warehouse may issue receipts from only one receipt book at a time. However, when a warehouse operation consists of more than one location, a separate receipt book may be used at each location, with the prior approval of the Commission.
- 16.6 All information required for completion of a warehouse receipt must be typewritten or entered legibly in indelible ink.

- 16.7 All spaces on the warehouse receipt must be filled in with appropriate information or crossed out ("xxxxx").
  - 16.8 Warehouse receipts may be signed only by authorized agents of the warehouse.
  - 16.9 Facsimile signatures may not be affixed to warehouse receipts.
  - 16.10 If the warehouse ceases to operate as a licensed warehouse for any reason, all unused warehouse receipts must be immediately surrendered to the Commission.
  - 16.11 Any warehouse desiring to issue non-negotiable warehouse receipts shall make application to the Commission for non-negotiable warehouse receipts in the required form.
  - 16.12 Warehouses may procure supplies of warehouse receipts without cost by request to the Commission.
  - 16.13 Warehouses which have on hand a supply of warehouse receipt forms issued by the State Warehouse Commission may continue to issue such receipts until their supply of forms is exhausted.
- 17.0 Warehouse receipts: issuance; open storage; partial delivery; duplicate receipts; delivery of commodities covered by receipts; cancellation; receipts on company-owned commodities; non-negotiable receipts; cessation of business; other applicable laws
- 17.1 Issuance of receipts
    - A. Each warehouse must, on demand, issue a warehouse receipt for stored agricultural commodities or farm products.
    - B. No warehouse shall issue a warehouse receipt covering commodities which are already covered by an outstanding and uncanceled warehouse receipt, except as provided by Rule 17.4.
    - C. No warehouse may issue a warehouse receipt covering commodities which are not actually stored in the warehouse.
  - 17.2 Open storage

A warehouse which has commodities under open storage must, in all cases when such commodities are not physically stored in its facilities (i.e., forwarded), be able to produce or secure a warehouse receipt from the warehouse to which such commodities were forwarded. The physical whereabouts of all agricultural commodities in open storage are subject to verification by the Commission.
  - 17.3 Partial delivery
    - A. When only a portion of commodities covered by a warehouse receipt is to be removed from storage, the warehouse and the holder of the warehouse receipt must jointly execute a numbered "Partial Release" form which is provided by the Commission.

- B. Agents of the Commission shall note the issuance of a partial release, by number of each such partial release, on the original receipt.

#### 17.4 Issuance of Duplicate Negotiable Warehouse Receipt

- A. If a negotiable warehouse receipt is lost or destroyed, the warehouse must notify the Commission of such loss or destruction prior to issuance of a duplicate warehouse receipt. A duplicate warehouse receipt replacing a lost or destroyed negotiable warehouse receipt may be issued by the warehouse only upon the written authorization of the Commission.
- B. Before authorizing issuance of a duplicate negotiable warehouse receipt, the Commission shall require that the person applying for authority to issue the duplicate warehouse receipt shall file with the Commission a notarized statement that:
  - 1. The applicant is lawfully entitled to possession of the duplicate warehouse receipt;
  - 2. He has not negotiated or assigned the lost or destroyed warehouse receipt; and
  - 3. Reporting how the original was lost or destroyed.
- C. A duplicate negotiable warehouse receipt issued to replace a lost or destroyed receipt must:
  - 1. Be marked "duplicate",
  - 2. Be distributed as required under Rule 16.3.
  - 3. Contain the same terms and conditions as the lost or destroyed warehouse receipt, and
  - 4. Bear on its face the number and date of the warehouse receipt in lieu of which it was issued

#### 17.5 Delivery of commodities covered by warehouse receipt or scale ticket marked for storage

- A. The holder of a warehouse receipt or a scale ticket marked for storage may request delivery of the agricultural commodities, or any portion thereof, at any time.
- B. When the depositor of agricultural commodities removes such commodities from storage, the warehouse must deliver to the depositor commodities of the same quantity and grade as designated on the warehouse receipt or scale ticket marked for storage.
- C. The warehouse must, without unnecessary delay, deliver any agricultural commodities or farm products stored therein upon demand by the holder of a warehouse receipt or scale ticket marked for storage upon the following conditions:

1. Full payment of all amounts owed to the warehouse
2. Surrender of the warehouse receipt, if negotiable, for cancellation

#### 17.6 Cancellation of warehouse receipt

- A. When commodities or farm products are removed from storage, the warehouse must promptly and plainly cancel the warehouse receipt covering such commodities or farm products.
- B. The warehouse shall retain both the green and the yellow copies of cancelled warehouse receipts in numerical order in the warehouse records for a period of at least three years after date of cancellation.
- C. No warehouse receipt shall be cancelled unless (1) the commodities have been removed from storage, by sale or otherwise; or (2) a new warehouse receipt has been issued to replace a lost or destroyed warehouse receipt, as provided under Rule 17.4.

#### 17.7 Warehouse receipt on company-owned commodities

A warehouse may issue and hold a warehouse receipt for commodities which are company-owned, in whole or in part, and stored in the warehouse, provided that such warehouse receipts are subject to all requirements of these regulations.

#### 17.8 Non-negotiable warehouse receipts

- A. Each person to whom a non-negotiable warehouse receipt is issued shall furnish the warehouse with a written statement naming persons having power to authorize delivery of the commodity covered by the non-negotiable warehouse receipt, together with a bona fide signature of such person. The warehouse shall not release the commodity except to persons so authorized by the owner of the commodities or farm products.
- B. The warehouse may release a portion of the commodities or farm products covered by a non-negotiable warehouse receipt, upon presentation of authorization as above required, but may not release all of the commodities covered by a non-negotiable warehouse receipt until such time as the non-negotiable warehouse receipt is returned and cancelled.

#### 17.9 Cessation of business

Whenever any warehouse ceases to operate as a licensed warehouse, for any reason, the warehouse must satisfy all outstanding obligations to producers and all outstanding warehouse receipts must be cancelled. The requirement for cancellation does not, however, apply when the warehouse is unable, for any reason, to satisfy obligations to producers.

#### 17.10 Other applicable laws

In any circumstances surrounding the issuance of warehouse receipts which are not covered by this Rule or the Act, the provisions of Chapter 7 of Title 10 of the Louisiana Revised Statutes of 1950 shall control.

## Grading; Out-of-Condition Commodities

### 18.0 Official grades

All agricultural commodities shall be graded in accordance with official USDA grading standards.

### 19.0 Out-of-condition commodities

19.1 If a warehouse operator has reason to believe that any identity-preserved commodities are out-of-condition, or are becoming out-of-condition, he shall give immediate notice of such fact to the Director of the Commission and to the owner of the commodities.

19.2 The Director shall immediately send a representative to the warehouse to determine whether out-of-condition commodities should be cleaned, at the cost of the warehouse, or disposed of as the law permits and the circumstances require.

19.3 The storer of such commodities shall notify the warehouseman, within 24 hours after receipt of notice, of the disposition to be made of such commodities. If the storer of the commodities fails to make such notice to the warehouseman, the warehouseman may dispose of the commodities as authorized by the Commission.

## Records and Reports

### 20.0 Contracts required to be in written form

All contracts, other than contracts for spot sale, in which title shall pass shall be evidenced in writing and maintained in the permanent records of the grain dealer or warehouse. Such contracts shall be available for examination by the Commission.

### 21.0 Records required to be maintained

21.1 Each grain dealer and warehouse shall maintain the following records, when applicable to the commodity stored or traded, on a current basis in the company's principal office in this state at all times:

- A. Current financial statement
- B. Bank statements
- C. Bank reconciliations
- D. Broker's statements
- E. Current listing of unpriced commodities
- F. Sequential record of all scale tickets
- G. Sequential record of all warehouse receipts
- H. Daily position report
- I. Settlement or distribution sheets
- J. Weight sheets
- K. Perpetual inventory record
- L. Insurance file, including copies of monthly reports to the carrier
- M. Record of all assessments collected and remitted
- N. Copies of all outstanding contracts
- O. Copies of all outstanding notes and mortgages affecting the business

## 22.0 Reports required

- 22.1 Each grain dealer and warehouse shall file a report of assessments collected from producers, on the form provided by the Commission, and remit such assessments to the Commissioner no later than the 15th day of each month. The assessment report must be filed each month whether or not any assessments were collected during the month.
- 22.2 No later than the 15th day of each month, each grain dealer shall file a copy of his daily position report for the preceding month and each warehouse shall file a copy of his daily inventory report for the preceding month with the Commission.
  - A. The reports shall be filed on forms provided by the Commission.
  - B. The Commission may accept computer print-outs containing the same information as required by the Commission's form.
  - C. The Commission may accept any report in substantially the same form which is prepared as a result of any Federal requirement in lieu of the report on the Commission's form.
- 22.3 Subsequent to initial licensure under the Act, each grain dealer and each warehouse shall file a financial statement, containing all of the information required under Rule 4.2 hereof, no later than ninety (90) days after the last day of the warehouse's or grain dealer's fiscal year.
- 22.4 Each grain dealer and each warehouse shall file such unaudited financial statements as and when required by the Commission.

## Access Requirements

### 23.0 Access Requirements

- 23.1 Each licensee shall permit any officer or authorized representative of the Commission or the Commissioner to enter all locations listed on the application for license and inspect, examine, and/or audit all contents, facilities, equipment, records, books, and accounts relating thereto at any time during normal working hours, with or without notice.
- 23.2 The warehouseman or grain dealer shall provide the necessary assistance required for any inspection, examination, and/or audit made in accordance with the Act.
- 23.3 Each warehouse and all grain dealers having physical custody of commodities shall permit any authorized representative of the Commission or the Commissioner to sample commodities at any time during normal business hours.



## Posting Requirements

### 24.0 Posting requirements

- 24.1 Each licensee shall post the original of his license issued by the Commission in a conspicuous location at his principal place of business. A copy of the license shall be posed at all other locations covered by the license.
- 24.2 Each warehouse shall post, so that it is clearly visible at the main entrance to the facilities, a sign showing that it is a bonded warehouse licensed by the Commission. When only a portion of the facilities is licensed by the Commission, that portion licensed by the Commission must be clearly marked.
- 24.3 The warehouse schedule of tariffs or charges must be posted in a conspicuous location at the facilities.
- 24.4 Grain dealers who are not licensed by the Commission or under the U. A. Warehouse Act must post a sign reading as follows: "This facility is not licensed to store agricultural commodities for producers. Title must pass from the producer upon delivery."

### Suspension/Revocation of License; Other Penalties

### 25.0 Adjudication required prior to suspension/revocation of license or imposition of other penalties; amount of penalties; surrender of license

- 25.1 Whenever the Chairman has any reason to believe that a violation of the Act or these regulations has occurred, he shall call a meeting of the Commission for the purpose of conducting an adjudicatory hearing to make a determination with respect to the suspected violation.
- 25.2 Upon any directive of the Chairman, the Director shall give written notice to the person suspected of the violation, such notice to comply with the requirements of the Administrative Procedure Act, at least five days prior to the date set for such adjudicatory hearing.
- 25.3 At any such adjudicatory hearing, the person suspected of a violation of the Act or these regulations shall be accorded all of the rights set forth in the Administrative Procedure Act.
- 25.4 The Commission may suspend or revoke a license for any of the grounds set forth in Rule 5.0 hereof, or any other violation of the Act or these regulations, whenever proof thereof is made at any adjudicatory proceeding noticed and conducted as required by the Administrative Procedure Act.
- 25.5 Whenever the Commission makes a determination at an adjudicatory hearing that any violation of the Act or these regulations has occurred, the Commission may:
  - A. Suspend or revoke the license
  - B. Impose a monetary fine

- 25.6 Any suspension of a license shall be for a definite period of time and the licensee shall be informed in writing of the period of suspension.
- 25.7 The Commission may impose a penalty of up to \$1,000 for each violation of the Act or these regulations which is proven in an adjudicatory hearing.
- 25.8 Each separate day on which a violation occurs shall be considered a separate violation.
- 25.9 Whenever the Commission suspends or revokes a warehouse or grain dealer license, the former licensee must immediately surrender the original and all copies of the license.
- 25.10 No person whose license has been suspended or revoked may engage in any of the activities regulated under the Act.
- 25.11 Any licensee may appeal any action taken by the Commission to suspend/revoke a license or impose a monetary penalty by (A) applying for a re-hearing under the procedures provided in the Administrative Procedure Act, or (B) applying for judicial review of the Commission's determination, under either the Administrative Procedure Act or other applicable laws.

#### Schedule of Inspections; Voluntary Inspection Service

##### 26.0 Inspection of physical facilities and contents; schedule

A complete inspection of the physical facilities and the contents thereof shall be made of each licensee at least once during each license period, but may be made more frequently. Such inspection of facilities and contents may or may not be made in conjunction with an audit of the licensee's books and records.

##### 27.0 Voluntary inspection service

- 27.1 Warehouses which require more frequent inspection and verification of contents, for whatever reason, may secure such services by making application therefor to the Commission.
- 27.2 Voluntary inspection of facilities and contents, and verification thereof, on a schedule which shall be mutually agreed upon between the warehouse applying for voluntary inspection services and the Commissioner, shall be made for a fee of \$.005 per cwt for commodities normally weighed by hundredweight, \$.003 per bushel (or barrel weight converted to bushels as provided by Rule 14.4) for commodities normally weighed by bushel, or such other fee as may be promulgated by the Commission as an assessment fee on other agricultural commodities or farm products.
- 27.3 The fee for voluntary inspection services shall be due and payable within 15 days after each inspection is completed.

27.4 The total fee for each voluntary inspection of facilities and contents shall be determined by multiplying the total amount of commodities under warehouse receipt at the time of voluntary inspection services times the fee set forth in Rule 27.2 above.

27.5 The minimum inspection fee applicable to voluntary inspection services, when performed for any licensee of the Commission, shall be \$100.00.

#### Exemptions

#### 28.0 Exemptions

These Rules and Regulations shall not apply to the following:

- A. Cold storage facilities
- B. Facilities which store only commodities which are imported from outside the boundaries of the continental United States
- C. The Cotton Classification Service conducted by the New Orleans Cotton Exchange.
- D. Seed dealers licensed under R. S. 3:1431, et seq., who store seed for producers, which is identifiable on the bag and in the seed dealer's records as to the owner thereof, but who do not engage in any other activities regulated under the Act. This exemption does not apply to seed dealers who issue warehouse receipts.

\* \* \* \* \*

#### NOTE FOR INFORMATIONAL PURPOSES ONLY

Act 563 of 1982 also provides for the following criminal penalties, upon conviction:

1. R.S. 14:123, referenced in R.S. 3:3408 A (7), provides that persons found guilty of perjury may be: (a) imprisoned at hard labor for not more than ten years when convicted of a felony, or (b) in all other cases, fined not more than \$1,000 or imprisoned for five years, or both fined and imprisoned.
2. R.S. 3:3424 A provides that conviction of any of several listed acts which are mishandling of agricultural commodities in storage will subject the warehouseman to: (a) a fine of not more than \$10,000, (b) imprisonment for not more than 10 years, or (c) both fine and imprisonment. This statement defines the commission of any of the listed acts as "presumptive evidence" of the warehouseman's criminal intent, so the burden of proving the absence of criminal intent is entirely upon the accused warehouseman.
3. R.S. 3:3424 B provides that any grain dealer who maintains a risk position in excess of 30% of his net worth shall, upon conviction, be subject to: (a) a fine of not more than \$10,000, (b) imprisonment for not more than 10 years, or (c) both fine and imprisonment.

Bob Odom  
Commissioner

## RULE

### Department of State Civil Service Board of Ethics for Elected Officials

The Board of Ethics for Elected Officials, in the Department of State Civil Service, has adopted the campaign finance disclosure forms and explanatory booklet. Copies of these forms and booklet may be obtained at the Board of Ethics for Elected Officials, 2133 Silverside, Suite E, Baton Rouge, LA 70808; at the State Register Office, P.O. Box 44095, Baton Rouge, LA 70804; or at any Clerk of Court's Office in each parish of the state.

R. Gray Sexton  
Executive Secretary

## RULE

### Department of Commerce Office of Financial Institutions

Under authority granted by LRS 6:237(B), the Commissioner of Financial Institutions has adopted the following Rule for the purpose of providing a means by which state-chartered banks may have authority to invest in bankers' acceptances comparable with that granted National banks under Title 12 of the United States Code, Sections 84(5), 372, and 373, and Comptroller of the Currency's Interpretative Ruling 7.1550.

#### Bankers' Acceptances

A state bank may participate in total eligible bankers' acceptances to any one bank in an amount not to exceed 200 per centum of the paid-up and unimpaired capital stock and surplus of the purchasing bank. Eligible acceptances shall be those defined in Title 12 of the United States Code, Sections 372 and 373. A state bank may participate in total ineligible bankers' acceptances subject to the legal loan limits prescribed by LSA-RS 6:259.

Hunter O. Wagner, Jr.  
Commissioner

## RULES

### Department of Commerce Real Estate Commission

The Louisiana Real Estate Commission, in accordance with the authority granted to it by R.S. 37:1431, et seq., and pursuant to the Administrative Procedure Act, R.S. 49:950, et seq., adopted the following regulations at a public hearing on March 9, 1983. The commission voted that the regulations would go into effect on the sixtieth day following adjournment of the 1983 Regular Session of the Louisiana Legislature.

#### REVISED REGULATIONS

(LAC 11-15:1 is retained in its current form)

LAC 11-15:2 Applications for Initial Licenses

Section 2.1 Every applicant for an initial real estate broker's or salesman's license must meet the following requirements before his application will be processed by the commission.

2.2 Every application must be fully completed, notarized and accompanied by the prescribed fees, including initial licensing, examination, recovery fund and education fund fees. All fees must be paid by way of a certified check, cashier's check, or money

order made payable to the Louisiana Real Estate Commission. In addition, every initial application for a salesman's license must be signed by a licensed broker who will serve as the applicant's sponsoring broker.

2.3 Every application must be received by the commission not less than 30 days prior to the date of the scheduled license examination which the applicant seeks to take. Applications received after that date will be processed for the following scheduled examination. The responsibility for timely submission of initial applications rests solely with each individual applicant.

2.4 Every applicant for an initial broker's license shall submit the following to the commission:

a. A current credit report obtained from a recognized credit reporting agency;

b. A properly executed and notarized escrow account affidavit, if required pursuant to Section 15 of these regulations and after the applicant has passed his broker's examination;

c. Satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency;

d. A certificate of completion from a real estate school holding a certificate of authority from the commission, or a copy of the applicant's university or college transcript indicating the title and number of the real estate related courses the applicant has completed, or evidence that the applicant is a holder in good standing of a broker's license in another state having educational requirements equal to or greater than those required by R.S. 37:1437 of an equivalent licensee in this state;

e. A completed testing service registration form provided to the applicant by the commission; and

f. A letter or acknowledgement executed by the applicant's sponsoring broker if required pursuant to Section 11 of these regulations.

2.5 Every applicant for an initial salesman's license shall submit the following to the commission:

a. Satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency;

b. A certificate of completion from a real estate school holding a certificate of authority from the commission, or a copy of the applicant's university or college transcript showing completion of real estate related courses, or evidence that the applicant is a holder in good standing of a salesman's license in another state having educational requirements equal to or greater than those required by R.S. 37:1437 of an equivalent licensee in this state; and

c. A completed testing service registration form provided to the applicant by the commission.

2.6 Satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency may be established by the original or a copy of the applicant's high school diploma, the applicant's university or college diploma, the applicant's certificate of high school equivalency, or, if none of the above is available, by an affidavit stating the date and place of the applicant's high school graduation or the granting of the applicant's certificate of high school equivalency.

2.7 Upon complying with the above requirements, an applicant shall be issued an admittance ticket by the testing service approximately 10 days before the date of the examination. The admittance ticket will specify the date, place and time of the examination for which admittance is authorized. If an applicant has not received such an admittance ticket at least one week prior to the examination, he should telephone the testing service at the number shown in his registration form. An applicant must present his admittance ticket and photographic evidence of the applicant's identity (e.g. driver's license, I.D. card) before he may take the examination.

### LAC 11-15:3 Examinations

Section 3.1 Examinations shall be administered, after due notice thereof, only at the examination center, on the date, and at the time previously designated by the commission.

3.2 An examination may be taken only at the place, on the date and at the time specified in the applicant's admittance ticket.

3.3 An admittance ticket and photographic evidence of the applicant's identity (e.g. driver's license) shall be presented to the examination monitor by the applicant before an examination will be administered.

3.4 Any applicant who fails to appear for an examination, as specified in his admittance ticket, shall forfeit all fees. He may reapply to take a subsequent examination, provided that he again remits all prescribed fees and obtains a new admittance ticket to take the subsequent examination. The commission, at its discretion, may waive the second payment of such fees if it is demonstrated that factors beyond the control of the applicant prevented his appearance at his initially scheduled examination.

3.5 Any applicant who is disqualified, for any reason, on an examination shall forfeit all fees. He may reapply to take a subsequent examination, provided that he again remits all prescribed fees and obtains a new admittance ticket to take the subsequent examination.

3.6 Any applicant who takes and fails to pass his initial examination shall forfeit all examination fees. He may reapply to take a subsequent examination, provided that he remits a new examination fee within 90 days of his last test date and obtains a new admittance ticket to take the subsequent examination. After 90 days, the commission's files shall be cleared and remittance of all prescribed fees and a new application shall be required. The commission, at its discretion, may extend the 90 day retake period upon a showing that factors beyond the control of the applicant warrants such an extension.

3.7 Any applicant who takes an examination and passes either only the uniform portion or only the state portion shall be required to retake only that portion he failed to pass. He may reapply to take that portion at a subsequent examination, provided that he remits a new examination fee within 90 days of his last test date and obtains a new admittance ticket to take the subsequent examination. After 90 days, the commission's files shall be cleared and remittance of all prescribed fees and a new application shall be required. The commission, at its discretion, may extend the 90 day retake period upon a showing that factors beyond the control of the applicant warrants such an extension.

3.8 Any applicant for a real estate salesman's license who was previously licensed in his then state of residence as a real estate broker or salesman shall be required to take and pass only the Louisiana portion of an examination, provided he previously passed, within five years of applying for licensing in Louisiana, the uniform portion of a comparable broker's or salesman's examination administered by a national testing service approved by the commission.

3.9 Applicants may use non-programmable silent non-printing calculating devices during examinations. Applicants may not have in their possession or utilize any reference material during examinations. Any applicant having in his possession or utilizing any reference material during an examination shall be immediately disqualified and asked to leave the examination center.

### LAC 11-15:4 Fees

Section 4.1 All fees are forfeited to the commission when received except as provided in other applicable Rules.

4.2 License fees shall cover a period of two calendar years and shall not be prorated.

4.3 All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission.

### LAC 11-15:5 Renewal Applications

Section 5.1 The failure to timely renew a broker's or salesman's license shall result in the automatic suspension of the license as provided in R.S. 37:1442. The responsibility for timely submission of renewal applications accompanied by the appropriate fees rests solely with each individual licensee. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission.

5.2 The suspension of the license of a sponsoring broker for non-renewal shall result in the automatic suspension effective January 1 of the ensuing license period of the real estate licenses of each associate broker or salesman sponsored by that broker until such time as the sponsoring broker renews his license, the associate broker assumes an unaffiliated status, or the associate broker's or salesman's license is transferred to a new sponsoring broker.

5.3 A salesman's or associate broker's renewal application must be signed by his sponsoring broker.

### LAC 11-15:6 Delinquent Renewal

Section 6.1 An application for delinquent renewal of a broker's or salesman's license shall be accepted by the commission only during the two calendar year license period immediately following the last date on which the applicant held a valid license. Every such application must be accompanied by an affidavit explaining the reason(s) for the delinquency and by a delinquent renewal fee. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission.

6.2 Former licensees who are not eligible for renewal because of delay beyond the two year delinquent renewal period shall apply as and meet all requirements of initial applicants; however, no applicant shall be subject to continuing education requirements who is exempted pursuant to R.S. 37:1437C(5).

### LAC 11-15:7 Waivers

Section 7.1 The commission shall not waive any examination required of any applicant by law. The commission shall not waive any educational requirement required of an applicant by law except as hereinafter provided.

7.2 The commission may waive 50 classroom hours of the educational requirements required of a broker if the applicant has been actively engaged in the real estate business in Louisiana as a licensed salesman for at least five consecutive years immediately preceding the date of his application.

7.3 The commission may waive 100 classroom hours of the educational requirements required of a broker if the applicant has actively been engaged in the real estate business in Louisiana as a licensed salesman for at least 10 consecutive years immediately preceding the date of his application.

7.4 The commission may waive 50 classroom hours of the educational requirements required of a broker if the applicant has been actively engaged in the real estate business in a state other than Louisiana as a licensed salesman for at least five consecutive years immediately preceding the date of his application.

7.5 The commission may waive 100 classroom hours of the educational requirements required of a broker if the applicant has been actively engaged in the real estate business in a state other than Louisiana as a licensed broker for at least five consecutive years immediately preceding the date of his application.

7.6 The commission may waive 100 classroom hours of the educational requirements required of a broker if the applicant has been actively engaged in the real estate business in a state other than Louisiana as a licensed salesman for at least ten consecutive years immediately preceding the date of his application.

7.7 The commission may waive 100 classroom hours of the educational requirements required of a broker if the applicant has been actively engaged in the real estate business in a state

other than Louisiana as a licensed salesman for at least three years and thereafter as a licensed broker for at least two years immediately preceding the date of his application.

7.8 The Commission may waive all educational requirements where the applicant for a broker's license is the holder in good standing of an equivalent license in another state having educational requirements equal to or greater than those required by R.S. 37:1437 of an equivalent licensee in this state.

7.9 The Commission may waive all educational requirements where the applicant for a salesman's license is the holder in good standing of an equivalent license in another state having educational requirements equal to or greater than those required by R.S. 37:1437 of an equivalent licensee in this state. No other educational requirement waivers shall be granted for the classroom hours required of salesman applicants.

7.10 All educational requirement waivers granted by the commission are contingent upon the applicant's passage at his first testing of both the Louisiana and uniform portions of the broker's examination where applicable.

#### LAC 11-15:8 Broker Affiliation

Section 8.1 Any broker may become exclusively affiliated as an associate broker with a sponsoring broker provided that all requirements of his individual broker's license are maintained.

8.2 Any broker-applicant who elects, if and when he is licensed, to become exclusively affiliated with a sponsoring broker, whether that sponsoring broker is an individual, corporation or partnership, shall notify the commission when he submits his application. If and when the broker-applicant is licensed, the commission shall inscribe the name of the sponsoring broker on the license and issue it to the sponsoring broker.

8.3 Any presently licensed non-affiliated broker who elects to become exclusively affiliated with a sponsoring broker, shall notify the commission prior to beginning such a relationship and indicate the effective date thereof. The notification required by this Section shall be accompanied by delivery of the individual's broker's license to the commission along with a transfer fee of \$25. All fees must be paid by way of a certified check, cashier's check, or money order made payable to the Louisiana Real Estate Commission. The commission shall inscribe the name of the sponsoring broker on the license and immediately return the same to the sponsoring broker.

8.4 Any broker who is exclusively affiliated with a sponsoring broker is prohibited from maintaining an escrow account or rental trust account as otherwise required by the law or Rules of the commission. All money which would normally be deposited into the escrow account or rental trust account of such an exclusively affiliated broker shall be deposited into the escrow account or rental trust account of the sponsoring broker.

#### LAC 11-15:9 Salesman and Associated Broker Transfers and

#### Terminations

Section 9.1 Any associate broker or salesman who elects to transfer his license from one sponsoring broker to another and any associate broker who wishes to terminate his relationship with a sponsoring broker and assume an unaffiliated status shall notify his present sponsoring broker in writing by certified mail of the intended action and request that the sponsoring broker return the license to the commission within five days in accordance with the requirements specified in R.S. 37:1441.

9.2 A copy of that notification along with a transfer fee of \$25 and the acknowledgement of the new sponsoring broker, where there is to be a new sponsoring broker, shall be immediately forwarded to the commission by the transferring associate broker or salesman. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission. No transfer fee shall be charged in any

situation specified in Sub-section 9.10 of these regulations. The associate broker or salesman shall also comply with all the termination responsibilities as set forth in Section 10 of these regulations.

9.3 Within five days of receiving notification of the associate broker's or salesman's desire to transfer or terminate, the present sponsoring broker shall return the associate broker's or salesman's license to the commission by hand delivery or by certified mail and acknowledge the transfer.

9.4 The failure of a sponsoring broker to promptly return to the commission the license of an associate broker or salesman who has notified the sponsoring broker of his intention and desire to transfer shall subject such sponsoring broker to suspension or revocation of his license.

9.5 Any sponsoring broker who wishes to terminate his sponsorship of an associate broker or salesman shall immediately notify the associate broker or salesman in writing and forward to the commission by hand delivery or by certified mail a signed copy of the notification along with the associate broker's or salesman's license.

9.6 Any associate broker who has been terminated by his sponsoring broker and who elects to become exclusively affiliated with another sponsoring broker shall notify the commission in writing and enclose with that notification a \$25 transfer fee. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission. No transfer fee shall be charged in any situation specified in Sub-section 9.10 of these regulations. The commission shall reissue the associate broker's license inscribing thereon the name of the new sponsoring broker.

9.7 Any associate broker who has been terminated by his sponsoring broker and who elects to resume doing business without becoming affiliated with a new sponsoring broker shall notify the commission in writing and enclose with that notification a \$25 transfer fee and comply with the escrow accounts provisions of Section 15 of these regulations. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission.

No transfer fee shall be charged in any situation specified in Sub-section 9.10 of these regulations.

9.8 Any salesman who has been terminated by his sponsoring broker shall notify the commission as to the identity of his new sponsoring broker and enclose along with that notification the acknowledgement of the new sponsoring broker and a transfer fee of \$25. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission. The commission shall reissue the salesman's license inscribing thereon the name of the new sponsoring broker.

9.9 A transfer to a new sponsoring broker or a transfer to a unaffiliated broker status is effective upon the date the licensee receives notification from the commission that all transfer requirements have been met.

9.10 No transfer fee shall be charged to an associate broker or salesman who transfers in any one of the following situations:

- a. When his sponsoring broker has died;
- b. When his sponsoring broker has failed to renew his license;
- c. When his sponsoring broker's license has been suspended or revoked; or
- d. When his sponsoring broker has chosen to go out of business.

#### LAC 11-15:10 Termination Responsibilities

Section 10.1 Upon termination of a business relationship with a sponsoring broker, every salesman or associate broker shall immediately turn over to the former sponsoring broker all listing information, contracts, keys, and other property and pertinent

information or data obtained during said business relationship, whether such information was originally given by, or copied from the records of the sponsoring broker, or otherwise acquired by the salesman or associate broker during the business relationship with said sponsoring broker. Compliance with this Rule is required before a license will be transferred.

10.2 A salesman or associate broker who has terminated a business relationship with his sponsoring broker shall not engage in any practice or conduct, directly or indirectly, which encourages, entices, or induces clients of the sponsoring broker to terminate any legal business relationship with said sponsoring broker.

10.3 Any sponsoring broker who alleges the failure to comply with provisions of Sub-section 10.1 or 10.2 by a formerly sponsored salesman or associate broker shall submit a documented report of the alleged failures to the commission within 10 days of the termination of the business relationship with the salesman or associate broker. If the commission has not received such a report within the 10 day period alleging a failure to comply with the provisions of Sub-section 10.1 and 10.2, it shall proceed to process any transfer application of the formerly sponsored salesman or associate broker.

#### LAC 11-15:11 Broker Application Acknowledgement

Section 11.1 Any salesman who applies for a broker's license shall submit written notification of his application to this sponsoring broker by certified mail and forward a copy of that notification to the commission.

11.2 Every sponsoring broker who receives such a notification shall within 10 days submit written acknowledgement of that notification to the commission. Failure of the sponsoring broker to so acknowledge shall be cause for suspension or revocation of his license.

11.3 No application for a broker's license shall be processed until the commission has received the written acknowledgement from the applicant's sponsoring broker.

(LAC 11-15:12 and LAC 11-15:13 are retained in their current form)

#### LAC 11-15:14 Advertising

Section 14.1 All advertising by any real estate broker, printed or otherwise, must contain the name of the advertising broker in the exact form shown on the broker's license. All printed advertising must contain the telephone number of the advertising broker. No advertising shall be made by telephone number alone.

14.2 No broker shall advertise any property in any way without the written authorization of the owner of that property.

14.3 All advertising by any real estate broker shall be a clear, concise, true and up-to-date representation of the property advertised.

14.4 The names and telephone numbers of salesmen or associate brokers or both may appear in the advertising of a sponsoring broker; however, they must be displayed in a manner distinctively subordinate to that of the sponsoring broker. No salesman may advertise in his own name except as "agent/owner".

14.5 A licensed broker or salesman offering for sale property in which he owns an interest of offering to purchase property for his own interest shall state in any advertisement that he is a licensed real estate agent. The term "agent/owner" shall be sufficient to satisfy this requirement.

14.6 No real estate broker shall offer or advertise to the public any "free appraisal" service unless said broker is fully qualified and certified in the field of real estate appraisal by a competent authority.

14.7 Any broker affiliated with a franchise organization must include both the franchise name and his own name in any advertising.

#### LAC 11-15:15 Escrow Accounts

Section 15.1 In order to be licensed as a real estate broker, each applicant, except an exclusively affiliated broker-applicant, shall open an escrow account in a bank in the parish in which his main office is located and submit to the commission an affidavit attesting to the existence, location and account number of the account. Except as otherwise provided below, all money received by the broker in trust on behalf of clients shall be deposited into this account.

15.2 Each broker engaged in the collection of rental payments or rental deposits in trust on behalf of clients shall open and maintain a separate rental trust account in the parish in which his main office is located. Except as otherwise provided below, all money collected as rental payments or rental deposits in trust on behalf of clients shall be deposited into his account.

15.3 If a broker opens a branch office in a parish other than the parish in which his main is located, the broker may open an additional escrow account or an additional rental trust account or both in the parish in which the branch office is located into which he shall deposit all monies received in trust on behalf of his clients through that branch office.

15.4 Where the interests of the principal parties to a particular transaction or series of transactions would be served thereby and with the prior written consent of the principal parties, a broker may open an additional escrow account or rental trust account in any parish and deposit therein all money received in trust on behalf of those parties pursuant to that transaction or series of transactions.

15.5 Every escrow or rental trust account opened by a broker shall be opened as a non-interest bearing checking account unless all parties having an interest in the funds to be deposited therein have agreed otherwise in writing.

15.6 Monies received in trust on behalf of clients are not assets of the broker and shall not be commingled with personal or business funds of the broker; however, a broker may deposit and keep a sum not to exceed a sum of \$100 in each escrow account or rental trust account from his personal funds, which sum shall be specifically identified and deposited to cover bank service charges related to each account.

15.7 Each applicant for a broker's license shall execute an affidavit authorizing and empowering the commission or its representatives to examine, inspect, and/or copy his escrow accounts and rental trust accounts.

15.8 Every broker shall execute and submit to the commission a separate affidavit upon opening any new escrow account or rental trust account. All such affidavits must be submitted and received by the commission within 10 days following the opening of any such account. Each affidavit shall attest to the existence, type, location and account number of the account.

15.9 No monies received and deposited into an escrow account or rental trust account shall be withdrawn for any purpose except upon mutual written consent of all parties having an interest in the funds to be transferred, upon commission order, or upon court order.

15.10 Any money received as a deposit on a real estate transaction shall be deposited into the escrow account of the listing broker.

15.11 No escrow account or rental trust account may be closed until such time as all deposits therein have been properly disbursed according to law. Every broker shall notify the commission of his intention to close an escrow account or rental trust account at least 10 days prior to the intended closing date.

15.12 Upon revocation, suspension or lapse of his license for any reason or upon bankruptcy a broker shall nevertheless continue and maintain his escrow accounts and rental trust

accounts until such time as all deposits therein have been properly disbursed according to law.

15.13 Every corporation or partnership which applies for a broker's license or to which a broker's license has been issued shall maintain its own escrow and rental trust accounts and otherwise comply with the provisions of this Rule. The funds which are required to be deposited into the corporation's or partnership's own escrow or rental trust accounts may not be deposited into the accounts or commingled with the funds of any other corporation, partnership or individual.

#### LAC 11-15:16 Change of Address

Section 16.1 Every licensee shall report any change in his business or residence address or telephone number to the commission within 10 days of the change. Failure to so report shall subject the licensee to suspension or revocation of his license.

#### LAC 11-15:18 Licensee Ownership Disclosure

Section 18.1 A real estate licensee shall not acquire an interest in or buy for himself, his firm or any member thereof, or any corporation in which he has an interest, properties listed with him, or his company or firm without making his true position known in writing to the owner prior to entering into the sales contract.

#### LAC 11-15:21 Payment to Nonlicensees

Section 21.1 Real estate licensees, in accordance with the provisions of R.S. 37:1455, shall not offer or pay a fee or any other compensation of any kind to any unlicensed person for the purposes of obtaining any listings, sales, or other real estate transactions.

#### LAC 11-15:22 Report of Legal Actions

Section 22.1 Every real estate licensee shall notify the commission in writing of any final civil court judgement against him by a court of competent jurisdiction if the subject matter involves any real estate transaction to which he was a party. The notification shall be made to the commission within 10 days of the notice of final judgement by the court and shall be sent to the commission by registered or certified mail.

22.2 Every real estate licensee shall notify the commission in writing of the institution of any criminal prosecution against him if the subject matter involves any real estate transaction to which he was a party. The notification shall be made to the commission within 10 days of the institution of the prosecution and shall be sent to the commission by registered or certified mail.

22.3 Every real estate licensee shall notify the commission in writing of any conviction of him of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, theft, any other felony or any other crime involving moral turpitude. The notification shall be made to the commission within 10 days of the conviction and shall be sent to the commission by registered or certified mail.

22.4 Every real estate licensee shall notify the commission in writing of the institution of any proceedings under the Federal Bankruptcy Act in which such licensee is named as debtor, whether classified as voluntary, involuntary, individual, corporate, or partnership, or which is in any way connected with the licensee's real estate business activities. The notification shall be made to the commission within 10 days of the institution of the bankruptcy proceeding and shall be sent to the commission by registered or certified mail.

#### LAC 11-15:23 Broker Records

Section 23.1 Every broker shall retain, for at least five years, readily available and properly indexed, copies of all documents which in any way pertain to real estate transactions in which he has acted as a broker.

(LAC 11-15:24 is retained in its current form)

#### LAC 11-15:25 Investigations and Hearings

Section 25.1 Every licensee shall cooperate fully with and answer all questions propounded by commission personnel conducting investigations pursuant to complaints filed with the commission or on motion of the commission.

25.2 The commission may suspend or revoke the license of any licensee who fails to comply with the requirements of Subsection 25.1.

25.3 All investigations and hearings shall be held pursuant to and under the auspices of R.S. 37:1456 and Chapter 13 of Title 49 of the Louisiana Revised Statutes.

(LAC 11-15:26 is retained in its current form)

#### LAC 11-15:27 Interstate Land Sales

Section 27.1 Unless registered in Louisiana as hereinafter specified, no person, partnership, or corporation shall sell or offer for sale in Louisiana any out-of-state real estate in a subdivision which is subject to the Federal Interstate Land Sales Full Disclosure Act.

27.2 Prior to the time when subject real estate is offered for sale, such person, partnership, or corporation shall make application to the Commission for registration in this state. Applications for registration shall contain the following information and supporting documents:

- a. Name, address, and whether the applicant is a person, partnership, or corporation.
- b. Partnership: the names and addresses of the individual members thereof.
- c. Corporation: names and addresses of officers and members of board of directors and places of incorporation.
- d. Legal description of the real estate offered for sale, including area maps and recorded plats.
- e. Name and address of legal owner of the subject real estate.
- f. A certified, audited financial statement disclosing the current financial condition of the developer.
- g. A statement of title to the property including all encumbrances with recording data on the day of application.
- h. Copies of the instruments by which the property was acquired and documentary evidence stating whether mortgagee or trustee of a deed of trust will or will not subordinate his interest in the real estate to the interest of a purchaser.
- i. A zoning or other governmental regulations statement disclosing whether or not such regulations have been satisfied.
- j. A copy of an offering statement which sets forth the material facts with respect to the subject real estate.

27.3 After receiving the application, the Commission may require such additional information deemed necessary.

27.4 The Commission shall require a personal inspection of the property by a person(s) designated by it to determine whether, in general, the property can be utilized as indicated by the subdivider. All such inspections expenses incurred shall be borne by the applicant who shall deposit with the inspector in advance a sum sufficient to cover such expenses.

27.5 Applicants shall appoint the Louisiana Secretary of State to act as the applicant's agent for the service of all judicial process or legal notices directed to such applicant. Service upon the agent so designated shall be equivalent to personal service upon the applicant.

27.6 If the requirements set forth herein are met, the Commission shall register the subdivision for a period of one year. The subdivider shall renew each year by furnishing the Commission with all information as would modify or change the information previously submitted. Should the Commission deem that an additional inspection is necessary, the cost of making same shall be paid by the subdivider in the manner provided for initial registration.



27.7 Neither the subdivider nor any representative of the subdivider shall in any manner refer to the Commission or any member or employee thereof in selling, offering for sale, advertising, or otherwise promoting the sale, mortgage, or lease of such real estate, nor make any representation whatsoever that such real estate has been inspected, approved, endorsed or in any way recommended by the Commission or any Louisiana official, department, or employee.

(LAC 11-15:28, 29, 30 and 31 are retained in their current forms)  
LAC 11-15:32 Reciprocity

Section 32.1 The commission may enter into a reciprocal agreement with the appropriate authority of any other state to permit any resident of that other state who is licensed there as a real estate broker or salesman to obtain an equivalent Louisiana nonresident license and engage in the real estate business in Louisiana if that other state agrees to similarly grant a nonresident license to any Louisiana resident broker or salesman and permit him to engage in the real estate business in that other state.

32.2 Any person residing in and licensed as a real estate broker or salesman in a state whose appropriate authority has entered into a reciprocal agreement with the commission shall be granted an equivalent nonresident license by the commission upon applying and complying with the following requirements:

a. Providing the commission with sufficient proof of his licensing by his resident state;

b. Paying all fees prescribed for an equivalent Louisiana resident license;

c. Filing an irrevocable power of attorney with the Louisiana Secretary of State and providing the commission with a copy;

d. If a corporation, procuring a certificate of authority to do business in Louisiana from the Louisiana Secretary of State and providing the commission with a copy; and

e. If a partnership, procuring a certificate of registry as a foreign partnership from the Louisiana Secretary of State and providing the commission with a copy.

32.3 The nonresident licensee is bound, in all respects, by the provisions of the Louisiana Real Estate Licensing Law (R.S. 37:1431, et seq.) and these regulations.

(LAC 11-15:33 is retained in its current form)

LAC 11-15:34 Real Estate Schools

Section 34.1 The following regulations apply to real estate schools seeking approval to conduct a course of education in real estate subjects for pre-licensing requirements as prescribed under R.S. 37:1460.

34.2 A real estate school shall be defined as any place or institution granted a Certificate of Authority by the Louisiana Real Estate Commission which is open to the public for the instruction or training of individuals in preparation for licensing examinations. All real estate schools shall satisfy the requirements of R.S. 37:1459, 1460, 1437 and the regulations of the commission.

34.3 Education Division — The Louisiana Real Estate Commission does hereby create the Education Division which shall be responsible for school certification and other matters pertaining thereto, which Division shall administer on behalf of the Louisiana Real Estate Commission all regulations and laws pertaining to real estate schools in Louisiana.

LAC 11-15:34, 4-34.4,11 Certificate of Authority

34.4.1 No person shall operate a real estate school from which the Commission will accept a Certificate of Completion in satisfaction of pre-licensing requirements unless they comply with the requirements of the Commission and hold a Certificate of Authority in good standing issued by the Commission.

34.4.2 No certificate of Authority shall be issued to any broker applicant whose courses are designed and primarily intended for instruction of that same broker applicant's future sales-

men or broker affiliates.

34.4.3 Each application for a certificate of authority to operate a real estate school must be fully completed, notarized and be accompanied by the following items:

a. A financial statement of the person, partnership, corporation, or legal entity which is seeking the certificate of authority or the renewal of same;

b. Letters of reference from responsible persons with information relating to such person's integrity, character, and responsibility, including at least two letters from licensed Louisiana brokers;

c. A proposed student contract to be used by the school;

d. A surety bond as issued by an insurance company authorized to do business in this state, conditioned for the protection of the contractual rights of those real estate students attending such school and in the amount of \$10,000;

e. A certified copy of certificate of incorporation if the school is to be conducted in the name of a corporation, or a true copy of the certificate of trade name or articles of limited partnership as filed in the office of the parish clerk if the school is to be conducted under a trade name, whether a sole proprietorship, firm, partnership or limited partnership; and

f. An annual real estate school certificate fee of \$500.

34.4.4 Certificates of Authority issued or renewed under this Section shall be valid for a maximum of one year and shall expire on December 31 of each year. Each private commercial real estate school shall pay an annual certification fee of \$500. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission.

34.4.5 Applications for issuance or renewal of Certificates of Authority shall be submitted not later than October 30 of each year.

34.4.6 Failure to submit a timely application for renewal of a Certificate of Authority shall result in automatic expiration of the Certificate of Authority on December 31.

34.4.7 Any application for a Certificate of Authority which is received by the Commission subsequent to expiration shall be treated as an initial application.

34.4.8 Real estate schools shall not schedule courses which will extend beyond December 31 unless renewal of the Certificate of Authority has been applied for and approved by the Commission prior to the date that such courses are scheduled to begin.

34.4.9 The Commission shall issue a Certificate of Authority to operate a real estate school after a determination has been made by its Education Division that the applicant has met all requirements of certification.

34.4.10 All Louisiana state and private colleges and universities where a real estate course is given in a regular curriculum are exempt from filing and obtaining a Certificate of Authority. The commission reserves the right to require compliance with all requirements of this Section, except for the charging of fees, from those offered through Continuing Education Divisions in colleges and universities.

34.4.11 State vocational-technical schools or parish school boards which conduct courses in real estate for pre-licensing credit shall meet all requirements imposed on privately owned real estate schools except for fee requirements.

34.4.12 A school shall not apply to itself, either as part of its name or in any manner, the designation of "college" or "university" unless it in fact meets the standard and qualifications and is approved by the state agency having jurisdiction.

11-15:34.5 Instructor Certifications

34.5.1 No person shall act as an instructor at a real estate school and no real estate school shall hire or permit any person to act as an instructor in a real estate school unless that person has

obtained an Instructor's Certificate from the commission. The provisions of this Subsection do not extend to guest lecturers.

34.5.2 An applicant for an Instructor's Certificate to teach in certified Louisiana real estate schools shall file an application with the commission in such form as the commission may prescribe.

34.5.3 In order to qualify as a real estate instructor, an applicant must possess at least one of the following qualifications:

a. A Bachelor's degree with a major in real estate from an accredited college or university;

b. A Bachelor's degree from an accredited college or university and at least 2 years experience in real estate brokerage;

c. A Louisiana real estate broker's license and a minimum of five years experience in the area of proposed study;

d. A juris doctorate degree or the equivalent from an accredited law school and a minimum of three years experience in the area of the proposed study;

e. Two years experience as a qualified instructor or professor in the business, finance or economics department of an accredited college or university; or

f. Any other special qualifications which in the opinion of the commission constitutes the equivalent of one or any combination of the above.

34.5.4 The commission shall approve issuance of an Instructor's Certificate to an applicant after a determination has been made by its Education Division that the applicant meets the minimum requirements of certification.

34.5.5 Instructor Certificates issued under this Section shall be valid for a maximum of two years and shall expire on December 31 of the last year for which the certificate is granted.

34.5.6 Every application for renewal of an Instructor's Certificate must be submitted not later than October 30 of the year prior to which renewal is required.

34.5.7 Any application for renewal of an Instructor's Certificate which is received by the Commission after December 31 shall be treated as an initial application.

#### 11-15:34.6 School Facilities

34.6.1 Every school shall utilize facilities meeting the following standards.

34.6.1.1 The premises, equipment and facilities of the school shall comply with all local, city, parish and state regulations, such as fire codes, buildings and sanitation codes.

34.6.1.2 There shall be adequate space, seating, equipment, and instructional material to accommodate the number of students in attendance.

34.6.2 Facilities are subject to inspection by representatives of the commission prior to approval or subsequent thereto during regular school hours.

#### 11-15:34.7 School Records

34.7.1 Real estate schools shall maintain accurate records on enrolled students for 12 years and make those records available upon request of the commission or its representatives. Those records shall include but not be limited to the following:

a. Total classroom hours undertaken by each student;

b. Titles of courses taken by each student;

c. Dates of attendance at those courses by each student;

and

d. Test scores received in those courses by each student.

#### 11-15:34.8 Tuition and Fees

34.8.1 Each real estate school shall enter into a written contract with each of its students.

34.8.2 The tuition and fees at any real estate school shall be specifically set forth in each student's contract. The contract at any real estate school shall expressly state the school's policy regarding the return of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship.

34.8.3 The total amount of tuition to be charged by a school shall be specified separately in each student's contract. If additional fees are to be charged for supplies, materials or books needed in a course of work, they shall be itemized by the school and such supplies, materials or books shall become the property of the student upon payment.

#### 11-15:34.9 Course Reporting

34.9.1 Real estate schools shall be required to submit in a timely manner any information which may be requested by the Education Division of the commission. Such information shall include, but not necessarily be limited to course schedules, locations and information on students completing courses of study.

34.9.2 Failure to comply with the requirements of this Section may be grounds for immediate loss of school certification.

#### 11-15:34.10 Certificates of Completion

34.10.1 Each real estate school shall provide an individual Certificate of Completion to each student upon successful completion of a course of study. The certificate shall include the number of hours completed, date of completion and shall be signed by the Director of each real estate school.

34.10.2 Each classroom hour for which credit is sought toward a Certificate of Completion shall consist of no less than 50 minutes of instruction.

34.10.3 No Certificate of Completion shall be accepted from any real estate school that is not in good standing with the commission on the date of issuance.

34.10.4 Individuals who have completed courses for university or college credit which courses have been approved by the commission as being related to real estate and who desire to apply for a real estate license shall obtain a clear copy of their transcript from their university or college registrar indicating the title and number of the course(s), date of completion and final grade and submit same to the commission in lieu of the required Certificate of Completion.

34.10.5 Colleges and universities who do not enter on transcripts courses completed under their continuing education divisions shall provide students with Certificates of Completion upon successful completion of a course of study.

#### 11-15:34.11 Prohibition Against Recruiting

34.11.1 No person shall use, at any time, the premises of a real estate school to discuss sponsorship of potential licensees for any brokerage firm.

34.11.2 Any brokerage firm that knowingly allows any of its employees or representatives to utilize a real estate school premises to discuss salesmen or broker sponsorship with the student shall be subject to revocation or suspension of its license.

34.11.3 No brokerage firm may sponsor an associate broker or salesman who has been issued a Certificate of Completion by a real estate school owned or operated by any person owning any part of or operating the brokerage firm for at least a period of one year from the issuance of the Certificate of Completion.

34.11.4 No brokerage firm may operate a real estate school under the same legal entity as the brokerage firm.

34.11.5 No real estate school shall be operated in a facility that is also utilized for the operation of the brokerage firm.

#### 11-15:34.12 Change of Address

34.12.1 Any change of address of a school or its director must be reported to the Education Division within 10 days of the date of such change.

#### 11-15:34.13 School Advertising

34.13.1 Advertising by certified schools shall be clear, concise and accurate.

34.13.2 Any advertising with regard to charges shall reflect all charges a student will have to pay for the course of instruction.

34.13.3 All advertising shall state the name of the real

estate school as certified and the name of the director.

34.13.4 The Louisiana Real Estate Commission may require that a school furnish proof of any of its advertising claims. Retractions of unfounded advertising claims may be ordered by the commission. Such retractions shall be published in the same manner as the original claim and be paid for by the offending school. The failure to publish such a retraction when ordered by the commission shall be grounds for revocation of or refusal to renew the school's Certificate of Authority by the commission.

34.13.5 All advertisement by certified real estate schools shall contain in the following language: "Certified by the Louisiana Real Estate Commission."

34.13.6 Real estate school advertising shall not be combined with any advertisement of a real estate brokerage business or vice versa.

11-15:34.14 School Investigations and Hearings

34.14.1 The commission shall have the authority, on its own motion or following a complaint made to it, to investigate any real estate school certified by it to determine whether that school is complying with Rules and Regulations of the commission.

34.14.2 All private real estate schools shall be subject to periodic visits by an official representative of the commission who will observe classroom activities, evaluate course content and instructor proficiency to insure that courses are being taught in accordance with the provisions set forth in R.S. 37:1459 and R.S. 37:1460.

34.14.3 The commission shall have the authority to suspend or revoke any certificate of authority of any real estate school for violation of these regulations. In determining whether there has been a violation of these regulations, the commission shall follow the provisions of R.S. 37:1456 and Chapter 13 of Title 49 of the Louisiana Revised Statutes insofar as they are applicable. (LAC 11-15:34.15 through 34.60 are hereby deleted)

William G. Newchurch  
Assistant Director-Commission Counsel

## RULES

### Board of Elementary and Secondary Education

Rule 3.01.85a—The Board adopted the following change to Rule 3.01.85a of the Board's Policy and Procedure Manual:

"The Board shall appoint the Textbook and Media Advisory Council for two year terms effective January 1, 1983. The Council shall be composed of 22 members of which a minimum of two-thirds shall be educators and the remainder shall be from the public sector."

Rule 3.01.85b — The Board adopted the following language to clarify the textbook adoption process:

1. The Ad Hoc Adoption Committee shall recommend the adoption of the specified number of textbooks.

2. Their recommendations shall be referred by the board to the Textbook and Media Advisory Council which shall review the adoption procedures, hear public comments on the recommended list of textbooks and make recommendations for adoption to the Board's Textbook and Media Committee.

3. The Committee, after review in a public meeting, shall make a recommendation to the Board for final adoption of the recommended lists.

4. Public comments to the Board and its advisory council and committee shall be restricted to observations about the recommended text which violate one or more of the *Guidelines for Adoption* found in Rule 3.01.84.

Rule 3.01.46 — The Board adopted Standards, Methods of Implementation and Measures of Accountability for Chapter I, Education Consolidation and Improvement Act of 1981 (ECIA).

Rule 3.05.01 — The Board adopted Migrant Education State Plan for fiscal year 1984.

Rule 4.00.03(1) — *Regulations for Statewide Inservice Education for Teachers for 1983-84 School Session*, Bulletin 1625 (Act 36).

Rule 4.00.04f — The Board adopted an amendment to Act 754 Regulations to include allotment and funding for Occupational and Physical Therapists under the Minimum Foundation Program.

Rule 3.01.70aa — The Board adopted an amendment to Bulletin 746 and approved funding salary increments for ancillary personnel equivalent to increments for a specialist degree based on 60 graduate hours of a planned program.

James V. Soileau  
Executive Director

## RULE

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

The Department of Health and Human Resources, Office of Family Security, adopts the Aid to Families with Dependent Children program policy on restricted income as found in the AFDC program manual (15-842 E) to read as follows:

## RULE

### E. Restricted Income

Restricted income is income which is designated specifically for a child's use by federal statute or court order. Restricted income includes RSDI, VA benefits and court ordered support payments.

A child's restricted income shall be budgeted as follows:

(1) The total restricted income shall be budgeted when the payee chooses to have the child income in the certification.

(2) When the child is excluded from the certification, the child's needs according to the Need Standard shall be deducted from the restricted income, and the balance shown in the AFDC budget plan except as stated in (3) below. The payee shall be advised of this amount being deducted for the excluded child.

(3) If the payee states that more than the Need Standard amount is used for the child, this amount shall be verified through receipts furnished by the payee. The amount actually used for the child shall be deducted from the total restricted income and the balance shown in the AFDC budget plan.

Current AFDC policy regarding the budgeting of restricted income is highly error prone in that the amount of such income which is excluded is dependent entirely on the client's statement. The revision will standardize the amount excluded to the state defined need standard for the child not included in the grant and therefore eliminate client error.

According to 45 CFR 205.42, states are required to reach an AFDC payment error rate of four percent or less for Federal FY 82-83. The Tax Equity and Fiscal Responsibility Act of 1982 requires the states to reach an AFDC payment error rate of three percent or less for Federal FY 83-84 and each year thereafter. If the AFDC payment error rates exceed these targeted amounts, the states are subject to fiscal sanction. The amount of the sanction will be determined by the percentage by which the state AFDC payment error rate exceeds the targeted error rate applied to the amount of Federal Financial Participation (FFP) received. States

which are subject to fiscal sanction are given the opportunity to request waivers. A waiver of the sanction may be granted if the state can document that good faith efforts to reduce the error rate were made during the sanction period.

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 has amended the Title XIX nursing home complaint procedure as necessitated by Acts 551 and 519 of the 1982 Regular Session of the Louisiana Legislature. Section 4.19 D. Part XI of the Title XIX State Plan and the Medical Assistance Program manual Section 19-344 A. will be revised as follows:

## RULE

### Complaint Procedure for Nursing Home

#### A. Purpose and Scope

Under the provisions of Louisiana Revised Statutes 40:2009.2 through 2009.20 and RS:403.2 the following procedures are established for the receipt, evaluation, investigation and correction of grievances pertaining to patient care in licensed nursing homes. It also provides for mandatory reporting of abuse and neglect of residents of nursing homes. This complaint procedure includes licensed nursing homes designated as Intermediate Care Facilities for the Handicapped (ICFs/H).

#### B. Definitions

1. "Abuse" is the infliction of physical or mental injury or the causing of the deterioration of a resident by means including, but not limited to, sexual abuse, exploitation, or extortion of funds or other things of value to such an extent that his/her health, moral or emotional well being is endangered.

2. "Neglect" is the failure to provide the proper or necessary medical care, nutrition, or other care necessary for a resident's well being.

3. "Department" shall mean the Department of Health and Human Resources (DHHR).

4. "Unit" means the Medicaid Fraud Control Unit created within the Office of criminal law of the Department of Justice and which is certified by the Secretary of the Department of Health and Human Services.

5. "Office" means either the Division of Licensing and Certification of the Office of Management and Finance or the Office of Family Security to which the complaint has been referred by the Secretary of the Department of Health and Human Resources.

6. "Secretary" means the secretary of the Department of Health and Human Resources.

7. "Person" is any individual, partnership, association, agency, or corporation, and specifically shall include city, parish, or state law enforcement agencies.

8. "Nursing home" or "home" means a private home, institution, building, residence or other place, serving two or more persons who are not related by blood or marriage to the operator, whether operated for profit or not, and including those places operated by a political subdivision of the State of Louisiana, which undertakes, through its ownership or management, to provide maintenance, personal care, or nursing for persons who, by reason of illness or physical infirmity or age, are unable to properly care for

themselves. The term does not include the following:

(a) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Louisiana.

(b) A hospital, sanitarium or other institution whose principal activity or business is the care and treatment of persons suffering from tuberculosis or from mental diseases.

(c) A hospital, sanitarium or other medical institution whose principal activity or business is the diagnosis, care and treatment of human illness through the maintenance and operation of organized facilities therefor.

(d) Any municipal, parish or private child welfare agency, maternity hospital or lying-in home required by law to be licensed by some other department or agency.

(e) Any sanitarium or institution conducted by and for Christian Scientists who rely on the practice of Christian Science for treatment and healing.

(f) Any nonprofit congregate housing program which promotes independent living by providing assistance with daily living activities such as cooking, eating, dressing, getting out of bed, and the like to persons living in a shared group environment who do not require the medical supervision and nursing assistance provided by nursing homes. No congregate housing program, except those licensed or operated by the State of Louisiana, shall: (1) use the term "nursing home" or any other term implying that it is a licensed health care facility; or (2) administer medications or otherwise provide any other nursing or medical service.

#### C. Applicability

1. Any person having knowledge of the alleged abuse or neglect of a patient of a nursing home, or who has knowledge that a nursing home patient is being denied care and treatment may submit a complaint (preferably in writing).

2. Any person having knowledge that a state law, minimum standard, Rule, regulation or correction order issued by the Department of Health and Human Resources or any certification Rule pertaining to a nursing home has been violated, may submit a complaint.

#### D. Duty to Make Complaints

Any person who is engaged in the practice of medicine, social services, facility administration, psychological or psychiatric treatment; or any registered nurse, licensed practical nurse, or nurse's aid, who has actual knowledge of the abuse or neglect of a resident of a health care facility **shall**, within 24 hours, submit a complaint.

#### E. Penalties

Any person who **knowingly and willfully fails to report or any person who knowingly files a false report** of abuse or neglect, shall be fined not more than five hundred dollars, or imprisoned not more than six months or both.

#### F. Where to Submit Complaint

The complaint may be submitted in writing to the Secretary of DHHR at Box 44065, Baton Rouge, LA 70804 or it can be telephoned to the toll free statewide Governor's Tie Line (GTL) 1-800-272-9868 outside the Baton Rouge Area or 342-3000 within the Baton Rouge Area or submitted to any local law enforcement agency. (All reports received by any local or state law enforcement agency shall be referred to the Department of Health and Human Resources.)

#### G. Referral of Complaint by DHHR for Investigation

1. Cases involving those residents age 18 or older shall be referred to the Office of Family Security, Program Integrity.

2. Those cases involving residents younger than age 18 shall be referred to the local Crisis Intervention Unit of the Office of Human Development, Division of Evaluation Services.

3. Cases involving Gary W. class members, including those above and below the age of 18 will continue to use the current

court-ordered reporting procedure. By using this more restrictive procedure, compliance with the court order and Acts 687, 551, and 519 will be maintained for those cases involving Gary W. class members.

4. If it has been determined that the complaint has involved an alleged violation of any criminal law pertaining to a nursing home, then the investigating Office of the Department, the Office of Family Security, Office of Human Development or Division of Licensing and Certification shall furnish copies of the complaint to both the Medicaid Fraud Control Unit of the Louisiana Department of Justice and the local Office of the District Attorney, for further investigation as is deemed necessary.

#### H. Investigation Procedure

1. The offices designated in (G) above shall make a preliminary investigation promptly after receiving an oral or written complaint to ascertain the validity of the report and other details of the complaint.

2. If the complaint is deemed trivial, not timely, or not made in good faith, no further action will be taken and the complainant will be notified of this fact within fifteen days after receipt of the complaint.

3. If the complaint involves patient abuse and/or neglect, the investigation shall include the nature, extent, and cause of the abuse and neglect, the identity of the person(s) responsible for the abuse and neglect, if known and an interview with the patient, if possible. A copy of the investigation report shall be sent to the district attorney.

4. If grounds for an investigation do exist, the Office shall initiate an investigation of such complaint and make a report to the complainant on its findings within 30 days after receipt of the complaint.

5. The substance of the complaint will be given to the nursing home no earlier than at the start of the investigation of the complaint.

6. In order to protect the confidentiality of complainants, the complainant or patient will not be identified to the nursing home unless he or she consents to the disclosure. If disclosure becomes essential to the investigation, the complainant shall be given the opportunity to withdraw the complaint.

7. If the complaint is found to be valid, Department of Health and Human Resources will issue a plan for corrective action. If a situation which presents a threat to the health and safety of the nursing home resident is found to exist, the nursing home will be required to take corrective action within five days. In all other instances of violation, an expeditious correction, not to exceed 90 days, will be required. In cases of abuse and/or neglect referral for appropriate action is made to the Medicaid Fraud Control Unit of the Attorney General's Office.

8. Where violations continue to exist after the corrective date, the Department of Health and Human Resources may take appropriate action against the nursing home to include decertification or revocation of license.

#### I. Hearing

A complainant who is dissatisfied with any action of DHHR taken in response to the complaint may request a hearing to review that action within 30 days of receipt of a written report by DHHR. A request for a hearing must be submitted in writing to Secretary, DHHR, Box 44065, Baton Rouge, LA 70821.

#### J. Retaliation by Nursing Home

Retaliatory action against the complainant is prohibited. Persons aware of retaliatory action or threats in this regard should contact DHHR.

#### K. Notification of the Procedure

1. The complaint procedure shall be posted in each nurs-

ing home in conspicuous places where patients gather, including but not limited to the administrative office, the dining hall, the activity room and all nurses' stations. Surveyors from the Licensing and Certification Division are responsible for assuring that the complaint procedure is properly posted in accordance with State law.

2. The complaint procedure is also contained in a booklet developed for the public. The booklet also includes an explanation of services covered and not covered by nursing home fees, other services provided under the Medicaid Program, and other factors to consider in arranging for nursing home care. The booklet shall be distributed by all licensed nursing homes to all current patients and to all new patients on the date of their admission.

Roger P. Guissinger  
Secretary

### RULE

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

Effective June 1, 1983, the Department of Health and Human Resources, Office of Family Security, hereinafter referred to as the "Agency" shall implement the following Rule in the Food Stamp Program.

### RULE

The Food Stamp Program will implement provision relating to the disqualification penalties for intentional program violations.

First, the basis for disqualification is expanded to include the intentional making of false or misleading statements, misrepresentations, or the concealment or withholding of facts, as well as, the commission of any act that constitutes a violation of any state food stamp statute. Second, mandatory, disqualification periods of six months for the first offense, 12 months for the second, and permanently for the third offense will be imposed against any individual found to have committed an intentional Program violation, regardless of whether the determination was arrived at administratively or through a court of law. Third, the Agency will not increase the benefits to the household of a disqualified person because of the disqualification.

In addition, the following provisions regarding the improved recovery of overpayments shall be implemented. First, the household of the disqualified individual, rather than the household member guilty of an intentional program violation, is held responsible for repaying the resultant overissuance and must agree to repayment in cash or to a reduction in its allotment. Second, in cases not the result of Program violation or Agency error, the Agency is required to collect overissuances from those persons still participating in the program by reducing future allotments if the household does not agree to a repayment schedule. Third, the amount by which the Agency can reduce the household's monthly allotment in the collection of overissuances not the result of intentional Program violation or Agency error is limited to 10 percent of the allotment or \$10 per month whichever will result in faster collection. Fourth, the Agency will continue to retain 50 percent of the value of claims collected on cases involving intentional Program violation and 25 percent of the value of the collection of claims not the result of intentional Program violation or Agency error.

Provisions relative to the recovery of recipient overissuance will also be implemented. First, the Agency will collect any type of

overissuance by using means other than allotment reduction or cash repayment. Second, the household of a disqualified individual is allowed 30 days after it is requested to choose between cash repayment or a reduced allotment before the Agency takes action to reduce the household's allotment. Third, the Agency will not retain any portion of recovered overissuances which resulted from Agency error.

Sections 12-222, 12-235, 12-236, 12-273, 12-620, and 12-307 of the Food Stamp manual have been revised to reflect these changes. These proposed manual revisions are available for review at the State Office of Family Security at 755 Riverside, Baton Rouge, LA.

These provisions are aimed at deterring Food Stamp Program abuse and improving recovery of overpayments. These provisions are mandated by federal regulations as published in the *Federal Register* vol. 48, No. 32, Tuesday, February 15, 1983, pp. 6837-6866, (7 CFR Parts 272, 273, 276, and 277) as promulgated from Public Laws 97-35 and 97-253.

Roger P. Guissinger  
Secretary

#### **RULE**

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

Effective June 1, 1983, the Department of Health and Human Resources, Office of Family Security, hereinafter referred to as the "Agency" shall implement the following Rule in the Food Stamp Program. This Rule is authorized in the *Federal Register*, Vol. 47, No. 240, Tuesday, December 14, 1982, pp. 55903-55910.

#### **RULE**

The Agency will take immediate action to reduce or terminate a household's benefits under the following conditions.

(1) The reported changes on which the adverse action is based must come from the household;

(2) The household must report the information in writing; and

(3) The reported information must clearly require the Agency to reduce or terminate benefits. The household will be sent written notice of adverse action no later than the date on which it is scheduled to receive its allotment.

(4) The household will retain its right to a fair hearing.

(5) The household retains its right to continued benefits by requesting a fair hearing within the time period provided by the notice of adverse action, which will be at least ten days from the date the notice is sent.

(6) The Agency will continue the household's previous benefit level, if required, within five working days of the household's request for a fair hearing.

Section 12-273 of the Food Stamp Program manual has been amended to reflect this change.

Roger P. Guissinger  
Secretary

#### **RULE**

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

Effective June 1, 1983, the Department of Health and Human Resources, Office of Family Security, shall implement the following Rule in the Food Stamp Program. This Rule is authorized in the *Federal Register*, Vol. 47, No. 240, Tuesday, December 14, 1982, pp. 55903-55910, specifically pp. 55907-55910.

#### **Rule**

Households in which all members receive Aid to Families with Dependent Children (AFDC) and whose income meets the gross income eligibility standards will be considered to have satisfied the Food Stamp Program's resource test. However, the households must continue to meet all other Food Stamp Program eligibility standards, including the net income standards. Section 12-235 of the Food Stamp manual will be amended to reflect this change.

Roger P. Guissinger  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, adopts the following regulation pursuant to R.S. 40:33 and pertaining to delayed or altered certificates in accordance with R.S. 40:59 and 40:60 as amended and reenacted by Act No. 776 of 1979.

#### **General Rule**

All alterations of original birth, death, and marriage certificates maintained by the Vital Records Registry pursuant to La. R.S. 40:33 shall be accomplished by the interlinear method of drawing a line through the old information and entering the new information. The line shall not obscure the original information.

Thereafter the certificate shall be distinctly marked "altered" on its face and include the evidentiary basis for the alteration, the date of alteration and initials of the State Registrar or his designee making the alteration. Original information appearing on a document accepted for filing by the state register shall not be obliterated under any circumstances. See LSA-R.S. 40:59 and 40:60.

Roger P. Guissinger  
Secretary

#### **RULE**

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

Effective May 20, 1983, and in accordance with Section 6.6 of the "Regulations Controlling Sewage Disposal for Individual Rural Homes" promulgated by the Office of Health Services and Environmental Quality, the list of mechanical sewage treatment plants which are acceptable for use for individual homes is as follows:

Manufacturer	Plant Designation	Rated Capacity
Delta Process Equipment, Incorporated P.O. Box 1011 Denham Springs, LA 70726	Model HU-0.5	500 GPD
Eastern Environmental Control, Incorporated 101 Dixon Drive Chestertown, Maryland 21620	Mini-Plant (Including filter) Models F54291---5 - S F54291---6 - S F54291---7 - S F54291-7.5 - S F54291---8 - S F54291---9 - S F54291--10 - S F54291--11 - S F54291--12 - S F54291--13 - S F54291--14 - S F54291--15 - S	500 GPD thru 1500 GPD
	NOTE: without prefix F: concrete tank	
	When used in conjunction with Filter Kit Model 3000, the following Mini- Plant Models 54291-4 thru 54291-15 are approved	
	Models 54291---4 54291---5 54291---6 54291---7 54291-7.5 54291---8 54291---9 54291--10 54291--11 54291--12 54291--13 54291--14 54291--15	400 GPD thru 1500 GPD
	NOTE: with suffix F: fiberglass tank, without suffix F: concrete tank	
Jet, Incorporated 750 Alpha Drive Cleveland, Ohio 44143	Model J-150 (Including filter)	500 GPD
Multi-Flo, Incorporated 1450 Dixie Highway Covington, KY 41011	Model FTB-0.5 Model FTB-1.0 Model FTB-1.5	500 GPD 1000 GPD 1500 GPD
Norwalk Wastewater Equipment Company P.O. Box 410 Norwalk, Ohio 44857	SINGULAIR Model 820 (Including filter, back wash chamber, back wash pump, and appurtenant piping)	500 GPD
Oldham, Incorporated P.O. Box 197 Sidney, Ohio 45365	Model WOM-50 (Including filter) Model WOM-100 (Including filter)	500 GPD 1000 GPD
Owens Manufacturing & Specialty Company P.O. Box 2443 Lafayette, LA 70502	Kleen Tank Model 650 (Including filter)	500 GPD

Roger P. Guissinger  
Secretary

## RULE

### Department of Health and Human Resources Office of Mental Retardation

The Department of Health and Human Resources, Office of Mental Retardation, in accordance with R.S. 49.953B, as amended, is adopting the following standards effective May 20, 1983 for Infant Intervention Programs.

#### STANDARDS FOR INFANT INTERVENTION PROGRAMS

##### I. Statement of Purposes

A. The purpose of the Standards for Infant Intervention Programs is to:

1. Implement the law and comprehensive plan for mental retardation services in Louisiana; and
2. Establish a minimum level of standards for Office of Mental Retardation (OMR) Infant Intervention Programs.

B. OMR will establish procedures and guidelines as necessary to implement the standards.

##### II. Authority - Scope - Enforcement

A. Authority - These standards are promulgated pursuant to Louisiana R.S. 28:380 through 28:451.

B. Scope - These standards apply to OMR funded Infant Intervention Programs as defined in Section III of these standards.

C. Enforcement - OMR will monitor programs and provide technical assistance to ameliorate deficiencies and, when OMR determines significant progress is not being made, may discontinue funds to providers found not in compliance with these standards or may take other actions as deemed necessary.

##### III. Definitions

A. "Case manager" means, pursuant to R.S. 28:381 (4), the individual assigned to link, coordinate, and develop segments of a Mental Retardation Services System to insure appropriate residential living options or mental retardation services or both to meet a recipient's needs to the greatest extent possible, including those recipients who are served by multiple agencies or regional service centers. The case manager services shall be conducted in accordance with established DHHR procedures.

B. "Center-based program" means a therapies and habilitation program conducted in an out-of-home setting at a school, center, or clinic.

C. "Criterion-referenced assessment" means a checklist of behaviors which can be directly measured, are reduced into incremental behavioral components, and included motor, communication, self-care, social, and, cognitive skills.

D. "Day Developmental Training Early Intervention Services" means, pursuant to R.S. 28:381 (8), services are for developmentally delayed children from birth up to age three provided either through out-of-home setting or through a home-based program including, but not limited to, language stimulation and development, behavior management, parent training and referral to other services as appropriate to individual needs. In these standards day developmental training early intervention services are referred to as "infant intervention programs".

E. "Developmentally delayed" means the status of an infant who is evaluated as meeting the criteria for "handicapped infant" pursuant to LSDE Bulletin 1508.

F. "DHHR" means, pursuant to R.S. 28:381 (9), Department of Health and Human Resources.

G. "Diagnosable condition" means a state of health such as cerebral palsy, mental retardation, seizure disorder, or a congenital disease or abnormality which is identified by a physician.

H. "Evaluation" means, pursuant to LSDE Bulletin 1508, a systematic process of review, examination, and interpretation of intervention efforts, test results, interviews, observations, and

other assessment information relative to predetermined criteria.

I. "Generic service plan" means, pursuant to R.S. 28:381 (16), a plan developed by a case manager and the multidisciplinary evaluation team coordinator following receipt of the recommendations of an integrated evaluation report enumerating those mental retardation services or residential living options or both that a mentally retarded individual is eligible for and should receive, if available.

J. "Handicapped infant" means, pursuant to LSDE Bulletin 1508, one who is from birth to three years of age and has a serious handicapping condition which, without intervention, will become progressively more difficult for intervention at school age.

K. "Home training program" means a parent training program designed to teach the parents the skills necessary to provide therapies and habilitation to their handicapped infant at home. The training can take place in the home or at a school or center.

L. "Home training/center-based program" means a program of therapies and habilitation conducted in the infant's home and in a center or school.

M. "IHP" means individualized habilitation plan. This is a written plan developed by the Infant Intervention Program after the infant is admitted to the program. Such a plan shall include goals, objectives, anticipated duration of services, and other requirements as specified in Section IX of these standards.

N. "Individualized training" means a specific program based on assessment of an infant's needs for therapies and habilitation services in accordance with the IHP.

O. "Infant intervention program" means therapies and habilitation services program for handicapped infants which:

1. Provides individualized training in a center-based setting; or
2. Provides individualized training in a home training setting; or
3. Provides individualized training in a home training/center-based setting; and
4. Provides parent training to the parents.

P. "Infant interventionist" means an individual certified by LSDE to teach or train in such areas as handicapped infant, noncategorical preschool handicapped, mental retardation, orthopedically handicapped, severe-profound, elementary education; or a nurse, speech therapist, physical therapist, or occupational therapist licensed in Louisiana and certified by LSDE to work in an educational setting; or an individual with a baccalaureate degree in education or a related field.

Q. "Infant specialist" means an employee of the Regional Service Center assigned to coordinate the Infant Intervention Programs in that region.

R. "Integrated evaluation report" means, pursuant to LSDE Bulletin 1508, the final written report following the evaluation which:

1. Shall be a compilation of the data gathered during the individual evaluation;
2. Shall be integrated and written in language that is clear to the individuals who will use it; and
3. Shall contain all items pursuant to LSDE Bulletin 1508, Section III. I. 1-4.

S. "LSDE" means Louisiana State Department of Education.

T. "LEA" means local education agency.

U. "Mental retardation services" means, pursuant to R.S. 28:381 (14), programs and assistance for mentally retarded persons which include, but not limited to, information and referral services, case management services, diagnosis and evaluation services, generic service plan development services, family support services, health services, educational services, therapies and



habilitation services, vocational services, transportation services, recreation and leisure services, special olympics services, respite services, day developmental training early intervention services, and adult day services.

V. "Mental Retardation Services System" means, pursuant to R.S. 28:410, the combination of private and public mental retardation services, residential living options and the process by which a mentally retarded individual is admitted, transferred, or discharged within this system which is administered by the office through the regional service centers. Components are pursuant to R.S. 28:411.

W. "Multidisciplinary evaluation team" means, pursuant to R.S. 28:381 (26), a group of professionals meeting together who had conducted their respective evaluations on an individual who is mentally retarded or suspected of being mentally retarded. The multidisciplinary evaluation process shall be coordinated by an evaluation coordinator who has the responsibility to develop an integrated evaluation report following a group meeting with those professionals who conducted the multidisciplinary evaluation.

X. "OMR" means, pursuant to R.S. 28:381 (27), the Office of Mental Retardation of DHHR.

Y. "Paraprofessional" means a person at least 18 years of age, who possesses a certificate of good health signed by a physician, who has received paraprofessional training, and who assists in the delivery of infant intervention services under the supervision of an infant interventionist.

Z. "Paraprofessional training unit" means a training model that may be used for the self-help skill training (toilet training, dressing skills, grooming skills, feeding skills, and preacademic readiness activities) of infant, preschool, or severely and profoundly handicapped children. The unit, made up of not more than four paraprofessionals, must be supervised directly by an infant interventionist. Each paraprofessional must have a full quota of students (three) before an additional paraprofessional can be added to the unit.

AA. "Parent training" means teaching parents the skills necessary to assist their handicapped infant in therapies and habilitation services.

BB. "Regional Service Center" means, pursuant to R.S. 28:381 (31), an administrative unit of OMR under its administration, supervision, and control through which OMR administers and coordinates the Mental Retardation Services System in any given region. The center is responsible for regional planning, stimulating the development of needed services from private or public providers; presentation of budget information to the office for all residential living options and mental retardation services or both and, as appropriate, request funding for such services through normal budgetary channels; dispersal of appropriations made to the region through the office; and administration of the state schools assigned to its geographic area. The regional center shall utilize existing private and public resources to the maximum extent possible. The relationship between a private provider and a regional service center shall be defined by written agreement or contract as specified in R.S. 28:380 (C) to allow for maximum permissible fiscal and administrative autonomy.

CC. "Screening" means, pursuant to LSDE Bulletin 1508, a process of collecting and reviewing information about the physical, developmental, or behavioral characteristics of an infant for the purpose of identifying those who are suspected of having a serious handicapping condition.

DD. "Therapies and habilitation services" means, pursuant to R.S. 28:381 (39), behavioral intervention communication training, occupational therapy, physical therapy, community living skills training, self-help skills training, socialization skills training, early intervention training, and other related therapies and habilitation services.

EE. "Unit of service" means a minimum of three hours of planned activities a day in a center-based Infant Intervention Program, or one hour of planned activities in a home training Infant Intervention Program.

#### IV. Screening

A. The Infant Intervention Program shall notify the Regional Services Center within one working day to obtain a case manager for any infant referred to the Infant Intervention Program.

B. The case manager shall insure that each infant referred to the Regional Service Center shall be screened within 10 working days pursuant to LSDE Bulletins 1508 and 1633, to identify those who are suspected of having a serious handicapping condition.

C. The screening should be conducted by educators, nurses, pupil appraisal personnel, or other personnel and shall include:

1. Vision and hearing screening; and
2. the Denver Developmental Screening Test or other OMR approved developmental screening test administered by persons trained in the use of the instrument; and
3. Current medical information.

D. An infant shall be referred to the LEA of the child's residence by the case manager for an individual evaluation within three working days after the screening if the results of the screening show that the infant's developmental age is:

1. 50-75 percent of the child's chronological age in three or more areas of development; or
2. 25-50 percent of the child's chronological age in two areas of development; or
3. Less than 25 percent of the child's chronological age in one area of development.

E. An infant may begin receiving Infant Intervention Services with an interim IHP, valid for 60 working days, after meeting the criteria in Section IV. D. of these standards. The interim IHP shall be developed by the parent(s) or guardian(s), case manager, and the Infant Intervention Program.

#### V. Evaluation

A. The case manager shall insure that each infant shall be evaluated by a multidisciplinary evaluation team within 60 working days of referral by the LEA of the child's residence pursuant to Act 754 and LSDE Bulletins 1508 and 1633 to be determined eligible for the Infant Intervention Program.

B. The evaluation shall include the following consistent with the LSDE Bulletins 1508 and 1633 and Title XIX criteria:

1. A physical examination conducted by a pediatrician or other appropriately trained physician which specifies the impairment(s) and assesses the extent to which the impairment will inhibit normal development. The report should also indicate facilitators to developmental learning.

2. A developmental assessment conducted by an educational consultant, assessment teacher, psychologist, or master level professional certified in non-categorical preschool handicapped who has appropriate training in child developmental assessment and medical/educational implications of handicapping conditions. The assessment report shall be signed by a licensed psychologist.

3. A family evaluation conducted by a social worker or other appropriate staff member which provides information concerning the family strengths and weaknesses and the nature of the parent-child relationships.

C. All evaluations and the integrated evaluation report shall be conducted in accordance with the procedures pursuant to LSDE Bulletins 1633 and 1508 and Title XIX.

D. The case manager shall insure that each infant, at a minimum, receive an annual review of their evaluation and a re-evaluation as necessary.

#### VI. Eligibility

A. Each infant in the Infant Intervention Program shall

meet all eligibility criteria pursuant to LSDE Bulletin 1508. These Criteria are:

1. From birth to three years of age. (Three years of age is specified in Section XI. A. 4. of these standards.)
2. A serious handicapping condition as indicated by:
  - a. A severe physical handicap in areas such as sensory and/or motor functioning, or
  - b. Functioning in the lower one-third (33rd percentile or less) of the normal developmental distribution in one or more of the areas of development assessed, or
  - c. A diagnosable condition which could result in a serious handicapping condition if untreated, or
  - d. Severe inability to interact with the environment whether physical or social.
3. Evidence that educational or developmental intervention is necessary to the future ability of the infant to benefit from education.

B. An infant who is determined by a physician to be at-risk for the development of a serious handicapping condition as specified in Section VI. A. 2. of these standards may be eligible up to the age of 12 months.

C. The Infant Intervention Program shall request a determination of eligibility under Title XIX by the Office of Family Security for each applicant to the Infant Intervention Program.

#### VII. Admission

A. The case manager shall review the integrated evaluation report and determine if the infant meets the eligibility criteria for mental retardation services within five working days of the receipt of the report.

B. The case manager and the multidisciplinary evaluation team coordinator shall develop the generic service plan based on the integrated evaluation report for all infants eligible for mental retardation services within five working days of the receipt of the report.

C. Each handicapped infant who meets the eligibility criteria pursuant to Section VI of these standards, and whose generic service plan recommends an Infant Intervention Program, may apply for admission in the Infant Intervention Program.

D. Infants determined eligible for the Infant Intervention Program shall be enrolled without regard to race, color, creed, sex, national origin, or duration of Louisiana residence as program space is available.

E. Admission in a center-based program, home training program, or a home training/center-based program shall be determined by considerations such as the infant's age, travel distance to the center or school, severity of the handicapping condition, ability to benefit from peer interactions, medical factors, parent's ability to provide parent training in the home, and/or length of time the delay has existed.

#### VIII. Diagnostic Assessment

A. The Infant Intervention Program shall assess each infant's performance with a criterion-referenced assessment, which should be compatible with their curriculum and the LEA's preschool assessment and/or curriculum in their service area, for the purpose of developing the IHP.

1. The assessment shall be conducted at least once every six months for the purposes of determining infant progress and will be part of Section X.D. of these standards.

2. The assessment shall include at least the skill areas of motor, communication, self-care, social, and cognition.

#### IX. Individual Habilitation Plan

A. The Infant Intervention Program shall develop within 30 working days of admission, and by the anniversary date thereafter, an individualized habilitation plan (IHP) for each infant which is developed in accordance with the requirements of OMR.

B. The Infant Intervention Program shall plan a mutually

convenient time and notify the parent(s) or guardian(s) of the date, time, and place of the IHP planning conference.

C. The IHP shall meet the following criteria:

1. Shall be in writing with long-term goals and short term objectives specified;
2. Shall be developed jointly by program staff and infant's parents or guardians;
3. Shall be based on information from the multidisciplinary evaluation, criterion-referenced assessment, and the generic service plan;
4. Shall include a statement of the infant's present level of functioning;
5. Shall identify therapies and habilitation services to be delivered, the person(s) and title who will provide each service, and the frequency of each service;
6. Shall indicate start and completion dates for each goal, therapy and/or habilitation service;
7. Shall include an evaluation component for evaluating progress;
8. Shall have written consent by the parents or guardians; and
9. Shall be reviewed and updated monthly with a new IHP developed on the yearly anniversary date.

#### X. Program Guidelines

A. The Infant Intervention Program shall provide home training, center-based or home training/center-based services.

1. Each infant and the parent or guardian participating in home training services shall receive a minimum of one hour of therapies and habilitation services every two weeks. The exact time will be specified in the generic service plan and IHP.

2. Each infant participating in the center-based services shall receive individualized training for a minimum of three hours per day, at least two days a week. The exact time will be specified in the generic service plan and IHP.

B. The Infant Intervention Program shall use a curriculum for handicapped infants which should be compatible with their assessment and the LEA's preschool assessment and/or curriculum in their service area. The curriculum shall include at least the skill areas of motor, communication, self-care, social, and cognition.

C. The Infant Intervention Program shall develop a written program of activities based on the IHP for each infant.

D. The Infant Intervention Program shall implement a data collection system to monitor the progress of each infant in completing activities and IHP objectives and goals.

E. The Infant Intervention Program shall provide or assist in seeking adequate resources for speech therapy, physical therapy, and occupational therapy.

#### XI. Termination of Services

A. An infant shall be terminated from the Infant Intervention Program under the following conditions:

1. If the infant makes substantial progress and no longer meets the eligibility criteria in Section VI of these standards; or
2. If the infant develops significant life-threatening medical problems which make effective services delivery impossible; or
3. If the infant's parent(s) chooses not to participate in the program; or

4. When the child reaches three years of age. Pursuant to LSDE Act 754 each handicapped infant shall be regarded as eligible for the LEA program at the beginning of the school year if his or her third birthday occurs after the beginning of the school year but before January 1. If the third birthday occurs after January 1, then the infant may remain in the Infant Intervention Program until the beginning of the following school year.

B. The decision to terminate an infant shall be made jointly by the parent(s) or guardian(s), case manager, and Infant Interven-

tion Program at an IHP meeting.

C. The Infant Intervention Program shall work with the parents, case manager, and the receiving program or LEA to facilitate the transition in accordance with the interagency agreements specified in Section XII. A. 4 of these standards.

#### XII. Records

A. The Infant Intervention Program shall maintain written program records to include:

1. A program description with eligibility criteria pursuant to these standards;

2. A policy concerning confidentiality of or access to program participant records and the time period for maintaining such records;

3. An appeal procedure for infants and their parents denied admission to or terminated from the Infant Intervention Program;

4. Interagency agreements with the LEA's in the area of service including, but not limited to, identification, referral, evaluation, transition, and curriculum;

5. A policy statement describing complaint procedures;

6. A policy regarding behavior management programs in accordance with DHHR policy;

7. Release forms for exchange of confidential information;

8. Permission forms for field trips and publicity releases;

9. Additional information as required by OMR.

B. The Infant Intervention Program shall maintain an individual file for each infant to include:

1. OMR approved admission form;

2. Screening report;

3. Integrated evaluation report which documents eligibility to include a physical examination, a developmental assessment, and a family evaluation;

4. Generic service plan;

5. Current IHP;

6. Updated evaluation information;

7. Progress reports;

8. Appropriate release forms;

9. A current record of immunizations, and of all current medications administered;

10. Application for Title XIX certification.

#### XIII. Reporting

A. The Infant Intervention Program shall provide OMR with a monthly report which indicates the following:

1. Days in attendance by each infant in center-based services.

2. Units of service provided to each infant and parent(s) in home training services.

3. Infants admitted during the month.

4. Infants terminated during the month and to where terminated.

#### XIV. General Staffing Provisions

A. The Infant Intervention Program shall have written job descriptions for all staff.

B. The Infant Intervention Program shall have a staff organizational chart which has been approved by its governing board.

C. The Infant Intervention Program shall hire or designate an individual to be responsible for the administration and direction of the program.

D. The Infant Intervention Program staff shall meet the following minimum qualifications:

1. Supervisor/administrator - a baccalaureate degree in administration, special education, social services, or related area and three years experience in the field.

2. Infant interventionist - a valid LSDE certificate as defined in Section III. Q. of these standards, or a baccalaureate degree as defined in Section III of these standards.

a. An infant interventionist not fully certified shall have an approved professional plan for certification.

3. Therapist (speech, occupational, physical) - a current license valid in the state of Louisiana and/or a valid certificate issued by LSDE to work in an educational setting.

4. Paraprofessional - a high school diploma or equivalent.

5. Other staff positions shall meet qualifications for employment approved by OMR.

E. The Infant Intervention Program shall maintain current personnel policies for affirmative action, hiring, termination, and evaluation.

1. A job performance evaluation shall be conducted annually for each staff member by his or her immediate supervisor. This shall be in writing and shall be filed.

F. The Infant Intervention Program shall maintain a staff to infant ratio as follows:

1. Home training program - one infant interventionist for 10 to 15 infants with traveling to the homes and/or one infant interventionist for 15 to 20 infants without traveling to the homes.

2. Center-based or home training/center-based program - one infant interventionist and one paraprofessional for 4 to 7 infants, and/or a paraprofessional training unit for 1 to 12 infants, for a five day a week program.

G. The center-based Infant Intervention Program shall have at least one employee on duty at all times who holds a valid certificate for successful completion of an approved first aid course; and one employee who has been trained and has certification in CPR.

#### XV. Inservice Training

A. The Infant Intervention Program shall work in conjunction with the Infant Specialist in the Regional Service Center to assess needs, develop and implement a plan for the inservice training of personnel each year.

B. Each full time professional, therapist, and paraprofessional in an Infant Intervention Program shall participate in inservice training, technical assistance, and other training functions sponsored or approved by OMR each year to insure they possess sufficient skills to implement these standards and other responsibilities.

#### XVI. Monitoring

A. The Infant Intervention Program shall be monitored at least annually by DHHR/OMR staff.

B. The Infant Intervention Program shall be responsible for providing access to information needed to document compliance with these standards.

C. The Infant Intervention Program shall be responsible for describing corrective actions necessary to ameliorate deficiency citations in a compliance plan which will be submitted to OMR for approval.

D. The Infant Intervention Program shall continue serving each infant currently enrolled when these standards are promulgated until he or she is terminated due to the termination criteria in effect at their time of enrollment or in accordance with Section XI. A. 4 of these standards.

Roger P. Guissinger  
Secretary

### **RULE**

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

Effective May 20, 1983 the Department of Health and Human Resources, Women's Advocacy Bureau is adopting the

*Minimum Standards for Family Violence Programs.* The standards shall apply to all agencies providing services to victims of family violence and receiving funding through the Programs for Victims of Family Violence Fund administered by the Women's Advocacy Bureau.

As a result of the length of the standards, they are not included in this Rule. Copies of the standards may be obtained from the Women's Advocacy Bureau, Fourth Floor, State Office Building, 150 Riverside Mall, Baton Rouge, LA 70804 or by calling (504) 342-2715.

Roger P. Guissing  
Secretary

## **RULE**

### **Department of Labor Community Services Block Grant**

#### **Contracted Services Policy**

Any Louisiana Department of Labor (LDOL)-approved Subgrantee may contract with a community organization (profit or nonprofit) to perform traditional and/or employment training services contingent on LDOL's approval. An LDOL-approved Subgrantee may also contract with a profit business to perform administrative services contingent on LDOL's approval. These approvals can be granted during the annual application process or with budget and program modifications during the fiscal year.

The fiscal and programmatic responsibility for any contracted service will always reside with the Subgrantee. The Subgrantee will ensure that all LDOL policies and procedures are distributed to the contracted agency and subsequently ensure the agency's compliance. All requests for cash, budget modifications and/or operating procedures requested by the contracted agency will be reviewed and approved by the Subgrantee prior to LDOL's approval of same.

LDOL reserves the right to provide direct technical assistance, monitoring and evaluation of contracted agencies. All grievances by a contracted agency will be heard first by the Subgrantee and final resolution resides with LDOL.

#### **Fiscal Year Close-Out and Carry-Over Balance Policy**

Private and Public Nonprofit Recipients:

##### **A. Carry-Over Balances:**

All expenditures including annual leave and audit costs for operations prior to FY82 will be borne by funds of the Community Services Administration.

Where a carry-over balance exists from operations prior to FY82 and the Subgrantee has met all of its obligations, including those for goods and services received (employee accrued leave, current audit costs, etc.), the Subgrantee may request programming of these funds to supplement its work program under its Community Services Block Grant (CSBG) if (1) it had adequate funds in reserve to close out the activities related to the continued use of those funds, and (2) the State will agree in writing to audit those funds as part of its audit of the Block Grant. If these two situations exist, the Subgrantee must submit the State's audit confirmation as well as a Form 25B accompanied by a budget to the Regional Close Out Management for review and approval.

The Louisiana Department of Labor (LDOL) will reserve one month of average monthly appropriations in each fiscal year to provide any LDOL-approved Subgrantee start-up funds for the

next fiscal year. This should effectively prevent funding gaps similar to the one experienced in the beginning of FY83.

No funds remaining in balance at the end of one fiscal year (September 30), except accruals, will automatically be carried forward into the next fiscal year. Any money in balance at the end of a fiscal year which is not an accrual will be recaptured by LDOL and redistributed according to need and/or special projects.

Any monies advanced to the Subgrantee by LDOL and either unspent or otherwise not obligated must be returned to LDOL within 30 days from last date of contract (usually October 30). Any delay in this refund check will prohibit the Subgrantee from receiving funds for the subsequent year from LDOL.

##### **B. Close-Out Packages:**

At the end of a fiscal year, each Subgrantee must close its financial records and submit a Close-Out Package to LDOL within 90 calendar days after the last day of the Subgrantee's grant (usually December 30). The Close-Out Package shall include a year-to-date report of expenditures, including accruals, a clear copy of last bank account, and a letter certifying that all obligations have been met.

Any accruals relative to the fiscal year being closed out which are not liquidated by the above mentioned date will be considered an expense of the subsequent year of operation.

#### **Fiscal Policy Addendum**

##### **B. Accounting and Budgeting:**

Budget and program modifications are allowable at any time during the fiscal year of operation except for the last month (usually September).

Prior written approval of the Louisiana Department of Labor (LDOL) is required if Subgrantee takes action increasing the number of staff positions, adding or deleting funds from the salary, fringe benefit or equipment purchase line items, adding funds to the travel line item or transferring funds between components.

If approved in writing by LDOL, the Subgrantee will be at LDOL's discretion, either renegotiated to provide such additional funds as are needed to meet such increased expenses, or modified to lower staff and service levels to a degree commensurate with the funds contained herein.

Funds may be freely transferred between the line items not listed above within a component so long as the component total is not changed. Any change in line item amount is to be shown on the monthly Expenditures Report (LDOL #847) for the month in which the change occurs.

##### **D. Auditing:**

LDOL reserves the right to select the auditor to perform the task and to determine which agencies will be audited in which years. The guidelines on which the audit is based will be prepared by LDOL. The audit report is the direct responsibility of LDOL for review and resolution of improprieties. In cases where an auditor has audited the records of the Subgrantee's Community Services Block Grant (CSBG) Program during the course of a larger, more encompassing audit of the Subgrantee's records, LDOL reserves the right to review said audit for satisfactory performance of these CSBG Audit requirements.

#### **Personnel Policy Addendum**

A.III.4. Annual leave balances for employees may not be related to dollar value and set aside in any escrow account. The dollar value of annual leave balances may not be considered as an accrual item in any expenditure report. The dollar value of annual leave balances is to be paid when the employee is separated from employment and must be charged to current year expenditures regardless of when the leave was accumulated except for leave accumulated prior to the Subgrantee's anniversary date of partici-

pating in the Community Services Block Grant (CSBG) Program. That balance of annual leave accumulated prior to the CSBG Program should be paid from Community Services Administration monies set aside for that purpose.

### **Purchasing Policy Addendum**

I.A. Change Title from *Purchasing of Office and/or Program Supplies, Equipment and/or Furniture* to *Purchasing of Supplies, Services and Equipment*.

I.F. Change Title from *Purchase of Services* to *Exemptions*.

Remove - The following Rules apply to the total expenses of a particular service in a grant period. The lowest responsive and responsible bidder shall be awarded the purchase on all occasions.

I.G. Sole Source Purchases of Supplies and/or Services:

The Louisiana Department of Labor (LDOL) will allow waiver of the aforementioned bidding and purchasing requirements if the product and/or service is being purchased from a vendor classified as a "sole source" for that particular purchase. "Sole Source" is defined as a vendor who provides a product and/or service which has no competition for the same generic product and/or service within the State of Louisiana. A generic product and/or service is defined as any product and/or service of equal quality. Brand name products and/or services cannot be used to establish a vendor of that product and/or service as a "sole source" vendor. Prior written approval must be secured from LDOL before the agency can commit to purchase from "sole source" vendor.

I.H. Rental and/or Lease of Buildings and Other Non-Movable Equipment:

Rental and/or lease costs are allowable to the extent that they are reasonable in light of such factors as costs of comparable property, market conditions, and condition and value of property. Prior to the rental and/or lease of any building and/or non-movable equipment, four written bids must be secured, if available. The award will go to the building best suiting the needs and within 125 percent of lowest bid.

Ulysses Williams  
Secretary

### **RULE**

#### **Department of Labor Office of Employment Security**

The Department of Labor, Office of Employment Security, will collect the interest required in 1983 by the provisions of R.S.23:1536 F.(1) and (2), as added by Act 3 of the First Extraordinary Session of 1983, in the following manner, effective May 10, 1983:

(1) The total amount of interest due the federal government on advances through April 30, 1983, will be computed;

(2) Of this total amount of interest due, the amount in excess of \$12 million shall be paid from the special employment security administration fund up to a maximum of 35 percent of the balance in the fund as of June 1, 1983;

(3) Twelve million dollars plus any sum not paid from the special employment security administration fund as provided in (2) above shall constitute the interest due to be collected by the interest surtax;

(4) The interest surtax shall be determined by dividing the interest due as provided in (3) above by the taxable payroll of the preceding calendar year and the resulting rate will be assessed on

the taxable payroll of the preceding calendar year.

(5) Any amounts uncollected as a result of the assessment of the interest surtax rate as provided in (4) above shall be charged interest and penalty as provided in R.S. 23:1543; any deficiency in this collection shall be made up by advance from the special employment security administration fund; any such advance shall be added to the amount of interest due for the next year and the special employment security administration fund shall be repaid the amount advanced therefrom.

Ulysses Williams  
Secretary

### **RULE**

#### **Department of Labor Office of Labor**

The Office of Labor, Louisiana Department of Labor, after a public hearing held on May 6, 1983, adopted the Rules and Regulations for the implementation and administration of the Job Training Partnership Act (JTPA).

#### **JOB TRAINING PARTNERSHIP ACT (Public Law 97-300 - Oct. 13, 1982)**

##### **1. Definitions**

A. "Accrued expenditure" means an expenditure which is known and defined for the accounting period involved.

B. "Act" means the Job Training Partnership Act.

C. "Agreement" means a written financial or nonfinancial agreement between entities regarding a procedure or method of action.

D. "Capital improvement" means any modification, addition, restoration, or other improvement:

1) Which increases the usefulness, productivity, or serviceable life of an existing building, structure, or major item of equipment;

2) Which is classified for accounting purposes as a "fixed asset"; and

3) The cost of which increases the recorded value of the existing building, structure, or major item of equipment and is subject to depreciation.

E. "Construction" means the erection, installation, assembly, or painting of a new structure or a major addition, expansion, or extension of an existing structure, and the related site preparation, excavation, filling and landscaping, or other land improvements.

F. "Contract" means a written agreement between two or more parties which is enforceable by law.

G. "Contractor" means any person, corporation, partnership, public agency, or other entity which enters into a contract with the recipient, a Service Delivery Area grant recipient, or a subrecipient under the Act.

H. "Department" means the Louisiana Department of Labor.

I. "Dependent" means any person for whom, both currently and during the previous 12 months, the participant has assumed 50 percent of his support, and is:

1) A member of the immediate household; or

2) Not a member of the household, but a parent or child of the participant, or a relative of the participant who is unemployed because of a mental or physical disability; or

3) One who may be claimed as a dependent on the partici-

parent's tax return under Section 151 (e) of the Internal Revenue Code of 1954.

J. "Displaced Homemaker" means an individual who:

1) Has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members; and

2) (1) Has been dependent on public assistance or on the income of another family member but is no longer supported by that income, or

(2) Is receiving public assistance on account of dependent children in the home, especially where such assistance will soon be terminated; and

3) Is experiencing difficulty in obtaining or upgrading employment.

K. "Earnings" means:

1) Gross wages and salaries from unsubsidized employment (before deductions) including tips and commissions;

2) Net self-employment income (gross receipts minus operating expenses);

3) Pay and allowances received while on active duty in the Armed Forces.

L. "Eligibility determination" means the process of gathering and analyzing information relating to an individual's eligibility to participate in JTPA, including such information as family income, individual earnings, age, etc. In determining eligibility, family income should be annualized.

M. "Employing agency" means any public or private employer which employs participants and which establishes and maintains the personnel standards applicable to those participants covering such areas as wage rates, fringe benefits, job titles, and employment status.

N. "Entry level" means the lowest position in any promotional line, as defined locally by collective bargaining agreements, past practice, or applicable personnel Rules.

O. "Family" means:

1) One or more persons living in a single residence related by blood, marriage, or adoption. A stepchild or a stepparent is considered to be related by marriage.

2) For purposes of paragraph (a), persons not living in the single residence but who were claimed as a dependent on another person's federal income tax return for the previous year shall be presumed to be part of the other person's family. (2) A handicapped adult shall be considered a family of one when applying for programs under the Act. (3) An individual 18 years of age or older, except as provided in (1) or (2) above, who receives less than 50 percent of support from the family, and who is not the principal earner nor the spouse of the principal earner, is not considered a member of the family. Such an individual is considered a family of one.

P. "Family income" means all income received from all sources by all members of the family for the six-month period prior to application computed on an annual basis. Family size shall be the maximum number of family members during the income determination period. When computing family income, income of a spouse and/or other family members shall be counted for the portion of the income determination period that the person was actually a part of the family unit of the applicant.

(1) For the purpose of determining eligibility, family income includes:

A) Gross wages and salaries (before deductions);

B) Net self-employment income (gross receipts minus operating expenses); and

C) Other money income received from sources such as net rents, Old Age and Survivors Insurance, Social Security benefits, royalties, pensions, alimony, periodic income from insurance poli-

cy annuities, and other sources of income.

2) Family income does not include:

A) Non-cash income such as food stamps, or compensation received in the form of food or housing;

B) Rental value of owner-occupied property;

C) Welfare payments;

D) Cash payments received pursuant to a State plan approved under Titles I, IV, X, or XVI of the Social Security Act, or disability insurance payments received under Title II of the Social Security Act;

E) Federal, state, or local unemployment benefits;

F) Payments made to participants in employment and training programs;

G) Capital gains and losses;

H) One-time unearned income, such as, but not limited to:

1. Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment plans;

2. One-time or fixed-term scholarship and fellowship grants;

3. Accident, health, and casualty insurance proceeds;

4. Disability and death payments, including fixed-term (but not lifetime) life insurance annuities and death benefits;

5. One-time awards and gifts;

6. Inheritance, including fixed-term annuities;

7. Fixed-term workers' compensation awards;

8. Terminal leave pay;

9. Soil bank payments, and

10. Agriculture crop stabilization payments;

I) Pay or allowances received by any veteran while serving on active duty in the Armed Forces;

J) Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38, United States Code;

K) Payments received under the Trade Act of 1974 as amended;

L) Black Lung payments received under the Benefits Reform Act of 1977, Pub. Law 95-239, 30 USC 901;

M) Child Support payments;

N) Income tax refunds;

O) Foster care payments; and

P) Disaster assistance.

Q. "Job Training Plan" means the plan of a Service Delivery Area for operating programs under the Act, consisting of the Master Plan and Program Plan.

R. "Labor organization" means a local labor organization that represents employees in the service delivery area in the same or substantially equivalent jobs as those for which recipients and subrecipients provide, or propose to provide, employment and training under the Act.

S. "Limited English language proficiency" means the limited ability of a participant, whose native language is not English, to communicate in English, resulting in a job handicap.

T. "Long-term unemployment" means any individual who is unemployed at the time of application and has been unemployed for 15 or more of the 26 weeks immediately prior to such and has limited opportunities for employment or reemployment in the same or similar occupation in the area in which such individual resides, including any older individual who may have substantial barriers to employment by reason of age.

U. "Master Plan" means that part of the Job Training Plan which serves as a long-term agreement between the Governor and a Service Delivery Area.

V. "Needs-based payments" means Service Delivery Area-provided participant support services which cannot be

obtained from other agencies and without which an individual would be unable to participate in JTPA activities. Need shall be determined on an individual basis.

W. "Participant" means an individual who is:

- 1) Eligible for participation;
  - 2) Enrolled within 45 days of application; and
  - 3) Receiving employment, training, or services (except post-termination services) funded under the Act.
- 4) Individuals may continue to be considered as participants for a period of up to 90 days after receiving employment and training services. Supportive services may be provided to participants during this 90-day period.

X. "Part-time employment" means employment in which a worker is regularly scheduled to work less than the employer's full-time schedule for the workers' position.

Y. "Placement" means the act of securing unsubsidized employment for or by a participant.

Z. "Poverty level" means the annual income level at, or below the families are considered to live in poverty, as annually determined by the Office of Management and Budget.

AA. "Program of Demonstrated Performance" means a program which has demonstrated the capacity to achieve planned goals at reasonable cost within acceptable time frames, and is either:

1) A program which has demonstrated that it has performed successfully within the Service Delivery Areas' jurisdiction or

2) A program which can demonstrate that it has carried out a similar program under similar circumstances in other jurisdictions and can carry out such programs successfully within the Service Delivery Area's jurisdiction.

BB. "Program income" means gross income earned from JTPA-supported activities. Such earnings include, but are not limited to: income from service fees, interest, sale of commodities, usage or rental fees, and royalties on patents or copyrights.

CC. "Program plan" means that part of the Job Training Plan which consists of the description of program activities and services to be provided by the service delivery area during the program year.

DD. "Property" means all tangible non-consumable moveable property purchased with funds under the Act. The term moveable distinguishes this type of property from property attached as a permanent part of a building or structure. Please note that state law requires each item of moveable property having an acquisition cost or appraised value of \$100 or more to be placed on inventory.

EE. "Public Service Employment" means the type of work normally provided by governments and includes, but is not limited to work (including part-time work) in such fields as environmental quality, child care, health care, education, crime prevention and control, prisoner rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification, veterans outreach, development of alternative energy technologies, and other fields of human betterment and community improvement.

FF. "Race/ethnic group" means the basic racial and ethnic categories below:

- 1) "White, not Hispanic" - a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- 2) "Black, not Hispanic" - a person having origins in any of the black racial groups of Africa.
- 3) "Hispanic" - a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origins, regardless of race.

4) "American Indian or Alaskan Native" - a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

5) "Asian or Pacific Islander" - a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. The area includes for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

GG. "Recipient" means the Governor. The two terms may be used interchangeably.

HH. "Residence" means an individual's principal dwelling or home. Maintenance of an address is not necessarily the same as residence.

II. "Service Delivery Area grant recipient" means the entity that receives JTPA funds for a service delivery area (SDA) directly from the Governor.

JJ. "Subrecipient" means any person, organization or other entity which receives JTPA funds either directly or indirectly from the Governor.

KK. "Unsubsidized employment" means employment not financed from funds provided under the Act.

LL. "Welfare recipient" means an individual who receives or whose family receives cash payments under AFDC (Title IV of the Social Security Act), General Assistance, or the Refugee Assistance Act of 1980 (Pub. L. 96-212). (This term excludes recipients of supplemental security income under Title XVI of the Social Security Act.)

## 2. Pre-Award Financial Review

The recipient reserves the right to review and approve the accounting system, purchasing procedures, travel regulations, personnel policies, and property inventory procedures to verify their conformity with both state and federal regulations prior to contractual commitment.

## 3. Account Procedures

Accounting for JTPA funds must be on an accrual basis in accordance with generally acceptable accounting principles and in accordance with R.S. 24:514 A through D and R.S. 24:517 (B). A separate bank account shall be maintained. Any exceptions must have prior recipient approval.

## 4. Reporting of Expenditures

The Service Delivery Area grant recipient or subrecipient shall prepare expenditure reports in accordance with procedures established by the recipient. These reports shall be on an accrual basis and conform to federal and state requirements in regard to the Act.

## 5. Requests for Cash

The financing of the JTPA program will be on an advance or reimbursement basis in accordance with procedures established by the recipient. Service Delivery Area grant recipients and subrecipients shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and their disbursements. At no time shall the Service Delivery Area grant recipient or subrecipients have funds which exceed three days expenditure needs.

## 6. Purchasing Procedures

All purchases and leases of furniture, equipment, supplies, office and building space, capital improvements, and services shall be processed according to the purchasing procedures of the Service Delivery Area grant recipient or subrecipient. Such procedures shall be included in the Job Training Plan. All purchases of property with a unit cost of \$1,000 or more must have the prior approval of the recipient.

## 7. Travel Regulations

All reimbursement for travel will be made in accordance with the travel regulations of the Service Delivery Area grant

recipient or subrecipient.

#### 8. Personnel and Salary Regulations.

All employment practices, salary schedules and related personnel procedures will be in accordance with the regulations of the Service Delivery Area grant recipient or subrecipient.

#### 9. Auditing Requirements

The Service Delivery Area grant recipient will be audited every two years by an organization selected by the recipient and paid by the recipient. Any subrecipient of that Service Delivery Area grant recipient will be audited every two years by an organization selected by the recipient and paid by the Service Delivery Area grant recipient.

#### 10. Non-allowable Costs

Some costs associated with JTPA are not considered as necessary and reasonable for proper and efficient administration of the program. Some examples of these are:

- a) Costs resulting from violations of or failure to comply with federal, state, or local laws.
- b) Entertainment costs.
- c) Insurance policies offering protection against debts established by the federal government.

#### 11. Carry-over Balances

Funds obligated for any program year may be expanded by each recipient, Service Delivery Area grant recipient or subrecipient during that program year and the two succeeding program years.

#### 12. Program Income Guidelines

Program income generated under any part of the Act shall be identified and shall be made available to the recipient at the end of the contract for continuance of program objectives. Proper accounting records must be maintained on any program income.

#### 13. Financial and Programmatic Monitoring and Record Retention

The recipient reserves the right for monitoring the financial and programmatic operations of all Service Delivery Area grant recipients and subrecipients. The Service Delivery Area grant recipient or subrecipient must make available all records pertinent to all grants and agreements including financial, statistical, property, and participant records and supporting documentation for a period of three years after the close of the grant or the resolution of the audit. Records for nonexpendable property shall be retained for a period of three years after the final disposition of the property. In the event of the termination of the relationship with a subrecipient, the Service Delivery Area grant recipient shall be responsible for the maintenance and retention of the records of any of its subrecipients who are unable to retain them.

#### 14. Inventory Control

Property purchased or assumed under the Act must be maintained in an efficient and effective manner and shall not be used for purposes other than the Act. Service Delivery Area grant recipients and subrecipients shall obtain written approval from the recipient prior to the disposition of property covered by the Act. Proceeds of such disposition shall be considered program income as regulated by Rule 12.

#### 15. Contractual Agreements

The Service Delivery Area grant recipients may enter into contractual agreements with any profit and/or nonprofit organization. Service Delivery Area grant recipients will be responsible for their subrecipients' financial and programmatic operations and will insure compliance with state and federal regulations. Service Delivery Area grant recipients may require their subrecipients to implement policies in those areas mentioned in these Rules similar to the Service Delivery Area grant recipient's policies. The recipient has the right to inspect financial records or program records of any Service Delivery Area grant recipient or subrecipient. If a difference exists in said policies, the recipient must assist in negotiations

and approve such deviations.

#### 16. Bonding

Every Service Delivery Area grant recipient shall execute a fidelity bond in favor of the Governor in an amount of \$50,000. All employees of the Service Delivery Area grant recipient and its subrecipient shall be covered by the aforementioned bond.

#### 17. Professional Services

Contracts for professional services (legal, management, auditing, etc.) are allowable with prior written approval of the recipient.

#### 18. Funds for Cooperative Agreements

Funds for state Education Cooperative Agreements under Section 123 (1) of the Act shall be allocated to the Service Delivery Areas in accordance with allocation procedures specified under Section 202 (a) (2) of the Act.

#### 19. Contents of Cooperative Agreements

Cooperative Agreements as described in Section 123 (a) (1) of the Act should set forth the following:

- (a) A statement of approval from the local Private Industry Council and chief elected official;
- (b) Signatures of the designated education agency and the administrative entity of the Service Delivery Area;
- (c) Description and source and amount of matching funds;
- (d) A complete budget;
- (e) A description of the programs and services to be provided;
- (f) The objectives to be achieved by the training and services; and,
- (g) Any other requirements deemed necessary.

#### 20. Deobligation of State Education Cooperative Agreement Funds

If no cooperative agreement as specified in Rule 19 covering a program year is reached within 90 days after the effective date thereof and within 90 days after the effective date of each program year thereafter, such allocations shall be unilaterally deobligated and revert to the Governor for his use in accordance with Section 121 of the Act.

#### 21. Selection of Service Delivery Area Grant Recipient

The Service Delivery Area recipient shall be a tax based unit of general or local government.

#### 22. Maintenance of Documents

The original documents must be maintained unless prior approval from the recipient has been granted to substitute copies in lieu thereof.

#### 23. Modification of Service Delivery Area Job Training Plan

In accordance with Section 104 (c) of the Act, a Service Delivery Area must modify its Job Training Plan when one or more of the following occur:

- (a) A significant change in labor market or other conditions occurs that would have an adverse impact on its performance;
- (b) A change in funding level;
- (c) Any other factors which require modification shall be at the discretion of the Governor.

#### 24. Participant Rights and Benefits

Each Service Delivery Area grant recipient shall inform each participant of his rights and benefits at the time of enrollment into any activity under the Act and shall require each participant to sign a statement that he has been advised of his rights and benefits. This signed statement shall become a permanent part of each participant's official record.

#### 25. Grievance Procedure

Each Service Delivery Area grant recipient and its subrecipients shall adopt a procedure for resolving any grievance including those alleging a violation of the Act, federal or state regulations, or other agreements under the Act. These procedures shall be in compliance with Section 629.51 et seq. of the federal regulations



and shall be made a part of the Service Delivery Area Job Training Plan. All grievance procedures shall provide for the exhaustion of remedies provided therein before appeal to the Governor for review. The only exceptions will be where the Service Delivery Area fails to render a decision or the complainant receives an unsatisfactory decision.

#### 26. Non Discrimination Procedure

Service Delivery Area grant recipients and subrecipients shall comply with the applicable requirements of 29 CFR 31.

#### 27. Needs-based Payments

Each Service Delivery Area grant recipient shall include in its Job Training Plan the locally developed formula and procedure for needs-based payments to participants and supporting documentation thereof.

#### 28. Conditional Approval of Job Training Plan

In order to expedite program operations the Governor may, at his option, grant partial or conditional approval to a Service Delivery Area Job Training Plan. Such approval will spell out the parameters within which the Job Training Plan may operate and the revision necessary for final approval.

#### 29. Duplication of Services

In order to avoid duplication of services already available through other federally funded programs all Service Delivery Areas that do not have an existing system in place which adequately provides for the recruitment, intake, counseling, testing, referral to training, and placement of participants under the Act shall be required to enter into a financial agreement with the Job Service Division of the Louisiana Department of Labor for the provision of such services.

#### 30. Administrative Cost Pooling

Funds for the administration of programs under the Act within the Service Delivery Area may be pooled pursuant to Section 629.39 (g) of the federal regulations.

#### 31. Statewide Management Information System

Each Service Delivery Area grant recipient will be responsible for maintaining a client tracking and management information system that will interface required data with the Louisiana Department of Labor statewide automated system established for JTPA purposes.

#### 32. Prevention of Fraud and Program Abuse

To ensure the integrity of programs under the Act, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for use of program funds. "Abuse" is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this Rule identifies and addresses specific areas which need clarification.

This Rule sets forth specific responsibilities of recipients, Service Delivery Area grant recipients and subrecipients to prevent fraud and program abuse in JTPA.

##### A. Conflict of Interest

(1) No member of any council under the Act shall cast a vote on any matter which has a direct bearing on services to be provided by that member or any organization which such member represents.

(2) Each recipient, Service Delivery Area grant recipient and subrecipient shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance and in the conduct of procurement activities involving funds under the Act.

(3) Neither the recipient, any Service Delivery Area grant recipient nor subrecipient shall pay funds under the Act to any individual, institution, or organization to conduct an evaluation of

any program under the Act if such individual, institution, or organization is associated with that program as a consultant or technical advisor.

##### B. Kickbacks

No officer, employee, or agent of the recipient, Service Delivery Area grant recipient or subrecipient shall solicit or accept gratuities, favors, or anything of monetary value from any actual or potential subrecipient.

##### C. Commingling of Funds

The recipient, Service Delivery Area grant recipients and subrecipients shall comply with the applicable requirements of 41 CFR 29-70.201-2.

##### D. Charging of Fees

(1) No funds under the Act shall be used for the payment of a fee charged to an individual for the placement of that individual in a training or employment program under the Act.

(2) No person or organization, including private placement agencies, may charge a fee to any individual for the placement or referral of that individual in any JTPA program. Any contract requiring the individual to pay such fees therefore shall not render the individual liable for such fees.

(3) Nothing in this section shall be interpreted as prohibiting the recipient, Service Delivery Area grant recipient or subrecipient from entering into an agreement for the purpose of obtaining outreach, recruitment and/or intake services, and placement of participants into unsubsidized jobs as part of its approved plan, provided the individuals served are not charged a fee.

##### E. Nepotism

(1) Restriction. Neither the recipient, Service Delivery Area grant recipient nor subrecipient, may hire a person in an administrative capacity, staff position, or on-the-job training position funded under the Act if a member of that person's immediate family is engaged in an administrative capacity for that recipient, Service Delivery Area grant recipient or subrecipient.

(2) No subrecipient agency may hire a person in an administrative capacity, staff position, or on-the-job training position funded under the Act, if a member of that person's immediate family is engaged in an administrative capacity for the recipient or any Service Delivery Area grant recipient from which that subrecipient obtains its funds. To the extent that an applicable state or local legal requirement regarding nepotism is more restrictive than this provision, such state or local requirement shall be followed.

(3) For purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, grandmother, grandfather, grandson, granddaughter, brother sister, and their respective spouses, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.

(4) The term "person in an administrative capacity" includes those persons who have overall administrative responsibility for the obtaining of and/or approval of any grant funded under the Act, as well as other officials who have influence or control over the administration of the program, such as the project director, deputy director and unit chiefs, and persons who have selection, hiring, placement or supervisory responsibilities for on-the-job training participants.

(5) The term "staff position" includes all staff positions funded under the Act, such as instructors, counselors and other staff involved in administrative, training, or service activities.

##### F. Child Labor

The recipient, Service Delivery Area grant recipients or subrecipients shall comply with applicable federal, state and local child labor laws.

##### G. Political Patronage

(1) Neither the recipient, Service Delivery Area grant reci-

ipients nor any subrecipients may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage whether or not the political service or patronage is partisan in nature, is prohibited.

(2) There shall be no selection of subrecipients based on political patronage or affiliation.

#### H. Political activities

(1) No program under the Act may involve political activities, including but not limited to:

(a) No participant may engage in partisan or non-partisan political activities during hours for which the participant is paid with JTPA funds.

(b) No participant may, at any time, engage in partisan political activities in which such participant represents himself/herself as a spokesperson of the JTPA program.

(c) No participant may be employed or outstationed in the office of a member of Congress or a state or local legislator or on any staff of a legislative committee.

(d) No participant may be employed or outstationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such non-political-positions is permissible. Service Delivery Area grant recipients and subrecipients shall develop safeguards to ensure that participants placed in these positions are not involved in political activities. These safeguards shall be described in the Job Training Plan and will be subject to review and monitoring.

(2) Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:

(a) To persons (including participants) employed by state and local government in the administration of the JTPA program; and

(b) Generally to any participant whose principal employment is in connection with an activity financed by other federal grants or loans.

#### I. Lobbying activities

No funds provided under the Act may be used in any way:

(1) To attempt to influence in any manner a member of Congress to favor or oppose any legislation or appropriation by Congress.

(2) To attempt to influence in any manner state or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with state and local legislators for the purpose of providing information such as on matters necessary to provide compliance with the Act shall not be considered lobbying.

#### J. Sectarian activities

(1) The Act provides the following prohibitions regarding sectarian activity:

(a) Participants shall not be employed on the construction, operation or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship; and

(b) Participants shall not be involved, nor JTPA funds expanded, for religious or anti-religious activities.

#### K. Unionization and antiunionization activities/work stoppages

(1) No funds under the Act shall be used in any way to either promote or oppose unionization.

(2) No individual shall be required to join a union as a condition for enrollment in a program in which only institutional

training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement which contains a union security provision.

(3) No participant in work experience may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must (1) be relocated to positions not affected by the dispute; (2) be suspended through administrative leave; or (3) where participants belong to the labor union involved in the work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The grantee shall make every effort to relocate participants, who wish to remain working, into suitable positions unaffected by the work stoppage.

(4) No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

(5) Nothing in this section shall prevent an employer from checking off union dues or service fees pursuant to applicable collective bargaining agreements or State law.

#### L. Maintenance of Effort

(1) To ensure maintenance of effort under all programs under the Act, the recipient, Service Delivery Area grant recipients and subrecipients shall ensure that such programs:

(a) Result in an increase in employment and training opportunities over those which would otherwise be available.

(b) Do not result in the displacement of currently employed workers including partial displacement, such as reduction in hours of nonovertime work, wages, or employment benefits.

(c) Do not impair existing contracts for services or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed including services normally provided by temporary, part-time or seasonal workers or through contracting such services out; and

(d) Result in the creation of jobs that are in addition to those that would be funded in the absence of assistance under the Act.

(2) Funds under this Act shall supplement, and not supplant, the level of funds that would otherwise be made available from non-federal sources for the planning and administration of programs.

M. Responsibilities of Service Delivery Area grant recipients and subrecipients for preventing fraud and program abuse and for general program management.

#### General requirements:

(1) Each Service Delivery Area recipient and subrecipient shall establish and use internal program management procedures sufficient to prevent fraud and program abuse.

J. T. Armatta  
Assistant Secretary

**RULE**

**Department of Natural Resources  
Office of Conservation**

**AMENDMENT TO STATEWIDE ORDER NO. 29-B  
SECTION XV  
POLLUTION CONTROL  
OFF-SITE DISPOSAL OF DRILLING MUD  
AND SALT WATER  
GENERATED FROM DRILLING AND  
PRODUCTION OF OIL AND GAS WELLS**

\* \* \* \* \*

**13.1 DEFINITIONS**

*Closed Salt Water Disposal System:* A system in which the salt water or produced brine is stored in enclosed tanks prior to being pumped through a series of flow lines to an injection well to be injected into subsurface strata approved for disposal of said fluid. Surface storage pits are not utilized in a closed system.

*Commercial Facility:* A waste treatment, storage or disposal facility which receives, treats, reclaims, stores, or disposes of waste drilling muds or salt water for a fee or other consideration.

*Commissioner:* The Commissioner of Conservation of the State of Louisiana.

*Community Salt Water Disposal System:* A salt water disposal system within an oil and/or gas field which is used by adjacent lease operators for disposal of their produced brine.

*Generator:* The operator of record or producer of an oil or gas well who contracts with an approved commercial disposal facility for off-lease disposal of his salt water and drilling mud.

*Oil-Based Drilling Muds:* Any oil-based drilling fluid composed of a water in oil emulsion, organophillic clays, drilled solids and additives for down-hole rheology and stability such as fluid loss control materials, thinners, weighting agents, etc.

*Oilfield Waste:* Waste drilling mud, drilling fluids or produced salt water (brine) generated from the drilling and production of oil and/or gas wells.

*Pit:* An uncovered area constructed to retain waste drilling mud or salt water, often referred to as a pond or lagoon.

*Salt Water (Produced Brine):* Produced water from an oil and/or gas well with a chloride content greater than 500ppm.

*Turnkey Operator:* An agent and/or corporation that enters into an agreement with the operator of record to perform a specific task.

*Waste Drilling Muds:* Any colloidal slurry composed of water-based or oil-based drilling muds together with drilled solids, cuttings and commingled water that will not be reused or reconditioned for sale.

*Water-Based Drilling Muds:* Any water-based fluid composed of fresh water or salt water, naturally occurring clays, drilled solids and additives for fluid loss control, viscosity, thinning, pH control, weight control, etc., for down-hole rheology and stability.

**13.2 Disposal of Oilfield Wastes**

**A. Generators of Produced Salt Water**

The generator of any produced salt water is responsible for its proper handling, transportation and necessary documentation, as required by Paragraph 13.6 below, until delivered to an approved commercial disposal facility.

**B. Generators of Waste Mud and Drilling Fluids**

The generator of waste mud and drilling fluids is responsible for its proper handling, transportation and necessary documentation, as required by Paragraph 13.6 below, until delivered to an approved commercial disposal facility. This accountability may be consigned to a drilling contractor, another operator, "Turnkey" operator, etc. In such cases this must be documented and made a part of the well's permanent file.

**C. Approval of Commercial Facility Required**

Disposal of salt water, waste muds and drilling fluids by commercial facility must be approved by the Commissioner. Subsurface disposal of salt water is required and regulated by Section XV of this order. The requirements of this paragraph do not apply to community saltwater disposal systems.

**D. Location Criteria**

Commercial oilfield waste disposal facilities and associated saltwater disposal wells may not be located in any area:

1) Where the disposal well or related storage tanks, storage pits, or other equipment are within 500 feet of a residential, commercial, or public building, unless adherence to this requirement is waived by the owner of the building, or in the case of a public building, by the responsible administrative body. Any such waiver shall be in writing and must be made part of the permit application.

2) Where the subsurface geology does not exhibit the following characteristics:

a) adequate thickness and areal extent of the proposed disposal zone (reservoir); and

b) adequate clay confining beds separating the top of the proposed injection zone and the base of the lowermost underground source of drinking water.

3) Where working and/or storage pits are located in a "V" or A zone as determined by flood hazard boundary or rate maps and other information published by the Department of Housing and Urban Development, Federal Insurance Administration. Said maps and data are on file and may be viewed by interested parties at the Office of Conservation, UIC Division, Baton Rouge, Louisiana. Existing facilities with pits located in a "V" or A zone will be required to build pit levees above the 100-year flood elevation as certified by a professional engineer or land surveyor.

4) Where other surface or subsurface conditions exist which in the determination of the Commissioner of Conservation would cause the location to pose a threat of substantial, adverse effects on the environment at or near the location.

**E. Design Criteria**

1) Commercial oilfield waste disposal facilities and associated saltwater disposal wells shall be designed in such a manner as to prevent the movement of waste materials into underground sources of drinking water (USDW's) or to prevent the discharge of waste materials into manmade or natural drainage or directly into State waters unless a discharge permit has been received from the Office of Environmental Affairs, Water Pollution Control Division.

2) Commercial saltwater disposal wells and oilfield waste disposal facilities shall be designed and constructed in accordance with, but not limited to, the following requirements:

a) Section XV and other applicable sections of this order;

b) Retaining walls shall be built around all above-ground storage tanks to a level that will provide sufficient capacity to retain the contents of each tank and prevent the escape of stored wastes due to tank leakage, natural disaster, or some other cause;

c) Spill containment systems shall be built around unloading areas to prevent the escape of any wastes spilled during off-loading; and

d) The need for a six foot chain link fence around an entire facility or any portion of a facility will be determined after a site investigation by the Commissioner or his designated representative. Gates on fences that are constructed shall be locked except during hours of operation.

**13.3 Permit Application Requirements**

**A. Application Required**

Every person who intends to open and operate a new offsite commercial oilfield waste disposal facility shall file an application with the Office of Conservation for a permit to construct and operate such a facility.

## B. Notice of Intent

1) At least 30 days prior to filing such application, the applicant shall publish a Notice of Intent to apply. Such notice shall contain sufficient information to identify the following:

- a) Name and address of the applicant;
- b) The location of the proposed disposal facility;
- c) The nature and content of the proposed waste stream(s); and
- d) The method(s) of disposal to be used.

2) The Notice of Intent shall be published in the official state journal, *The State Times*, as well as the official journal of the parish in which the proposed facility will be located.

3) Such notice shall be in bold-face type and not less than one-quarter page in size and shall be published on three separate days in each journal.

## C. General Information

Except for the filing and hearing fees, the following general information must be provided in duplicate in each application for approval to operate a commercial oilfield waste disposal facility:

- 1) A \$100 filing fee.
- 2) A \$300 hearing fee.

3) A list of names and addresses of the principal officers of the company or corporation.

4) A list of the names and addresses of all property owners, residents, off-set operators and industrial facilities within one-quarter mile of the proposed disposal well. Names and addresses of local governing authorities must also be included. Attached to this list must be a simplified drawing (map) showing the following information:

- a) Property boundaries of the disposal facility;
- b) The boundaries and ownership of all land adjacent to the facility; and
- c) The location and identification of all storage tanks and/or storage pits, the disposal well, and all residential, commercial, or public buildings within one-quarter mile of the facility.

5) A completed Form UIC-II, including all required attachments.

6) A copy of the title to the property upon which the disposal facility will be located. If a lease or other agreement is in effect on the property, a copy of this instrument shall be included in the application.

7) A parish map of sufficient scale to identify the location of the proposed disposal facility.

8) A detailed statement of the proposed method of operation of the disposal facility, including procedures for the receipt, storage, treatment and disposal of wastes. This statement shall include a complete explanation of procedures for witnessing the receipt and sampling of wastes to assure that only permitted non-hazardous oilfield wastes are accepted.

9) Documentation that the disposal well and facility will have limited access through a fence and/or a lockable gate system.

10) Evidence of financial responsibility for any liability for damages which may be caused to any party by the escape or discharge of any material or waste from the disposal facility. This financial responsibility may be evidenced by filing a certificate of insurance, documentation of self-insurance, or any other evidence of equivalent financial responsibility acceptable to the Commissioner, provided, however, that in no event shall the amount and extent of such financial responsibility be less than \$1,000,000.00 per occurrence and/or aggregate occurrences. An insurance policy must be issued by a company licensed to operate in the State of Louisiana and must provide for absolute, as well as sudden and accidental, pollution coverage. The application must include both a copy of the policy and a Certificate of Insurance indicating the required coverage is in effect, and all deductible amounts applicable to the coverage.

11) A bond or irrevocable letter of credit, in favor of the State of Louisiana, providing for the adequate closure of the facility. The amount of said bond shall be determined by the Commissioner; accordingly, a detailed cost estimate for adequate closure of the facility and plugging and abandonment of the disposal well must be provided. Upon reviewing the cost estimate, the Commissioner will then set the amount of the required bond or letter of credit.

12) A detailed description of proposed future closure procedures to plug and abandon the disposal well, to close out any storage pits, to remove all surface equipment, and to return the environment to its natural state.

13) Verification that a discharge permit has been obtained from the Office of Environmental Affairs (OEA). If a facility does not intend to discharge treated waste water, a completed and notarized Affidavit of No discharge must be provided.

14) Strike and dip geologic cross sections intersecting at the proposed location of the disposal well for which a permit is sought. These cross sections must include, at a minimum, available log control, geologic units, and lithology from the surface to the lower confining bed below the injection zone. The sections shall be on a scale sufficient to show the local geology in at least a two-mile radius from the proposed disposal well. The following information must be included on these cross-sections:

- a) The base of underground sources of drinking water (USDW's);
- b) The vertical and lateral limits of the proposed disposal zone (reservoir);
- c) The vertical and lateral limits of the upper and lower confining beds; and
- d) The location of faults or other geologic structures.

## D. Additional Permit Application Requirements for Closed Systems

In addition to the information requested in paragraph 13.3 (C) above, the following information must be provided in duplicate in each application for approval of a closed saltwater disposal system:

1) A detailed schematic diagram of the proposed facility of sufficient scale to show placement of access roads, buildings, unloading areas, storage tanks (including design capacities), levees, flow lines, filters, the injection well and all other equipment and operational features of the facility.

2) Documentation that a sign will be prepared and displayed at the entry of the disposal facility; such sign shall state the following:

"This non-hazardous waste system has been approved for saltwater disposal only and is regulated by the Office of Conservation. Any violations shall be reported to the Office of Conservation at 504/342-5515."

The sign shall also state the owner's name and address.

## E. Additional Permit Application Requirements for Disposal Systems with Storage Pits

In addition to the information requested in paragraph 13.3(C) above, the following information must be provided in duplicate in each application for approval of an oilfield waste disposal system incorporating the use of storage pits:

(NOTE: If a proposed pit is to be used in conjunction with an oilfield waste disposal facility, it is not to be constructed until a permit has been issued!)

1) A detailed schematic diagram of the proposed facility of sufficient scale to show placement of access roads, buildings, unloading areas, monitor well(s), storage pits, storage tanks (including design capacities), flow lines, filters, the injection well and all other equipment and operational features of the disposal system. The diagram must include the dimensions and design capacity (in barrels) of each proposed storage pit. The diagram shall also

include the following information:

a) The location and elevation of each soil boring required in Paragraph 13.3(E)(3) below;

b) The location and elevation of each monitor well required in Paragraph 13.3(E)(5) below;

c) The elevation for the top of each levee;

d) The elevation of the bottom (base) of each storage pit; and

e) The elevation of the 100-year flood level.

2) Documentation that working and/or storage pits will not be located in a "V" or an A zone as determined by flood hazard boundary or rate maps and other information published by the Department of Housing and Urban Development, Federal Insurance Administration. Said maps and data are on file and may be viewed by interested parties at the Office of Conservation's UIC office in Baton Rouge. As conditions change and new data is made available by the Federal Government, owners of approved commercial disposal facilities will be required to update their facilities in accordance with Paragraph 13.2(D)(3) above.

3) Documentation must be presented which shows that a five foot impermeable barrier exists immediately below the bottom of each proposed storage pit to prevent vertical movement of fluid contained therein. Soil testing must be performed prior to actual construction of any proposed pit and must indicate that the impermeable barrier exists. Specific requirements for soil borings and soil testing are as follows:

a) Soil borings and soil testing shall be performed by an independent and qualified engineering or geotechnical soil testing company or laboratory;

b) The number and locations of soil borings shall be determined by the Commissioner;

c) Soil borings shall be located within 100 feet of the base of the pit levees;

d) Soil borings shall be drilled to at least ten feet below the bottom of each pit; and abandoned hole shall be plugged with cement slurry from the bottom up to ground surface; and

e) The impermeable material below the bottom of the pit(s) must not exhibit a permeability of more than  $10^{-7}$  millidarcys.

4) A cross section showing the proposed placement and the type of materials to be used in the construction of the pit levees. Actual construction of the levees must be monitored and documented by a professional engineering or geotechnical soil testing company. The levees must contain sufficient impermeable material of no more than  $10^{-7}$  millidarcys (md) to prevent horizontal fluid movement.

5) A schematic diagram depicting the proposed or actual construction of each monitor well. A minimum of three monitor wells will be required to insure that any seepage into a USDW beneath the pit(s) will be detected prior to leaving the disposal site's perimeter. Monitor wells shall be certified by a professional engineer, hydrologist or geologists as adequate to detect any contamination. Additional monitor wells may be required; the number and location of additional wells will be determined upon review of the pit size(s) and configuration(s).

6) Documentation that a sign will be prepared and displayed at the entry of the disposal facility; such sign shall state the following:

"This non-hazardous waste system has been approved for saltwater, waste mud, and drilling fluids only and is regulated by the Office of Conservation. Any violations shall be reported to the Office of Conservation at 504/342-5515."

The sign shall also state the owner's name and address.

#### 13.4 Permitting Procedures

A. The Office of Conservation will review a commercial oilfield waste disposal facility application within 60 days of receipt

and inform the applicant of its completeness.

B. If the application is not complete, the applicant shall be advised of additional information to be submitted for approval or the application shall be returned and the applicant will be required to resubmit the application.

C. Upon acceptance of the application as complete, the Office of Conservation shall set a time and date and secure a location for the required public hearing to be held in the affected parish.

D. At least 30 days prior to the hearing, the applicant is required to file six copies of the complete application with the local governing authority of the parish in which the proposed facility is to be located.

#### E. Public Hearing Notice Requirements

1) Upon acceptance of the application as complete, the Office of Conservation shall publish in the next available issue of *The State Register*, a notice of the filing and the location, date and time of the public hearing to be held in the affected parish. Such public hearing shall not be less than 30 days from the date of notice in *The State Register*.

2) At least 30 days prior to the scheduled public hearing, the Office of Conservation shall publish in *The State Times* a notice of the filing of the application and the location, date and time of the hearing.

3) The applicant shall publish a substantially similar notice in the official journal of the affected parish on three separate days at least 15 days prior to the date of the hearing. Such notice shall not be less than one-quarter page in size and printed in bold-face type.

F. The public hearing shall be fact finding in nature and not subject to the procedural requirements of the Louisiana Administrative Procedure Act. All interested persons shall be allowed the opportunity to present testimony, facts, or evidence related to the application or ask questions.

#### G. Permit Issuance

1) The Commissioner shall issue a final permit decision within 30 days of the public hearing.

2) A final permit decision shall become effective on the date of issuance.

3) Approval or the granting of a permit to construct a Class II commercial oilfield waste disposal well and facility shall be valid for a period of one year and if construction is not completed in that time, the permit shall be null and void. Requests for an extension of this one year requirement may be approved by the Commissioner for extenuating circumstances only.

#### 13.5 Criteria for the Operation of Commercial Oilfield Waste Disposal Facilities

A. Commercial oilfield waste disposal facilities shall be operated in compliance with existing sections of Statewide Order No. 29-B which pertain to "good housekeeping" operations on oil and gas leases, and shall be in compliance with, but not limited to, the following:

1) The area within the confines of tank retaining walls shall be kept free of debris, trash, and accumulations of oil or other materials which may constitute a fire hazard.

2) The area within the confines of tank retaining walls must be kept free of accumulations of water.

3) Storage pit levees shall be kept free of debris, trash, or overgrowth which would constitute a fire hazard or hamper or prevent adequate inspection.

4) Pit surfaces shall at no time have an accumulation of oil of more than two inches.

5) Storage pit levees shall be maintained with at least two feet of freeboard.

B. All facilities and systems of treatment, control, and monitoring (and related appurtenances) which are installed or

used to achieve compliance with the conditions of a permit shall be properly operated and maintained at all times.

C. Inspection and entry by Office of Conservation personnel shall be allowed as prescribed in La. R.S. 30:4.

D. Notification Requirements

1) Any change in the principal officers or management of an approved oilfield waste disposal facility must be reported to the Commissioner in writing within ten days of the change.

2) Transfer of Ownership

a) A permit may be transferred to a new owner or operator upon approval by the Commissioner.

b) The current permittee shall submit an application for transfer at least 30 days before the proposed transfer date. The application shall contain the following:

1) Name and address of the proposed new owner (permittee);

2) Date of proposed transfer; and

3) A written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, financial responsibility, insurance coverage, and liability between them.

c) If no agreement described in Section (b)(3) above is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation will shift from the existing permittee to the new permittee on the date the transfer is approved.

3) Commercial facility operators shall give notice to the Commissioner of any planned physical or operational alterations or additions to a permitted facility. Requests to make such changes must be submitted to and approved by the Commissioner prior to beginning construction or accomplishing the change by other means.

4) The operator of a newly approved commercial disposal well and/or facility must notify the Commissioner when construction is complete. The operator shall not commence receiving oilfield wastes or injecting salt water until the facility has been inspected for compliance with the conditions of the permit and the disposal well has been tested for mechanical integrity.

5) An operator shall report to the Commissioner any non-compliance, including but not limited to those which may endanger health or the environment. Such notice shall be made orally within 24-hours of the noncompliance and followed by a letter within five days explaining details and proposed methods of corrective actions.

6) If a commercial disposal facility operator refuses to accept a load of oilfield wastes, he shall notify the Office of Conservation immediately, providing the names of the generator and transporter of the wastes.

E. Hours of Operation

1) Commercial disposal facilities shall receive oilfield wastes during daylight hours only. Daylight hours shall be defined as the daily hours for sunrise and sunset as listed in table No. 1119 entitled "Sunrise and Sunset at Baton Rouge, Louisiana," prepared by the Nautical Almanac Office, United States Naval Observatory, Washington, DC 20390.

2) The Commissioner may grant approval for after hours (nighttime) hauling of oilfield wastes to a commercial facility when an emergency condition exists. Generators shall be responsible for obtaining prior approval for nighttime hauling by calling the Office of Conservation at 504/342-5515. When such approval has been granted, the Office of Conservation shall notify the commercial facility which will receive the wastes and State Police.

F. Monitoring of Injection Wells

1) A positive pressure of no less than 100 psi shall be maintained on the well annulus at all times.

2) Wells shall be equipped with pressure gauges located on the well-head, and situated so as to monitor the pressure of the injection stream and the pressure of the annular space between the casing and the injection string.

3) The monitoring gauges shall have half-inch fittings, have a range of 0 to 1000 psi, be scaled in increments of not more than 10 psi, and be maintained in good working order at all times.

4) A daily log shall be maintained by the operator of the facility and shall contain the following information:

a) The date;

b) The operator's name and address;

c) The well name, number and serial number;

d) The monitored injection pressure;

e) The monitored annulus pressure;

f) Whether or not the well was injecting at the time the pressures were recorded; and

g) The name or initials of the person logging the information.

5) The gauges shall be read and pressures recorded daily. The days that a facility is not in operation shall be noted on the daily log.

6) The daily logs shall be submitted to the Office of Conservation no later than the fifteenth day of the following month.

7) Any discrepancies in the monitored pressures, which would indicate a lack of mechanical integrity and constitute non-compliance applicable sections of this order, shall be reported to the Office of Conservation within 24 hours.

G. Discharges from disposal pits will be allowed only after the necessary discharge permit has been obtained from the Office of Environmental Affairs (OEA). Valves and drain lines used during said discharges will remain sealed at all times except when approved discharges are being made and the number of the "on-seal" and "off-seal" shall be recorded and maintained for inspection at the facility.

H. Monitor Well Sampling and Testing Requirements

1) Water samples from monitor wells shall be sampled and analyzed by an independent testing laboratory. Samples shall be analyzed for pH, conductivity, chloride (Cl) content, and Total Dissolved Solids (TDS) content.

2) Water from newly constructed monitor wells on new facilities shall be sampled and analyzed to provide baseline data for the monitoring system. This data shall be submitted to the Office of Conservation to be made part of the facility's permanent file.

3) Water from monitor wells on existing facilities shall be sampled and analyzed on a monthly basis, with a copy of the analysis submitted to the Office of Conservation within 15 days of the end of each month.

I. Sampling and Testing of Oilfield Wastes

1) Before offloading at a commercial facility each shipment of oilfield waste shall be sampled and analyzed for pH, conductivity, and chloride (Cl) content.

2) An eight ounce sample (minimum) of each load must be collected and labeled with the date, operator and manifest number. Each sample shall be retained for a period of 30 days.

J. Renewal of Insurance Coverage

Liability insurance coverage for a facility must be renewed at least 15 days prior to its expiration date or the permit under which an approved commercial facility operates will be suspended until such renewal has been confirmed.

13.6 Manifest System

A. In order to adequately monitor the movement and disposal of oilfield wastes, every shipment of waste transported to a commercial facility shall be accompanied by a manifest entitled "Oil Field Waste Shipping Control Ticket." It is expressly forbidden to transport or accept oilfield wastes without a properly completed manifest form.

B. The generator shall initiate the manifest (original and four copies) by completing his portion and the name and address of the treatment, storage, or disposal facility. After the transporter completes and signs his portion, the generator shall retain one copy for his files. The original and three copies shall accompany the non-hazardous waste shipment.

C. Upon delivery of the waste, the transporter shall secure the non-hazardous waste facility operator's signature. The transporter shall retain one copy for his files and give the original and two copies to the non-hazardous waste facility operator.

D. The non-hazardous waste facility operator shall complete his portion, assign a number to the manifest (to be recorded on the sample collected pursuant to the requirements of paragraph 13.5.I), retain a copy for his files and mail the original and final copy to the generator no later than the next working day.

E. The generator shall retain a copy for his files and mail the final completed original to the Office of Conservation no later than seven days after receiving the completed manifest from the non-hazardous waste facility operator.

F. Generator, transporter, and non-hazardous waste facility operator shall maintain file copies of manifests for a period of not less than three years for Office of Conservation inspection.

G. Monthly reports shall contain a listing of each waste and the total amount, in barrels, handled that month. Monthly report forms can be received from the Office of Conservation.

H. Monthly reports shall be submitted to the Office of Conservation no later than 15 days after the end of each month.

#### 13.7 Landfarming Requirements

##### A. Purpose

Landfarms shall be isolated from contact with the public, livestock, or private irrigation or livestock water supplies, both surface and underground.

##### B. Permitting

The siting, design, construction, operation, testing and closure of landfarms shall be approved only after an application is submitted to and approved by the Commissioner. Each existing facility permitted to receive oilfield wastes other than salt water shall submit and have approved a plan of disposal of pit solids prior to July 1, 1984.

##### C. Requirements

1) The soil shall contain a slowly permeable horizon no less than 12 inches thick containing enough fine grained material within three feet of the surface to classify it as CL, OL, MH, CH, or OH under the Unified Soil Classification System.

2) The pH of the surface 12 inches of soil shall be or shall be limed to be 6.5.

3) The water table at all times shall be maintained to be at least 36" below the zone of incorporation, either as a result of natural or artificial drainage.

4) The concentration of salts in the soil shall at no time exceed levels that would raise the electrical conductivity of a saturated paste above 10 mmhos/cm or the sodium adsorption ratio above 10 mmhos/cm.

5) The concentration of residual organics shall at no time exceed levels that would prevent the establishment of vegetation for more than two seasons following the final application.

6) An unsaturated zone monitoring system shall be installed to provide early warning of possible migration of mobile waste constituents.

7) An independent consultant shall perform the necessary monitoring to assure adherence to the above-listed requirements.

#### 13.8 Closure

A. All off-site commercial disposal facilities under the jurisdiction of the Office of Conservation shall be closed in a manner approved by the Commissioner to insure protection of the public, the environment and underground sources of drinking water.

B. Closure bond or letter of credit amounts will be reviewed each year prior to the renewal date. A detailed cost estimate for adequate closure of each approved commercial facility shall be submitted to the Commissioner at least 60 days before the expiration date of the bond or letter of credit. Upon review of the cost estimate, the Commissioner may increase, decrease or allow the amount of the bond or letter of credit to remain the same. The closure bond or letter of credit must then be renewed at least 15 days prior to the expiration date or the Commissioner shall take possession of the funds guaranteed by the bond or letter of credit.

#### 13.9 Effective Date and Compliance

A. This Amendment shall be effective on and after May 20, 1983.

B. All existing commercial facilities shall be required to comply with applicable portions of this amendment within 90 days of the effective date. Failure to comply with this requirement in a timely manner will subject an operator to the suspension or revocation of his permit and/or imposition of penalties pursuant to La. R.S. 30:18.

Patrick H. Martin  
Commissioner

### **RULE**

#### **Department of the Treasury Board of Trustees of the State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874, the Board of Trustees of the State Employees Group Benefits Program has adopted a Rule excluding coverage for private duty nursing services performed in a skilled nursing facility.

James D. McElveen  
Executive Director

### **RULE**

#### **Department of the Treasury Board of Trustees of the State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874, the Board of Trustees of the State Employees Group Benefits Program has adopted a Rule increasing the Major Medical deductible in the health and accident program from \$100 to \$200 per person, per calendar year, with a maximum of three deductibles per family, to be effective January 1, 1984.

James D. McElveen  
Executive Director

### **RULE**

#### **Department of the Treasury Board of Trustees of the State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874, the Board of Trustees of the State Employees Group Benefits Program has adopted the following Rule increasing the reimbursement for hospital room and board charges in the health and accident plan.

Effective July 1, 1983, the plan will reimburse \$60 per day under basic benefits and up to an additional \$60 per day under the Major Medical provision.

James D. McElveen  
Executive Director

## **RULE**

### **Department of the Treasury Board of Trustees of the State Employees Group Benefits Program**

#### **GUIDELINES FOR PARTIAL STATE PREMIUM REIMBURSEMENT TO SCHOOL SYSTEMS WITH PRIVATE INSURANCE COMPANIES OR SELF-FUNDED PLANS**

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has adopted the following Rule establishing guidelines for partial state premium reimbursement to school systems with private insurance companies or self-funded plans.

In order to be eligible for partial state premium reimbursement as provided for in Act 745 of 1979, each school board which contracts with a private insurance carrier for medical or life insurance coverage for its employees, or which provides such coverage on a self-insured basis, shall comply with the following guidelines:

##### **I. NATURE OF THE CONTRACT**

It is required that all private policies of health and life insurance adopted by a school board be true group contracts, in accordance with Part VI, of Title 22 of the Louisiana Revised Statutes of 1950 or self-funded plans. In order that this may be determined, each board shall be required to submit to the Group Benefits Program copies of all contract documents, including any amendments as may be adopted from time to time.

##### **II. ELIGIBILITY - ACTIVE EMPLOYEES**

Only full-time employees of the school board and their dependents shall be eligible for coverage. A full-time employee is defined as an employee who works 30 hours or more per week; provided, however, that an employee whose full-time occupation normally requires less than 30 hours per week shall be considered also a full-time employee.

Eligible dependents shall include the employee's legal spouse and unmarried children as authorized by the insurer.

##### **III. EFFECTIVE DATES OF COVERAGE - ACTIVE EMPLOYEES**

Coverage shall become effective on the first of the month coinciding with or next following the completion of one calendar month's employment provided that the employee has made a written request for coverage by completing the applicable enrollment form(s) and has agreed to make any required contribution for his coverage. Dependent coverage shall become effective on the date the employee becomes eligible or acquires the dependent, whichever is later. Request for coverage submitted beyond 30 days from date of employment or the acquisition of an eligible dependent shall be subject to the provisions of SECTION VIII (PRE-EXISTING CONDITIONS).

##### **IV. ELIGIBILITY - RETIREES**

Each retired employee of the School Board shall be eligible for coverage provided the retired employee meets the following requirements:

- 1) Was a covered employee on the school board's contract immediately prior to the date of retirement; and
- 2) Upon retirement, immediately received retirement benefits from one of the approved State of Louisiana Retirement Systems; or if not eligible for participation in such a plan, has ten years of continuous service and has reached the age of 65.

Eligible dependents of retired employees shall include the retiree's legal spouse and unmarried dependent children as authorized by the insurer.

##### **V. EFFECTIVE DATES OF COVERAGE - RETIREES**

Coverage for retired employees and their dependents shall be effective on the first of the month following date of retirement if the employee and his dependents were covered immediately prior

to retirement. Coverage for dependents of retirees first becoming eligible for coverage following the date of retirement shall be effective on the date of marriage (for new spouses of retirees), the date of birth (for newborn children of retirees) or the date of acquisition (for other classifications of dependents) if application is made within 30 days of the date of eligibility. Dependents of retirees shall not be eligible for coverage as late applicants.

##### **VI. EMPLOYMENT AFTER RETIREMENT**

An employee retired from one school board may be covered as an active employee of another school board, or as a retiree of the board from which he retired, but not both. Upon termination of employment from the latter school board, the employee may return to the retired employee coverage of his original employer board.

##### **VII. LATE APPLICANTS**

A late applicant shall be considered, in the case of an active employee, as one who makes application for coverage after 30 days from the date he becomes eligible. In the case of a dependent, a late applicant shall be considered as one for whom application for coverage is made after 30 days from the date such dependent is eligible or acquired.

Late applicants shall be subject to the terms and provisions of Section VIII, hereafter. Retirees and their dependents shall not be eligible for coverage as late applicants.

##### **VIII. PRE-EXISTING CONDITIONS**

Active employees of a school board and their dependents who are considered late applicants may be enrolled for coverage only under the following circumstances:

1. Eligible active employees may be enrolled in the life insurance program of the school board on the first day of any month upon submission of a statement of health and approval thereof by the company insuring the life program for the school system.
2. Eligible active employees and their dependents may enroll in the health insurance program on the first day of the month subject to the following pre-existing condition stipulation:

A physical injury or sickness will be considered a Pre-Existing Condition if treatment was received or if drugs were prescribed or taken during the 12 consecutive month period immediately preceding the effective date of coverage. No benefits will be payable for a Pre-Existing Condition until the covered person has been a participant in the plan for 24 consecutive months.

##### **IX. CONTINUATION OF COVERAGE**

In the event of the death of a covered active or retired employee, surviving covered dependents of the employee shall be allowed to continue participation in the school board's group accident and health coverage subject to the following conditions:

1. The surviving legal spouse of a deceased active or retired employee may continue coverage until eligible for participation in an employer-sponsored medical plan or until remarriage, whichever occurs first.
2. Surviving children of a deceased active or retired employee may continue coverage until eligible for an employer-sponsored medical plan or attainment of the termination date for children as set forth in the school board's contract, whichever occurs first.

##### **X. CHANGE OF CARRIER**

In the event a school board changes the carrier for its health and/or life insurance coverage, or amends the coverage provisions of its existing contract(s), neither the installation of a new contract nor an amendment to an existing contract shall nullify the definition of a "Late Applicant" as defined in Section VII, and an employee or dependent who is subject to the limitations governing pre-existing conditions (Section VIII) shall remain so.

##### **XI. TRANSFERS**

A covered active employee who terminates employment



with a school board and is immediately employed by another board shall not be required to serve the eligibility period required of a new employee, and coverage on the latter board's contract shall be continuous for such employee and his dependents. Any limitations for Pre-Existing Conditions which may be applicable to the employee's coverage under the predecessor board's contract shall carry forward to the successor contract.

**XII. INFORMATION TO BE FURNISHED**

In order that the amounts for partial state premium reimbursement may be determined, the school board shall be required to furnish to the Program the information set forth in Appendix A.

**XIII. MISCELLANEOUS**

The Board of Trustees of the State Employees Group Benefits Program authorizes the Executive Director to establish any administrative procedures and to require any additional information from the school board as may be necessary to efficiently administer the premium reimbursement provisions of R.S. 42:851 and R.S. 42:821, as amended.

**APPENDIX A**

**A. Data to be furnished annually:**

I. Separate alphabetized lists by last name of participants in each of the following classifications:

1. Active employees
2. Retired employees
3. Surviving spouse of retired employees
4. School board members

Lists to include:

A. Social Security number (on list of surviving spouses, only the Social Security number of deceased employee)

B. Date of birth

C. Annual or hourly salary (if employee is retired, salary as of retirement date), exclude if surviving spouse

D. Amount of life insurance coverage (on employee only) for each life carrier

E. Amount of accidental death and dismemberment coverage (on employee only), for each life carrier, exclude if surviving spouse

F. Type of medical coverage according to these classifications:

1. No health coverage
2. Employee only
- 3C. Employee and one dependent (child)
- 3S. Employee and one dependent (spouse)
- 4C. Employee and two or more dependent children
- 4S. Employee and two or more dependents (family)
5. Employee only, with Medicare
- 6C. Employee with Medicare and one dependent (child) without Medicare
- 6S. Employee with Medicare and one dependent (spouse) without Medicare
- 7C. Employee without Medicare and one dependent (child) with Medicare
- 7S. Employee without Medicare and one dependent (spouse) with Medicare
- 8C. Employee with Medicare and one dependent (child) with Medicare
- 8S. Employee with Medicare and one dependent (spouse) with Medicare
- 9C. Employee with Medicare and two or more dependents (children) without Medicare
- 9S. Employee with Medicare and two or more dependents (family) without Medicare

10C. Employee without Medicare and two or more dependents (children) one dependent with Medicare

10S. Employee without Medicare and two or more dependents (family) one dependent with Medicare

11C. Employee with Medicare and two or more dependents (children) one dependent with Medicare

11S. Employee with Medicare and two or more dependents (family) one dependent with Medicare.

Note: If rates do not vary according to dependent coverage, C and S codes are omitted.

G. Notation of:

1. Employees on leave without pay - LWOP

2. Federally funded employees - Fed. Fund - indicate percentage of salary paid with Federal Funds

3. Federally funded employees - Fed. Fund - indicate percentage of insurance premiums paid with Federal Funds

Important: The lists compiled by the school board must conform to these classifications regardless of current policy classifications.

II. Premium rates by classification for life and medical coverage and also current billing basis (9 month, 10 month, 12 month).

III. A copy of all private group insurance invoices.

IV. A copy of the school board's budget for the current Fiscal Year.

V. A schedule providing the budgeted salary information shown below.

Note: Do not include 1. school bus drivers' operational expenses, 2. part-time salaries, and 3. substitute teachers' salaries.

a. Total amount of federally funded active school system employees salaries

b. Total amount of non-federally funded active school system employees salaries

c. Total amount of budgeted salaries for current Fiscal Year.

VI. A schedule providing the following actual expenditure data for the Fiscal Year. This information must be received by July 10 of each year for the fiscal ending the previous June 30.

Note: Do not include 1. school bus drivers' operational expenses, 2. part-time salaries, and 3. substitute teachers' salaries.

a. Fiscal Year cost of federally funded salaries of active employees.

b. Fiscal Year cost of non-federally funded salaries of active employees.

c. Total fiscal cost of salaries of active employees for the Fiscal Year ending the previous June 30.

VII. The participation classification lists will be reconciled to the insurance invoices, and all work papers will be provided to this agency.

The above information is needed by September 30 annually with the exception of actual salary information which is needed by July 10 as stated in number VI.

B. The following information is needed monthly:

I. Separate alphabetized exception lists by last name indicating:

- a. New participants
- b. Participants cancelling coverage
- c. Participants increasing coverage
- d. Participants decreasing coverage
- e. Changes in status of federally funded employees
- f. Information required to monitor as listed below, per open enrollment resolution dated 6-30-81.

Type of Application	Information Required
1. New Employees	
A. Life Insurance	1. Date of employment 2. Date of application for coverage
B. Health Insurance	Same as above

II. Employees presently enrolled for group insurance who request change(s) in their coverage.

A. Life Insurance Copy of the Statement of Health form with approval of insurer affixed thereto for employees increasing life from basic to supplemental.

B. Health Insurance

a. Application made within 30 days of the date the dependent(s) become eligible for coverage in accordance with the provisions of the school board's insurance policy or self-funded program.

1. Date of application
2. Date of eligibility of dependent(s)

b. Application made 31 days or longer after the date the dependent(s) become eligible for coverage.

1. Date of application
2. Date of eligibility of dependent(s)
3. Copy of Evidence of Insurability form subject to P.E.C.

limitation with insurer's approval affixed thereto  
or

Certification of insurer that dependent(s) have submitted Evidence of Insurability forms and that insurer has approved them for coverage subject to P.E.C. limitation.

III. Employees who did not enroll for coverage within 30 days of their employment who now wish to enroll.

A. Life Insurance Copy of the Statement of Health form with approval of insurer affixed thereto.

B. Health Insurance

1. Date of application
2. Date of employment of individuals desiring to enter the group plan
3. Copy of Evidence of Insurability form subject to P.E.C. limitation with insurer's approval affixed thereto

or

Certification of insurer that employee has submitted Evidence of Insurability form and that insurer has approved employee for coverage subject to P.E.C. limitation.

The school boards need to submit the information schedule above to the Program within 60 days of the application for coverage. The reimbursements to the school boards do not include funds for the above three categories of application until the required information is received.

James D. McElveen  
Executive Director

#### **RULE**

#### **Department of the Treasury Board of Trustees of the State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874, the Board of Trustees of the State Employees Group Benefits Program has adopted the following Rule establishing a separate premium rate for plan members with sponsored dependent parents.

The rate for each sponsored dependent parent of a plan member or a plan member's legal spouse is \$66.96 per month if

the sponsored dependent parent does not have Medicare coverage and \$37.36 per month per sponsored dependent parent with Medicare coverage.

James D. McElveen  
Executive Director

#### **RULE**

#### **Department of the Treasury Board of Trustees of the State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874, the Board of Trustees of the State Employees Group Benefits Program has adopted the following Rule providing for a right of conventional or contractual subrogation in favor of the Program to allow the collection of funds which have been paid by the Program necessitated by the actions of some third party.

The Rule adds a new section designated as XII of Article 4, page 50 of the Plan Document, as follows:

#### **XII. SUBROGATION**

Upon payment of any eligible benefits covered under this plan, the State Employees Group Benefits Program shall succeed and be subrogated to all the rights of recovery of the covered employee, his dependents or other covered persons, or their heirs or assigns, for whose benefit payment is made, and they shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights, and shall do nothing after loss to prejudice such rights.

The Board of Trustees of the State Employees Group Benefits Program shall be entitled, to the extent of any payment made to a covered employee, his dependents or other covered persons, to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of a covered employee, his dependents or other covered persons, against any person or entity legally responsible for the injury, sickness or condition for which said payment was made. To this end, covered employees, their dependents, or other covered persons agree to immediately notify the State Employees Group Benefits Program of any action taken to attempt to collect any sums against any person or entity responsible for the injury or sickness.

James D. McElveen  
Executive Director

#### **RULE**

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

Resolution adopted by the Louisiana  
Wildlife and Fisheries Commission  
at its regular meeting held in  
Kenner, Louisiana, on  
Tuesday, April 26, 1983

WHEREAS, the Louisiana Wildlife and Fisheries Commission has reviewed the requests of the fishermen, industry and sportsmen, as well as the biological predictions and recommendations of the biologist of the Seafood Division, and

WHEREAS, the technical information indicated slow

growth due to cool water temperature, now

THEREFORE BE IT RESOLVED, that the brown shrimp season will open in Zone II on May 23, 1983 at 6 a.m. for a minimum of 50 days, and

BE IT FURTHER RESOLVED, that the Secretary be and is hereby authorized to extend and to close the brown shrimp season when there are significant numbers of small brown or white shrimp.

BE IT FURTHER RESOLVED, that the Department has engaged in developing extensive shell planting areas, making it necessary to exclude the 1983 shell plant areas (Oyster propagating place) for the brown and white shrimp season, namely in Black Bay area, Caillou (Sister Lake) and an oyster relaying area in Calcasieu Lake which will be properly marked.

BE IT ALSO RESOLVED, that action on Zones I and III will be deferred until the May 16, 1983 Commission meeting.

Jesse J. Guidry  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture Horticulture Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 37:1961 F, relative to the authority of the Horticulture Commission to enact Rules and Regulations, notice is hereby given that the Louisiana Department of Agriculture, Horticulture Commission, will conduct a public hearing at 1 p.m. on June 8, 1983, at the State Capitol, Baton Rouge, to consider the adoption of the following amendments to its Rules and Regulations:

Rule 2.18, relative to "Access to Premises", will be amended to read as follows:

2.18 Any authorized representative of the Commission or of the Commissioner shall have access to, and may enter at all reasonable hours, all places of business operated by license or permit holders or persons engaged in any regulated profession or occupation to perform horticultural inspections and/or investigations. Any information gained through utilization of the authority granted hereinabove in this section shall be treated as confidential and shall be used only for the administration of this Subpart, provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding before the Commission or Commissioner or in any court proceedings, and provided further, that nothing contained in this Subpart shall prevent the use of any information procured by the Commission or the Commissioner in the compiling and dissemination of general statistical data, containing information procured from a number of licensees or permittees, and compiled in such a manner as not to reveal individual information of any licensee or permittee.

Paragraph D of Rule 9.1, entitled "General requirements

for Retail Florist", will be amended to read as follows:

9.1 General requirements for Retail Florist

(D) Retail Florist shops that lose their licensed florist will be granted a "grace period" of 90 days of operating without the services of a full-time licensed florist. This grace period shall end 90 days from that date. The purpose of this "grace period" is to provide the florist shop an opportunity to employ a licensed person. This "grace period" can only be used once in a 12-month period. Retail florist shops shall cease to engage in the profession of retail floristry if a shop has not hired a full-time retail florist after the grace period has been exhausted.

Paragraph (B) (1) Rule 9.5, entitled "General requirements for Arborist", will be amended to read as follows:

9.5 General requirements for Arborist

(B) (1) A certificate of insurance, written by an insurance company authorized to do business in Louisiana, covering the public liability of the applicant for personal injuries and property damages, providing for not less than \$25,000 per person for personal injuries and not less than \$50,000 for property damages, both limits applicable to each separate accident, provided that the Commission may waive the requirement for the stated insurance coverages for any licensed arborist who does not physically work on trees or accept responsibility for work on trees but only provides consultation with respect to work on trees. The certificate of insurance must provide for 30 days' written notice to the Commission prior to cancellation.

Written comments will be accepted by Dan Devenport, Director of the Horticulture Commission, Box 44153, Baton Rouge, LA 70804, or 9181 Interline Boulevard, Baton Rouge, LA, up to and including June 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: Horticulture

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

There will be no implementation cost or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

Approximately 125 presently licensed arborists will be able to remain in business with the deletion of requirements for medical insurance coverage. There will be no additional costs to this group; failure to delete the requirement would prevent licensing of any of these qualified individuals.

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

If arborists could not be licensed, they would be unable to legally practice their profession. Therefore, deletion of the medical coverage requirement will allow approximately 125 arborist firms to legally continue in business.

John Compton  
Deputy Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Department of Agriculture**  
**Livestock Sanitary Board**

In accordance with the provisions of LSA 49:951, et seq, the Administrative Procedure Act, and LSA 3:2095, relative to the authority of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Department of Agriculture, Livestock Sanitary Board, will conduct a public hearing at 9:30 a.m. on June 30, 1983, at the state Capitol, Baton Rouge, to consider the adoption of the following amendments to its Rules and Regulations:

Subsection 5 of Section 3 of Regulation 1 will be amended to read as follows:

5. Pseudorabies requirements

(1) Swine moving into Louisiana for breeding or exhibition must originate from herds not known to be infected with pseudorabies, and are negative to the SN (serum neutralization) test for pseudorabies within 30 days of movement, or

(2) Originate from a qualified pseudorabies herd. The qualified herd number must be recorded on the health certificates.

(3) Feeder swine moving into Louisiana to a farm, feeder pig sale, livestock auction market, or other concentration point must originate from herds not known to be infected with pseudorabies.

Written comments will be accepted by Dr. William B. Fairchild, State Veterinarian, up to and including June 8, 1983, or may be presented in person at the hearing. Dr. Fairchild's address is Box 1951, Baton Rouge, LA 70821 or W. E. Anderson Laboratory, 1276 Plank Road, Baton Rouge, LA 70802.

All interested persons will be afforded a reasonable 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: Pseudorabies**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No impact on agency expenditures.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Agency makes no collections for inspection of swine coming into Louisiana, therefore no impact on agency collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
No cost effect on affected groups; streamlining of procedures will simplify movement of swine interstate, which is a benefit in terms of paperwork and time required for inspections.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition or employment.

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, relative to the authority of the Louisiana Department of Agriculture, State Market Commission, with respect to state grades and inspection of farm products, notice is hereby given that the Department of Agriculture, State Market Commission, will conduct a public hearing at 10 a.m. on June 7, 1983, at the State Capitol, Baton Rouge, LA, to consider the adoption of the following amendment to its Rules and Regulations governing the Certification of Official State Grades of Poultry, Poultry Products, and Shell Eggs:

Rule 6.3 of said Rules and Regulations will be amended to read as follows:

6.3 The costs of all examination and certification services shall be paid by the vendor at the rate of \$20.76 per hour (\$5.19 per quarter hour) for each hour required to conduct the examination, provided that no specific charge shall be made for certification of product when inspection is simultaneously performed.

Written comments will be accepted by Bryce Malone, Assistant Commissioner for Marketing, up to and including June 6, 1983, or may be presented in person at the hearing. His address is Box 44182, Baton Rouge, LA 70804 or 12055 Airline Highway, Baton Rouge, LA 70815.

All interested persons will be afforded a reasonable 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: G & C Poultry**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No additional costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Even though the hourly fee was increased, by federal action, from \$18.96 per hour to \$20.76 per hour, there has been a corresponding decrease in the amount of services requested. Therefore, the effect of the fee increase is to maintain collections at approximately the same level as prior to the fee increase.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Inspection fee at USDA supervised poultry and egg processing plants was increased by USDA from \$18.96 per hour to \$20.76 per hour effective November 1, 1982.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition or employment in the private sector, since the federal fee is applicable to all USDA supervised poultry and egg processing plants.

John Compton  
Deputy Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of State Civil Service Civil Service Commission

The State Civil Service Commission will hold a public hearing on June 7, 1983 for the purpose of considering the repeal of Civil Service Rule 11.10(g).

The hearing will begin at 9 a.m. and will be held at the Republic Towers, 5700 Florida Boulevard, 12th Floor Commission Room, Baton Rouge, LA.

The proposal to be considered at the public hearing is as follows:

#### Chapter 11

Repeal Rule 11.10(g) as follows:

#### 11.10 Payment for Annual Leave Upon Separation.

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) An employee who terminates his employment by retirement may elect to receive in cash the value of all or any portion of the terminal leave credits to which he is entitled under this Rule.

#### EXPLANATION

A review of the State Employees Retirement System regulations under R.S. 42 Section 563 of 1978 reveals that this Rule creates a potential conflict with Part A of the retirement regulation. Part A states that all accumulated annual leave for which payment cannot be made in accordance with law . . . shall be credited to the member . . . Officials of the retirement system interpret this to mean that only amounts in excess of 300 hours may be credited to the member for retirement purposes.

Some agencies and employees by practice have erroneously interpreted Rule 11.10(g) in that they perceive the Rule allows them to receive pay for part of the 300 hours terminal leave and be credited for retirement purposes for the remainder.

Persons interested in making comments relative to these proposals may do so at the public hearing or in writing to the following address: Director, Department of State Civil Service, Box 44111, Baton Rouge, LA 70804.

Herbert L. Sumrall  
Director

## NOTICE OF INTENT

### Department of State Civil Service Civil Service Commission

In accordance with Article X of the Louisiana State Constitution of 1974 and in accordance with Civil Service Rule 2.10, notice is hereby given that the State Civil Service Commission intends to adopt a change in its Rules relating to the granting of a five and ten point Veteran's Preference at original appointment within the State classified service.

The pertinent changes provide that such veteran's preference is available to a veteran that served in any part of the world with the United States Armed Forces between the dates of July 1, 1958 through May 7, 1975, and, further, the proposed Rule change provides that service that is for the purpose of training only

shall not be considered as service qualifying an individual to a veteran's preference.

Copies of the complete text of the proposed Rule change may be obtained from the Director of the Department of Civil Service whose address is listed below.

There is neither a fiscal nor economic impact associated with the proposed Rule change.

Interested persons may submit written comments or offer amendments to the Director of the Department of Civil Service, Box 44111, Baton Rouge, LA 70804 before 4:30 p.m. on June 6, 1983.

At 9 a.m. on June 7, 1983 the State Civil Service Commission will hold a public hearing for purposes of Rule change and any interested person may make comments before the State Civil Service Commission at that time and date. The public hearing will be held at the offices of the State Civil Service Commission, 12th Floor, Republic Towers, 5700 Florida Boulevard, Baton Rouge, LA.

Herbert L. Sumrall  
Director

## NOTICE OF INTENT

### Department of Commerce Minority Business Development Authority

The Board of the Louisiana Minority Business Development Authority proposes to adopt the following Rule:

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within 10 days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed. (This is an addition to the present Rule.)

Written comments concerning the Rule should be addressed to the Louisiana Minority Business Development Authority, Box 44185, Baton Rouge, LA 70804, to the attention of Gregory D. Allen, on or before 4:45 p.m., June 9, 1983.

Gregory D. Allen  
State Loan Administrator

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAMBDA

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

There are no estimated costs or savings to the agency.

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

It is difficult to determine how much will be collected in late fees at this time.

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

Cost to applicants approved by LAMBDA can only be determined by the applicant. Payments are scheduled prior to loan closing and are structured according to projected earnings. If loan repayments are made by due date, there will be no additional cost to the client.

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

There is no estimated effect on competition or employment.

Gregory Allen  
State Loan Administrator

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Department of Commerce**  
**Motor Vehicle Commission**

In accordance with the provisions of LRS 49-951 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Motor Vehicle Commission will conduct a public hearing on Monday, June 27, 1983, at 10 a.m. in its offices, Suite 609, 234 Loyola Avenue, New Orleans, LA, at which time the Commission will consider the adoption of changes in, and additions to, the existing Rules and Regulations.

The purpose of the hearing is to consider proposed changes to amend, in part, Section 20 of the Rules and Regulations relative to advertising of Motor Vehicles in the state of Louisiana to read as follows:

**PROPOSED RULE**

The following are specific but not all inclusive standards for advertising which shall be adhered to by licensees.

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 model designation).

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. They shall not be phrased in any language, subject to misunderstanding or misinterpretation.

(a) The use of stock numbers will not preempt the requirements of full disclosures as stated above except for 2D.

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 selling price.

C. The amount of any required downpayment.

D. The amount of the loan.

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

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

4. DEFERRED PAYMENTS: No advertisement shall offer 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: Consumer 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 at the end of the term and a statement that 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"; "\$00 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 receipt of the free merchandise, equipment, accessories or service is conditioned by purchase of a vehicle or related accessories.

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, 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. Full explanation must be given, as for example, "Save or discount \$\_\_\_\_\_ from Manufacturer's List 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, or offer to purchasers of vehicles sold by the manufacturer or distributor, or 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 conspicuously the following:

A. The maximum dealer portion or contribution of any rebate, refund or discount stated in numerical form (either dollar amount or percentage); and, that the dealer's contribution may affect the final negotiated price of the vehicle.

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, or 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 conspicuously discloses the following:

A. The maximum dealer portion or contribution of any rebate, refund, discount or other financial inducement or incentive state in numerical form (either dollar amount or percentage); and, that the dealer's contribution may affect the final negotiated price of the vehicle.

13. MANUFACTURER/DISTRIBUTOR/DEALER FINANCE PROGRAMS: It shall be unlawful for any manufacturer,

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Motor Vehicle Commission Regulation**

distributor, or 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 manufacturer, distributor, or dealer financial inducement or incentive of lower than current interest rate which is for the benefit of the purchaser of the vehicle when such amount is the interest or finance charge expense in connection with the purchase of the vehicle, where any portion of the financial incentive or inducement of lower than current interest rate is financed by or in any manner contributed to by the dealer selling the vehicle.

14. **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.

15. **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", etc., as may be the case. A description such as "Low Mileage" is acceptable, provided such description is accurate.

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.

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

A. Qualifying phrases and amounts shall appear in immediate conjunction with the featured amount not buried or otherwise separated by difference in art treatment.

B. The finance charge (expressed as an annual percentage rate) must be presented in both audio and video portions of TV ads. Other required credit disclosures must be presented in the video portion in a discernible manner.

C. During the video portion the audio must be spoken with sufficient volume and deliberateness so as not to detract from other disclosures.

17. **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.

18. **AUTO SHOWS:** So as to prevent and discourage the selling of motor vehicles from unlicensed locations, auto shows must be approved by majority vote of the Louisiana Motor Vehicle Commission and then upon such terms and conditions as the agency may set.

Comments and inquiries will be accepted by S. D. Dodd through June 23, 1983, or may be presented in person at the public hearing. All interested persons will be provided an opportunity to submit data, arguments, and views orally or in writing, at the hearing. Should you desire to avail yourself of this opportunity, kindly advise S. D. Dodd by June 23, 1983.

Denis J. Bergeron, Jr.  
Chairman

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**  
It is estimated that there will be neither implementation costs nor savings to the agency.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**  
It is estimated that implementation of this regulation will have no effect on revenue collections.
- III. **ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**  
There will be no costs to the affected groups. The expected benefits will be to substantially eliminate unfair competitive practices detrimental to the licensees of the agency and the public at large of the State of Louisiana.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**  
It is estimated that the new and amended regulations will have an effect of creating an atmosphere of fair competition and no direct affect on employment.

S. D. Dodd  
Executive Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Commerce  
Office of Financial Institutions**

Pursuant to authority granted by LSA-R.S. 6:170, the Commissioner of Financial Institutions intends to adopt the following Rules for the purpose of providing a record retention schedule for those banks subject to his supervision.

Proposed Rule

Bank Records Retention Schedule

1. The following periods of time for the retention of records shall apply to all banks subject to the supervision of the Office of Financial Institutions:

TYPE OF RECORD	RETENTION PERIOD
Accounting and Auditing	
Accural Records	3 years
Assessment Report	7 years
Audit Reports	2 years
Bank Call Reports	3 years
Bills Paid/Expense Vouchers	10 years
Consolidated Financial Statements	10 years
Daily Reserve Computation	1 year
Difference Record	2 years
Income and Dividends	3 years
Reconcilements of Bank (due to) Reports	1 year
Reconcilements - Bank Control Records	1 year
Reports to Directors/Executive Committee	6 years
Securities Vault (in and out tickets)	1 year
Tax Records	7 years
Fixed Asset Record	permanent
Administrative	
Attachments/Garnishments	2 years from close
Bank Examiners Reports	permanent
Chargeoff Asset Records	5 years
Court Case Records	10 years from close
Minute Books of Meetings	permanent
Articles of Incorporation, By-laws	permanent
Insurance Records	10 years
Capital	
Stock Certificates (records, stubs, receipts)	10 years
Stock ledger	permanent
Stock Transfer Ledger	10 years
Dividend Checks/Register	6 years
Proxies	3 years
Deposits - Certificate of Deposits	
Certificates Paid	5 years
Ledger Cards, Computer Cards, Reports	5 years
Trial Balance	5 years
Deposits - Checking	
Account Analysis	3 years
Checks Paid (microfilm)	6 years
Deposit Tickets (microfilm)	6 years
Daily Report of Overdrafts	4 years
Short Lists (bookkeepers daily list of checks charged in total to customer accounts)	2 years
Undelivered Statements	5 years
Stop Payment Orders	2 years
Resolutions	10 years
Signature Cards (closed accounts)	10 years
Statement Receipt Cards	2 years
Deposits - Savings	
Signature Cards (closed accounts)	10 years
Deposit and Withdrawal Slips	5 years
Ledger Sheets	5 years
Regulation E Statement of Compliance	2 years
Trial Balances (if no alternate record)	5 years
Christmas Club Accounts	5 years
Collections	
Collection Receipts (carbon)	2 years
Installment Contract Records	3 years
Letters	1 year
E or EE Bond Materials	2 years



Loans	
Applications - Accepted	5 years
Applications - Rejected	25 months
Collateral Purchase Agreements	7 years
Credit Files (closed)	5 years
Statement of Borrower (federal regulation U, Z, etc.)	5 years
Liability Ledger	5 years
Loan Committee Minutes	10 years
Note or Discount Register/Tickler	5 years
Journal as Original Entry Book	5 years
Resolutions	5 years
Coupon Receipts (collateral)	10 years
Bankruptcy Notices	permanent
Letter of Credit Applications/Ledger Sheets	6 years
Customer Service	
Broker Correspondence	2 years
Night Depository Receipts	1 year
Safekeeping Records	5 years
Credit Cards	
Applications	2 years
Sales Tickets (microfilm)	5 years
Statements (microfilm)	5 years
Merchants Agreements (closed)	2 years
Accounts	2 years
Credit File (closed)	5 years
Due From Banks	
Advices from Correspondent	6 months
Bank Statements	2 years
Drafts	5 years
Draft Register	5 years
Reconcilements Register	1 year
Due to Banks	
Copies of Advices	optional
Country Bank Ledger	5 years
Cash Letters	2 years
Resolutions, Signature Cards	5 years
General Ledger	
General Journal (if book of original entry)	5 years
General Ledger Sheets	15 years
General Ledger Tickets	5 years
Official Checks and Drafts	
Cashier Checks (paid)	5 years
Cashier Checks Register	5 years
Certified Checks (paid)	5 years
Certified Checks Register	5 years
Drafts and Register	5 years
Expenses Checks (paid) and Register	5 years
Expenses Vouchers	6 years
Money Orders and Registers	5 years
Personnel	
Attendance Records	3 years
Records for Employees (terminated)	6 years
Applications Rejected	2 years
Salary Ledger	3 years
Salary Receipts	3 years
Affirmative Action Records	6 years
EEO Information	permanent
OSHA Reports	5 years
W-2, Etc.	5 years

Safe Deposit Vault	
Access Tickets	2 years
Cancel Signature Cards (closed account)	10 years
Copies of Rent Receipts	2 years
Leases or Contracts, Closed Accounts	2 years
Correspondence	2 years
Records and/or Contents of Drilled Box	10 years
Registered Mail Record	3 years
Trust Department	
Advices of payment	6 months
Securities Department Bond and Coupon Collections	Destroy when securities are disposed of
Amortization schedules	3 years
Buy and Sell Orders	return to issuing corporation or cremate, retaining receipt or cremation certificate until the account is closed
Canceled Bonds and Canceled Coupons	6 months
Cash Trial Balances	7 years
Corporate Trust Ledger	
Correspondence	
Corporate Trust (bond issues)	3 years
Dividend	3 years
General	3 years
Irregular Transfer	3 years
Cost, Cards, Securities	5 years
Coupon Collection Record	3 years
Coupon Envelopes	3 years
Daily Statement of Trust Department	3 years
Dividend Check Tapes (adding machine)	optional
Dividend Record Cards (closed)	8 years
Dividend and Coupon Ledger	until closed
Dividend and Interest Disbursement Checks	5 years
Dividend and Interest Disbursement List	optional
Document Files	3 years
Fee Cards	until closed
Journal Sheets, Accounting Division and Stock Transfer	5 years
Ledger Records: asset ledger, cash ledger, investment ledger; stock transfer ledger and mutual income foundation	5 years after close
Listing for Form 1099	1 year after filing
Minute Books, Trust Committee and Trust Investment Committee	50 years
Original Trust Entries (daily debits and credits and multiple forms)	2 years
Paid Invoices: tradesman, professional (excluding attorney) and miscellaneous	3 years
NOTE: In probate accounts retain three years after expiration of time of appeal from order closing account.	
Probate Slips	destroy original when account is closed destroy duplicate after circulation
Registered Mail Report	3 years
Registered Journals	until closed
Rent Collections, Mortgage and Land Contract Collection (file accountant's copy)	5 years

Signature Files	7 years
Stock Transfer Change-of-address Authority	3 years
Stock Transfer Memos	2 years
Stock Transfer Receipts	3 years
Stockholders List	optional
Supporting Papers to Transfers	10 years
NOTE: Except recorded instruments and agreement from banks - return to transferor.	
Surety Bonds	10 years
Tax Returns	
Ad Valorem Tax Returns	2 years after filing
Estate Tax Returns	15 years after filing
Federal and State Income Tax Returns	5 years after filing
Intangible Tax Returns	2 years after filing
Social Security Returns	5 years after filing
Tellers' Daily Blotter	18 months
Transfer Instructions	5 years
Transfer Journal Tapes	2 years
Transfer Tax Waivers	until closed
Trust Checks	until closed
Trust Register	until closed
Vouchers, Probate Trust	3 years after expiration of time of appeal from order closing account

2. The provisions of this Rule shall apply to National banks to the extent permitted by federal law.

Interested persons may submit written comments on the proposed Rule until 4:30 p.m., June 5, 1983, at the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, LA 70804.

He is the person responsible for responding to inquiries concerning the proposed Rule.

Hunter O. Wagner, Jr.  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Bank Records Retention Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no implementation costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no costs to the affected group. The benefits would be that the banks would not have to store and keep their old records indefinitely. Most of the banks are already adhering to schedules similar to these.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no estimated effect on competition and employment.

Hunter O. Wagner, Jr.  
Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

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

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend and readopt Rule LAC 11-6:20.3 relative to apprentice jockeys.

Copies of this Rule may be obtained by calling the Commission at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068 or may be viewed at the Department of the State Register, 1500 Riverside, Baton Rouge, LA 70804.

The office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of this Rule. All interested persons may submit written comments relative to this Rule through June 3, 1983.

Gordon A. Burgess  
Acting Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 11-6:20.3**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There are no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
The effect on revenue collections would be minimal; \$200 or less.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The benefits would be to potential apprentice jockeys under 18 whereby encouraging them to further their education and be better equipped to cope with the demands of their professional life.

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

The effect on employment involves only those individuals under the age of 18 who are interested in being licensed as apprentice jockeys (they could still be employed as exercise boys).

Alan LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend and readopt its Rule, LAC 11-6:54 et seq, relative to controlled medication.

Copies of the amended Rule, LAC 11-6:54 et seq, may be obtained by calling the Commission at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068 or may be viewed at the Department of the State Register, 1500 Riverside, Baton Rouge, LA 70804.

The office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of this Rule. All interested persons may submit written comments relative to this Rule through June 3, 1983.

Gordon A. Burgess  
Acting Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 11-6:54 et seq**

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

There would be no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There would be no effect on revenue collections.

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

Horse owners and trainers will benefit from this Rule by providing them with clearly defined medications which may be administered to a horse entered in a race and setting the allowable amounts of the medications which may be present in a horse's system upon chemical analysis of the horse's urine and/or blood after a race.

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

There would be no effect on competition or employment.

Alan J. LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend and readopt Rule LAC 11-6:23.9 and adopt new Rule LAC 11-6:23.9.1 relative to first aid facilities and ambulance service.

Copies of these Rules may be obtained by calling the Commission at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068 or may be viewed at the Department of the State Register, 1500 Riverside, Baton Rouge, LA 70804.

The office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of these Rules. All interested persons may submit written comments relative to these Rules through June 3, 1983.

Gordon A. Burgess  
Acting Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 11-6:23.9**

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

There is no implementation cost to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

The benefits would be to those individuals who are in need of medical service at a racetrack. The group which benefits mostly from this Rule are the jockeys and apprentice jockeys who would participate in racing. However, the race-going public will also benefit by having adequate first aid treatment at hand if the need arises.

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

There is no effect on competition or employment.

Alan LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 11-6:23.9.1**

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

There is no implementation cost to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

The benefits would be to those individuals at a racetrack in need of emergency medical attention and transportation.

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

There is no effect on competition or employment.

Alan LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

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

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend and readopt Rules LAC 11-6:18.3 and LAC 11-6:18.4 relative to licensing of corporations as owners.

Copies of these Rules may be obtained by calling the Commission at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068 or may be viewed at the Department of the State Register, 1500 Riverside, Baton Rouge, LA 70804.

The office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of these Rules. All interested persons may submit written comments relative to these Rules through June 3, 1983.

Gordon A. Burgess  
Acting Chairman

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: LAC 11-6:18.3**

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

There is no implementation cost to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue collections might increase. It cannot be determined how many racing corporations with an excess of ten shareholders would seek licensing.

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

Racing corporations with an excess of ten shareholders will benefit by allowing them to receive a racing license.

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

There is no effect on competition or employment.

Alan LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: LAC 11-6:18.4**

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

There are no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

Members of a racing syndicate will benefit by removing them from the Rule which requires corporations and partnerships to file reports with the Commission, thus saving them the expense of preparing such reports.

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

There is no effect on competition or employment.

Alan LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

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

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend and readopt Rule LAC 11-6:16.7 and adopt new Rule LAC 11-6:16.8 relative to partnerships and their licensing.

Copies of these Rules may be obtained by calling the Commission at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068 or may be viewed at the Department of the State Register, 1500 Riverside, Baton Rouge, LA 70804.

The office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of these Rules. All interested persons may submit written comments relative to these Rules through June 3, 1983.

Gordon A. Burgess  
Acting Chairman

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: LAC 11-6:16.7**

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

There is no implementation cost to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue collections will increase an indeterminate amount. It is not known how many additional owners licenses will be issued by removing the limitation of four partners (owners) per horse.

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

Benefits: Potential horse owners may now be afforded a better or financially easier chance to own race horses since more owners per horse are allowed.

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

There would be no effect on competition or employment.

Alan LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 11-6:16.8**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There is no implementation cost to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Individuals who heretofore have not been able to obtain a racing license as a joint venture, will benefit from this Rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition or employment.

Alan LeVasseur  
Executive Assistant

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

1. An amendment to Bulletin 1525, *Personnel Evaluation Accountability: A Guide for Implementation, Revised 1981* as submitted by the State Department of Education.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., June 3, 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: Motion 8-D-3**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no estimated implementation costs (savings) to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no costs and benefits to the affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Office of the Governor  
Department of Veterans Affairs**

The Louisiana Department of Veterans Affairs intends to publish revised and additional Rules related to eligibility requirements and the collecting and handling of fees from veterans lodging in the Louisiana War Veterans Home, administered by the Department of Veterans Affairs, in the *Louisiana Register*.

Interested persons may submit written comments through June 3, 1983, to the following address: John McGovern, Director, Louisiana Department of Veterans Affairs, Fourth Floor, Old State Capitol, Baton Rouge, Louisiana 70801.

This proposed Rule may be seen in its entirety at the above address during regular business hours.

John L. McGovern  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: War Veterans Home:  
Collecting and Handling of Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The cost of implementing the new Rules will be absorbed by the Department of Veterans Affairs within present staffing levels. (We may later, with some reorganization in positions, reassign duties.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Initially, we may see a decrease in revenues because of the anticipated effect the additional cost will have on the residents (some may leave rather than pay the additional cost which will affect only certain residents). The impact of the new Rules to be implemented should generate a minimum of \$112,000 (or more) in the fiscal year ending June 30, 1984. These are self-generated funds. Over a sustained period, we expect these self-generated funds to increase.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
\$112,000 (or more) in direct Residents Care and Maintenance self-generated funds for the War Veterans Home (State of Louisiana) in the fiscal year ending June 30, 1984. The veteran resident who has the ability to pay for a part of the nursing or domiciliary care he/she receives will be expected to do so.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No impact by the institution of these refined and additional Rules is anticipated in the area of competition and employment. Additional workloads are expected to be handled within present staffing levels.

John L. McGovern  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Division of Administration**  
**Property Control Section**

The Property Control Section intends to revise the State Property Control Regulations as follows:

**SECTION II**

**5.0 Surplus Property Disposition**

5.5.1 Originating purchase from participating Federal funds from the U. S. Office of Education and U. S. Department of Health and Human Services — equipment with a unit acquisition cost of less than \$1,000, 80 percent of the proceeds received by Property Control for the item will be refunded to the agency if the program is still active. There will be no refund if the program has been discontinued. On equipment that cost \$1,000 or more, \$100, or ten percent of the total sales, whichever is greater, will be retained by the state for handling expense. Agencies will be reimbursed 80 percent of the proceeds received by Property Control for the item originally purchased by other Federal grants, funds, etc. unless the federal disposition requirements specify otherwise.

NOTE: The agency's use of the reimbursed percentage of federal funds must be documented for the Legislative Auditor.

Written comments or questions on the proposed Regulations should be directed to Dan Pickens, Assistant Director, Property Control Section, Box 44095, Baton Rouge, LA 70804, phone LINC 421-6856.

Dan Pickens  
Assistant Director

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Surplus Property Disposition**

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

There will be a one time cost of approximately \$150 which will be for printing and mailing.

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

There will be some impact since the method of computing how the agency's handling fees are assessed will be changed; however, the amount is indeterminable since it is not possible to predict the number of items to be sold for over or under \$1,000.

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

The impact to the agencies disposing property through Property Control will be minimal.

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

There will be no effect on competition.

Dan Pickens  
Assistant Director

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 proposes the following changes in its Rules and Regulations:

1. Rule 5: The Executive Secretary shall submit financial records annually for Certified Public Accountant audit as required by the Legislative Auditor.

2. Rule 18: Disciplinary action will be taken by the Board when an administrator willfully or repeatedly violates any provision of the Rules and Regulations. The Board may extend the six-month suspension of a license when documented extenuating circumstances exist. Administrators shall not allow employees to violate any Rules and Regulations.

3. Rule 19: The Board will conduct a preliminary hearing within 90 days of receipt of properly filed complaints. It will receive and act on the report at its next meeting. It may dismiss charges and notify all parties or it may arrange a formal hearing. In the latter case the Board appoints a hearing officer to conduct the hearing within 60 days.

4. Rule 20: The hearing officer conducts the hearing and he renders his findings and recommendations within 10 days after the hearing. These shall be founded on sufficient legal evidence to sustain them. The Board shall act on these findings and execute a written order within 10 days of the receipt of the hearing officer's report.

5. Rule 21: Applicants for reciprocity must hold a valid license in at least one other state and meet Louisiana standards for licensure. He may substitute one year of experience for six-month Administrator-in-Training.

Interested persons may secure exact wording of the proposed changes and comment on them in writing through June 11, 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 5D;**  
**18, A2, 9, 17; 19, B1, 2, 3; 20**  
**H and I; 21, A4, B**

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

There will be no added costs or savings for the Board.

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

There will be no effect on revenue collections.

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

There will be no added costs to the Board or any other group.

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

There will be no effect on competition and employment.

Winborn E. Davis  
Executive Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

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

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

#### PROPOSED RULE

Effective July 1, 1983, the Department of Health and Human Resources, Office of Family Security, shall revise the methodology for determining reimbursement rates for inpatient hospital services. The Medical Assistance Program shall reimburse for inpatient hospital services in accordance with Medicare reimbursement principles except that the base year to be used in determining the target rate shall be the fiscal year ending between September 30, 1981 through September 29, 1982. The target cost per discharge rate thus determined shall be applied to all discharges on or after July 1, 1983.

A hospital may request an administrative hearing if it wishes to appeal the rate determined for inpatient services provided by the hospital. An appeal must be filed within 30 days of the hospital's receipt of the rate determined. Appeals shall be submitted in writing to the Assistant Secretary of the Office of Family Security. Appeals shall be heard by the Department of Health and Human Resources, Appeal Section in accordance with procedures outlined in Attachment 4.19A, Item 1 of the Title XIX State Plan as amended.

The Medicare reimbursement principles that will continue to be tracked for reimbursement for inpatient hospital services with the exception noted above, were published in the September 30, 1982 *Federal Register* (Volume 47, Number 190, pages 43282-43293). These regulations were enacted by the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248).

In accordance with the above specified regulations, rural hospitals (hospitals not located in a Standard Metropolitan Statistical Area) with less than fifty beds in existence as of the enactment of the Tax Equity and Fiscal Responsibility Act of 1982 (September 3, 1982), shall be exempt from the cost limitations set forth in the regulations.

The proposed revision applies only to reimbursement for inpatient hospital services. All hospitals with 50 and over beds shall be required to maintain a log of all discharges on or after July 1, 1983 which are subject to this proposed policy.

The Medical Assistance Program shall continue its current methodology of determining reimbursement rates for outpatient hospital services.

Inpatient and outpatient hospital services by emergency access hospitals shall continue to be reimbursed at 85% of billed charges not to exceed Medicare reimbursement rates.

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.

Interested persons may submit written comments on the proposed policy through June 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 about this proposed Rule.

A public hearing on the above proposed Rule will be held Tuesday, June 7, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana beginning at 1:30 p.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Roger P. Guissinger  
Secretary

## Fiscal and Economic Impact Statement For Administrative Rules

### Rule Title: Change in Reimbursement Methodology for Inpatient Hospital Services

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

It is estimated that the proposed Rule will result in a savings to the agency of \$9,978,916 in FY 83-84 and \$9,978,916 in FY 84-85, due to the placement of a ceiling on the rate of increase of operating costs per discharge for inpatient hospital services. The above savings include \$3,772,030 in state funds for FY 83-84 and \$3,836,894 for FY 84-85.

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

It is estimated that the proposed Rule will result in a decrease in revenues from Federal funds due to the decrease in expenditures and the concomitant decrease in federal financial participation (FFP). The estimated reductions are as follows: FY 83-84: \$6,206,885 and FY 84-85: \$6,142,022.

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

It is estimated that hospitals whose costs are over and remain over their target rate may receive decreased Title XIX reimbursement due to the placement of the ceiling on the rate of increase of operating costs per discharge for inpatient hospital services. However, individual determination of such impact is not possible as it is dependent on each hospital's target rate and its efforts to provide services within this target rate.

#### 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

## 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 to delete reasonable charge limits for durable medical equipment and supplies formerly found at 42 CFR 447.351. This action allows the Medical Assistance Program to achieve compliance with federal regulations 42 CFR 447.304, which state that the Medicaid Agency must not pay more for services than the upper limits, based on Medicare principles of reimbursement.

With the adoption of this proposed Rule, the Title XIX State Plan, Attachment 4.19-B, Item 12c, and Item 12d concerning Methods of Payment for prosthetic devices (including artificial eyes, braces and other prosthetic devices as well as medical appliances, equipment and supplies) and eyeglasses (including cataract glasses and contact lenses) shall read as follows:

#### PROPOSED RULE

Payment is made on the basis of Medicare/Medicaid upper limits. In the case of payments made under the plan for deductibles and coinsurance payable on an assigned Medicare claim for noninstitutional services, those payments may be made only up to the reasonable charge under Medicare.

Interested persons may submit written comments through



June 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: Delete reasonable charge limits for DME and supplies and eyeglasses**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no additional costs or savings to the agency as a result of the proposed change because expenditures made by the agency for durable medical equipment and supplies do not exceed the upper limits for reimbursements allowed by Medicare and have never exceeded these upper limits.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections as a result of the proposed change.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no costs or benefits to affected groups as a result of the proposed change.
- 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

may 20,  
1983

### **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 with the adoption of the following Rule:

#### **Proposed Rule**

Effective for services beginning July 1, 1983, the Title XIX (Medicaid) State Plan, is amended to limit coverage of reimbursable drugs to those listed by generic name and strength/unit and is further amended to provide as of August 1, 1983 for the establishment of the Louisiana Maximum Allowable Cost (LMAC). This limited list of generic drugs shall be known as a generic formulary.

The generic formulary is displayed by drug name, strength/

unit and dosage form. The strength/unit of a drug was determined by the availability and frequency of use in the Medical Assistance Program (MAP) of that drug in a particular strength/unit. The dosage form of a drug as listed in the generic formulary is an identification of the dosage of a drug in a particular strength/unit.

The cost reimbursable in the MAP for any drug listed on the generic formulary 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 and generic formulary replace the methodology currently used in the Pharmacy Program to determine covered drugs and 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 generic formulary is the DHHR, MAP listing of drugs, by generic name, by strength/unit and dosage which are reimbursable through the MAP.

(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 is the LMAC of the Blue Book cost if less.

(4) The LMAC is determined and calculated as follows:

(a) For a single source drug the LMAC is the wholesale cost for that drug in a specific strength/unit.

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

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 September 15, 1983 and continuing thereafter. A complete LMAC cost list will be distributed to physician and pharmacist providers annually beginning July 10, 1984.

Those drugs that the U. S. Food and Drug Administration has proposed in a Notice of Opportunity for Hearing to withdraw from the Market because they are "less than effective" as well as drugs determined to be identical, related or similar shall be excluded from the generic formulary and shall not be reimbursable under Title XIX.

The generic formulary was determined by a study of the availability and usage 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.

Those drugs listed in the generic formulary are essential to patient care (life - sustaining) and/or those drugs most frequently used and available in patient treatment. The decision to place a drug on the generic formulary was based on the availability of the drug and/or frequency of drug usage in the MAP in conjunction with the estimated acquisition cost of the drug for the effective and efficient administration of the MAP, Pharmacy Program.

The generic formulary is as follows:

## STATE OF LOUISIANA

## MEDICAID FORMULARY

## GENERIC DRUGS

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
A.A.S.		SUPPOSITORY
ACETAMINOPHEN W/CODEINE ELIXIR		SOLUTION
ACETAMINOPHEN W/CODEINE 15 MG		TABLET
ACETAMINOPHEN W/CODEINE 30 MG		TABLET
ACETAMINOPHEN W/CODEINE 60 MG		TABLET
ACETAZOLAMIDE	125.000 MG	TABLET
ACETAZOLAMIDE	250.000 MG	TABLET
ACETOHEXAMIDE	250.000 MG	TABLET
ACETOHEXAMIDE	500.000 MG	TABLET
ACYCLOVIR	5.000 %	OINTMENT
ALBUTEROL	2.000 MG	TABLET
ALBUTEROL	4.000 MG	TABLET
ALBUTEROL	90.000 MCG	AEROSOL
ALBUTEROL	90.000 MCG	INHALANT
ALLOPURINOL	100.000 MG	TABLET
ALLOPURINOL	300.000 MG	TABLET
AMANTADINE HCL	50.000 MG/5ML	SOLUTION
AMANTADINE HCL	100.000 MG	CAPSULE
AMIDE V.C. VAGINAL		CREAM
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
AMOXAPINE	25.000 MG	TABLET
AMOXAPINE	50.000 MG	TABLET
AMOXAPINE	100.000 MG	TABLET
AMOXAPINE	150.000 MG	TABLET
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
ASPIRIN 300 MG W/CODEINE 15 MG		TABLET
ASPIRIN 300 MG W/CODEINE 30 MG		TABLET
ASPIRIN 300 MG W/CODEINE 60 MG		TABLET
ATENOLOL	50.000 MG	TABLET
ATENOLOL	100.000 MG	TABLET
AVC		CREAM
AVC		SUPPOSITORY
AZATHIOPRINE	25.000 MG	TABLET
BECLOMETHASONE DIPROPIONATE		SPRAY
BECLOMETHASONE DIPROPIONATE		AEROSOL
BREVICON		TABLET
BREVICON 28		TABLET
BROMOCRIPTINE MESYLATE	2.500 MG	TABLET
CALCITRIOL	.250 MCG	CAPSULE
CALCITRIOL	.500 MCG	CAPSULE
CALCIUM CHLORIDE	100.000 MG/1ML	INJECTION
CALCIUM GLUCONATE	300.000 MG	TABLET
CALCIUM GLUCONATE	500.000 MG	TABLET
CALCIUM LACTATE	300.000 MG	TABLET
CALCIUM LACTATE	600.000 MG	TABLET
CAPTOPRIL	25.000 MG	TABLET
CAPTOPRIL	50.000 MG	TABLET
CAPTOPRIL	100.000 MG	TABLET
CARBACHOL	.750 %	VISCOUS SOLUTION
CARBACHOL	.750 %	SOLUTION

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
CARBACHOL	1.500 %	VISCOUS SOLUTION
CARBACHOL	1.500 %	SOLUTION
CARBACHOL	2.250 %	VISCOUS SOLUTION
CARBACHOL	2.250 %	SOLUTION
CARBACHOL	3.000 %	VISCOUS SOLUTION
CARBACHOL	3.000 %	SOLUTION
CARBAMAZEPINE	200.000 MG	TABLET
CARBENICILLIN INDANYL SODIUM	382.000 MG	TABLET
CARISOPRODOL	350.000 MG	TABLET
CEFAZOLIN SODIUM	1.000 G	INJECTION
CEPHALEXIN MONOHYDRATE	250.000 MG	CAPSULE
CEPHALEXIN MONOHYDRATE	250.000 MG/5ML	SUSPENSION
CEPHALEXIN MONOHYDRATE	500.000 MG	CAPSULE
CEPHRADINE	250.000 MG	CAPSULE
CEPHRADINE	250.000 MG/5ML	SUSPENSION
CEPHRADINE	500.000 MG	CAPSULE
CHLORAL HYDRATE	250.000 MG	CAPSULE
CHLORAL HYDRATE	500.000 MG	CAPSULE
CHLORAL HYDRATE	500.000 MG	SUPPOSITORY
CHLORAL HYDRATE	500.000 MG/5ML	SOLUTION
CHLORAMBUCIL	2.000 MG	TABLET
CHLOROTHIAZIDE	250.000 MG/5ML	SUSPENSION
CHLOROTRIANISENE	12.000 MG	CAPSULE
CHLOROTRIANISENE	25.000 MG	CAPSULE
CHLOROTRIANISENE	72.000 MG	CAPSULE
CHLORPHENIRAMINE MALEATE	10.000 MG/1ML	INJECTION
CHLORPROMAZINE	25.000 MG	SUPPOSITORY
CHLORPROMAZINE	100.000 MG	SUPPOSITORY
CHLORPROMAZINE HCL	10.000 MG	TABLET
CHLORPROMAZINE HCL	10.000 MG/5ML	SOLUTION
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
CHLORPROPAMIDE	100.000 MG	TABLET
CHLORPROPAMIDE	250.000 MG	TABLET
CHLORTHALIDONE	25.000 MG	TABLET
CHLORTHALIDONE	50.000 MG	TABLET
CHLORTHALIDONE	100.000 MG	TABLET
CHROMIUM	4.000 MCG/1ML	INJECTION
CIMETIDINE	200.000 MG	TABLET
CIMETIDINE	300.000 MG	TABLET
CIMETIDINE HCL	300.000 MG/5ML	SOLUTION
CLONAZEPAM	1.000 MG	TABLET
CLONAZEPAM	2.000 MG	TABLET
CLONAZEPAM	500.000 MCG	TABLET
CLONIDINE HCL	100.000 MCG	TABLET
CLONIDINE HCL	200.000 MCG	TABLET
CLONIDINE HCL	300.000 MCG	TABLET
CLOTRIMAZOLE	1.000 %	CREAM
CLOTRIMAZOLE	1.000 %	SOLUTION
CLOTRIMAZOLE	1.000 %	CREAM
CLOTRIMAZOLE	100.000 MG	SUPPOSITORY
CLOXACILLIN	500.000 MG	CAPSULE
CLOXACILLIN SODIUM	125.000 MG/5ML	SOLUTION
CLOXACILLIN SODIUM	250.000 MG	CAPSULE
COLCHICINE	500.000 MCG	TABLET
COLCHICINE	600.000 MCG	TABLET
COPPER CHLORIDE	400.000 MCG/1ML	INJECTION
COPPER SULFATE	2.000 MG/1ML	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
CROMOLYN SODIUM	20.000 MG	CAPSULE
CYANOCOBALAMIN	1.000 MG/1ML	INJECTION
CYANOCOBALAMIN	100.000 MCG/1ML	INJECTION
CYCLOBENZAPRINE HCL	10.000 MG	TABLET
CYCLOPHOSPHAMIDE	50.000 MG	TABLET
CYCLOSERINE	250.000 MG	CAPSULE
CYPROHEPTADINE HCL	2.000 MG/5ML	SOLUTION
CYPROHEPTADINE HCL	4.000 MG	TABLET
DANAZOL	50.000 MG	CAPSULE
DANAZOL	100.000 MG	CAPSULE

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
DANAZOL	200.000 MG	CAPSULE
DANTROLENE SODIUM	25.000 MG	CAPSULE
DANTROLENE SODIUM	50.000 MG	CAPSULE
DEMULEN		TABLET
DEMULEN COMPACK 24X21		TABLET
DEMULEN 1/35-28 REFILL 12X28		TABLET
DEMULEN-28		TABLET
DEMULEN-28 COMPACK 24X28		TABLET
DESMOPRESSIN ACETATE	.010 %	SOLUTION
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
DICHLORPHENAMIDE	50.000 MG	TABLET
DICLOXACILLIN SODIUM	62.500 MG/5ML	SUSPENSION
DICLOXACILLIN SODIUM	250.000 MG	CAPSULE
DICLOXACILLIN SODIUM	500.000 MG	CAPSULE
DICUMAROL	25.000 MG	TABLET
DICUMAROL	25.000 MG	CAPSULE
DICUMAROL	50.000 MG	TABLET
DICUMAROL	50.000 MG	CAPSULE
DICUMAROL	100.000 MG	TABLET
DICYCLOMINE HCL	10.000 MG	CAPSULE
DICYCLOMINE HCL	10.000 MG/5ML	SOLUTION
DICYCLOMINE HCL	20.000 MG	TABLET
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
DILTIAZEM HCL	30.000 MG	TABLET
DILTIAZEM HCL	60.000 MG	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 & ATROPINE SULFATE		SOLUTION
DIPHENOXYLATE HCL & ATROPINE SULFATE		TABLET
DIPIVEFRIN HCL	.100 %	SOLUTION
DIPYRIDAMOLE	25.000 MG	TABLET
DIPYRIDAMOLE	50.000 MG	TABLET
DIPYRIDAMOLE	75.000 MG	TABLET
DISOPYRAMIDE PHOSPHATE	100.000 MG	CAPSULE
DISOPYRAMIDE PHOSPHATE	150.000 MG	CAPSULE
DISULFIRAM	250.000 MG	TABLET
DISULFIRAM	500.000 MG	TABLET
DONNA-PHENAL ELIXIR		SOLUTION
DONNA-SED ELIXIR		SOLUTION
DONNATAL		TABLET
DONNATAL ELIXIR		SOLUTION
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
E-CARPINE DROPTAINER		SOLUTION
E-CARPINE DROPTAINER		SOLUTION
E-CARPINE DROPTAINER		SOLUTION
E-CARPINE DROPTAINER		SOLUTION
E-CARPINE DROPTAINER		SOLUTION
E-PILO-1		SOLUTION
E-PILO-2		SOLUTION
E-PILO-3		SOLUTION
E-PILO-4		SOLUTION
E-PILO-6		SOLUTION
ECHOTHIOPHATE IODIDE	.030 %	SOLUTION

DRUG NAME	STRENGTH/UNIT	DOOSAGE FORM
ECHOTHIOPHATE IODIDE	.060 %	SOLUTION
ECHOTHIOPHATE IODIDE	.125 %	SOLUTION
ECHOTHIOPHATE IODIDE	.250 %	SOLUTION
ENOVID 5 MG		TABLET
ENOVID-E		TABLET
ENOVID-E 21		TABLET
EPHEDRINE SULFATE	25.000 MG	CAPSULE
EPHEDRINE SULFATE	50.000 MG	CAPSULE
EPHEDRINE SULFATE SYRUP	20.000 MG/5ML	SOLUTION
EPINEPHRINE HCL	.100 %	SOLUTION
EPINEPHRINE HCL	.100 %	SOLUTION
EPINEPHRINE HCL	.250 %	SOLUTION
EPINEPHRINE HCL	.500 %	SOLUTION
EPINEPHRINE HCL	.550 %	SOLUTION
EPINEPHRINE HCL	1.000 %	SOLUTION
EPINEPHRINE HCL	1.000 MG/1ML	INJECTION
EPINEPHRINE HCL	2.000 %	SOLUTION
EPINEPHRINE HCL	100.000 MCG/1ML	INJECTION
EPINEPHRYL BORATE		SOLUTION
EPINEPHRYL BORATE	.250 %	VISCOUS SOLUTION
EPINEPHRYL BORATE	1.000 %	VISCOUS SOLUTION
ERGOCALCIFEROL	8000.000 U/1ML	SOLUTION
ERGOCALCIFEROL	25000.000 U	CAPSULE
ERGOCALCIFEROL	50000.000 U	CAPSULE
ERGOCALCIFEROL	50000.000 U	TABLET
ERGOCALCIFEROL	500000.000 U/1ML	INJECTION
ERGOTAMINE TARTRATE	1.000 MG	TABLET
ERGOTAMINE TARTRATE	2.000 MG	SOLUBLE TABLET
ERYTHROMYCIN	250.000 MG	ENTERIC COATED TABLET
ERYTHROMYCIN ESTOLATE	250.000 MG/5ML	SUSPENSION
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
ETHAMBUTOL HCL	100.000 MG	TABLET
ETHAMBUTOL HCL	400.000 MG	TABLET
ETHIONAMIDE	250.000 MG	TABLET
ETHOSUXIMIDE	250.000 MG	CAPSULE
ETHOSUXIMIDE	250.000 MG/5ML	SUSPENSION
ETHOTOIN	250.000 MG	TABLET
ETHOTOIN	500.000 MG	TABLET
FEMGUARD VAGINAL		CREAM
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	.001 %	CREAM
FLUOCINOLONE ACETONIDE	.010 %	SOLUTION
FLUOCINOLONE ACETONIDE	.010 %	CREAM
FLUOCINOLONE ACETONIDE	.025 %	OINTMENT
FLUOCINOLONE ACETONIDE	.025 %	CREAM
FLUOCINONIDE	.050 %	OINTMENT
FLUOCINONIDE	.050 %	CREAM
FLUOROURACIL	1.000 %	CREAM
FLUOROURACIL	5.000 %	CREAM
FLUOROURACIL	50.000 MG/1ML	INJECTION
FLUOXYMESTERONE	5.000 MG	TABLET
FLUOXYMESTERONE	10.000 MG	TABLET
FLUPHENAZINE HCL	1.000 MG	TABLET
FLUPHENAZINE HCL	2.500 MG	TABLET
FLUPHENAZINE HCL	2.500 MG/1ML	INJECTION
FLUPHENAZINE HCL	2.500 MG/5ML	SOLUTION
FLUPHENAZINE HCL	5.000 MG	TABLET
FLUPHENAZINE HCL	5.000 MG/1ML	SOLUTION
FLUPHENAZINE HCL	10.000 MG	TABLET
FOLIC ACID	5.000 MG/ML	INJECTION
FOLIC ACID	1.000 MG	TABLET
FOLIC ACID	400.000 MCG	TABLET
FOLIC ACID	800.000 MCG	TABLET
FUROSEMIDE	10.000 MG/1ML	SOLUTION
FUROSEMIDE	10.000 MG/1ML	INJECTION
FUROSEMIDE	20.000 MG	TABLET
FUROSEMIDE	40.000 MG	TABLET

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
GENTAMICIN SULFATE	.300 %	SOLUTION
GENTAMICIN SULFATE	40.000 MG/1ML	INJECTION
GRISEOFULVIN	250.000 MG	CAPSULE
GRISEOFULVIN	500.000 MG	TABLET
GUANABENZ ACETATE	4.000 MG	TABLET
GUANABENZ ACETATE	8.000 MG	TABLET
GUANETHIDINE SULFATE	10.000 MG	TABLET
GUANETHIDINE SULFATE	25.000 MG	TABLET
HALOPERIDOL	1.000 MG	TABLET
HALOPERIDOL	2.000 MG	TABLET
HALOPERIDOL	5.000 MG	TABLET
HALOPERIDOL	5.000 MG/1ML	INJECTION
HALOPERIDOL	10.000 MG	TABLET
HALOPERIDOL	20.000 MG	TABLET
HALOPERIDOL	500.000 MCG	TABLET
HALOPERIDOL LACTATE	2.000 MG/1ML	SOLUTION
HEPARIN SODIUM	10.000 U/1ML	INJECTION
HEPARIN SODIUM	100.000 U/1ML	INJECTION
HEPARIN SODIUM	1000.000 U/1ML	INJECTION
HEPARIN SODIUM	2000.000 U/1ML	INJECTION
HEPARIN SODIUM	2500.000 U/1ML	INJECTION
HEPARIN SODIUM	5000.000 U/1ML	INJECTION
HEPARIN SODIUM	7500.000 U/1ML	INJECTION
HEPARIN SODIUM	10000.000 U/1ML	INJECTION
HEPARIN SODIUM	15000.000 U/1ML	INJECTION
HEPARIN SODIUM	20000.000 U/1ML	INJECTION
HEPARIN SODIUM	30000.000 U/1ML	INJECTION
HEPARIN SODIUM	40000.000 U/1ML	INJECTION
HYDRALAZINE HCL	20 MG/1 ML	INJECTION
HYDRALAZINE HCL	10.000 MG	TABLET
HYDRALAZINE HCL	25.000 MG	TABLET
HYDRALAZINE HCL	50.000 MG	TABLET
HYDROCHLOROTHIAZIDE	25.000 MG	TABLET
HYDROCHLOROTHIAZIDE	50.000 MG	TABLET
HYDROCHLOROTHIAZIDE	100.000 MG	TABLET
HYDROCORTISONE	10.000 MG	TABLET
HYDROCORTISONE	20.000 MG	TABLET
HYOSOPHEN		TABLET
IDOXURIDINE	.100 %	SOLUTION
IDOXURIDINE	.500 %	OINTMENT
IMIPRAMINE HCL	10.000 MG	TABLET
IMIPRAMINE HCL	25.000 MG	TABLET
IMIPRAMINE HCL	50.000 MG	TABLET
IMMUNE GLOBULIN		INJECTION
INSULIN	40.000 U/1ML	INJECTION
INSULIN	100.000 U/1ML	INJECTION
INSULIN ISOPHANE	40.000 U/1ML	INJECTION
INSULIN ISOPHANE	100.000 U/1ML	INJECTION
INSULIN PORK	40.000 U/1ML	INJECTION
INSULIN ZINC	100.000 U/1ML	INJECTION
INSULIN ZINC BEEF	40.000 U/1ML	INJECTION
INSULIN ZINC EXTENDED	40.000 U/1ML	INJECTION
INSULIN ZINC EXTENDED	100.000 U/1ML	INJECTION
INSULIN ZINC PROTAMINE	40.000 U/1ML	INJECTION
ISOCARBOXAZID	10.000 MG	TABLET
ISOETHARINE MESYLATE	.600 %	SOLUTION
ISONIAZID	100.000 MG	TABLET
ISONIAZID	300.000 MG	TABLET
ISOPROTERENOL HCL		INHALANT
ISOPROTERENOL HCL	.250 %	SOLUTION
ISOPTO P-ES		VISCOUS 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	SOLUBLE TABLET
ISOSORBIDE DINITRATE	10.000 MG	TABLET
ISOSORBIDE DINITRATE	20.000 MG	TABLET
KETOCONAZOLE	200.000 MG	TABLET
KETO-DIASTIX		STRIP
LEVODOPA	100.000 MG	CAPSULE
LEVODOPA	100.000 MG	TABLET
LEVODOPA	125.000 MG	CAPSULE
LEVODOPA	250.000 MG	CAPSULE
LEVODOPA	250.000 MG	TABLET
LEVODOPA	500.000 MG	CAPSULE

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
LEVODOPA	500.000 MG	TABLET
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 %	CREAM
LINDANE	1.000 %	SOLUTION
LINDANE	1.000 %	LOTION
LIOETHYRONINE SODIUM	5.000 MCG	TABLET
LIOETHYRONINE SODIUM	25.000 MCG	TABLET
LIOETHYRONINE SODIUM	50.000 MCG	TABLET
LIOTRIX	30.000 MCG	TABLET
LIOTRIX	60.000 MCG	TABLET
LIOTRIX	125.000 MCG	TABLET
LIOTRIX	200.000 MCG	TABLET
LITHIUM CARBONATE	300.000 MG	CAPSULE
LITHIUM CARBONATE	300.000 MG	TABLET
LITHIUM CITRATE	8.000 MEQ/5ML	SOLUTION
LO/OVRAL		TABLET
LO/OVRAL-28		TABLET
LOESTRIN FE 1.5/30		TABLET
LOESTRIN FE 1/20		TABLET
LOESTRIN 21 1.5/30		TABLET
LOESTRIN 21 1/20		TABLET
LYPRESSIN	185.000 MCG/1ML	SOLUTION
MAFENIDE ACETATE	8.500 %	CREAM
MAGNESIUM SULFATE	500.000 MG/1ML	INJECTION
MANGANESE CHLORIDE	100.000 MCG/1ML	INJECTION
MANGANESE SULFATE	100.000 MCG/1ML	INJECTION
MEBENDAZOLE	100.000 MG	CHEWABLE TABLET
MEDROXYPROGESTERONE ACETATE	2.500 MG	TABLET
MEDROXYPROGESTERONE ACETATE	10.000 MG	TABLET
MELPHALAN	2.000 MG	TABLET
MEPERIDINE HCL	25.000 MG/1ML	INJECTION
MEPERIDINE HCL	50.000 MG	TABLET
MEPERIDINE HCL	50.000 MG/1ML	INJECTION
MEPERIDINE HCL	50.000 MG/5ML	SOLUTION
MEPERIDINE HCL	75.000 MG/1ML	INJECTION
MEPERIDINE HCL	100.000 MG	TABLET
MEPERIDINE HCL	100.000 MG/1ML	INJECTION
MEPHENYTOIN	100.000 MG	TABLET
MEPHOBARBITAL	30.000 MG	TABLET
MEPHOBARBITAL	100.000 MG	TABLET
MESORIDAZINE BESYLATE	10.000 MG	TABLET
MESORIDAZINE BESYLATE	25.000 MG	TABLET
MESORIDAZINE BESYLATE	25.000 MG/1ML	SOLUTION
MESORIDAZINE BESYLATE	25.000 MG/1ML	INJECTION
MESORIDAZINE BESYLATE	50.000 MG	TABLET
MESORIDAZINE BESYLATE	100.000 MG	TABLET
METAPROTERENOL SULFATE	10.000 MG	TABLET
METAPROTERENOL SULFATE	10.000 MG/5ML	SOLUTION
METAPROTERENOL SULFATE	20.000 MG	TABLET
METHENAMINE MANDELATE	0.250 G/5 ML	SUSPENSION
METHENAMINE MANDELATE	0.500 G/5 ML	SUSPENSION FORTE
METHENAMINE MANDELATE	1.000 G	ENTERIC COATED TABLET
METHENAMINE MANDELATE	500.000 MG	ENTERIC COATED TABLET
METHIMAZOLE	5.000 MG	TABLET
METHIMAZOLE	10.000 MG	TABLET
METHOCARBAMOL	500.000 MG	TABLET
METHOCARBAMOL	750.000 MG	TABLET
METHOTREXATE	2.500 MG	TABLET
METHOTREXATE SODIUM	2.500 MG/1ML	INJECTION
METHOTREXATE SODIUM	25.000 MG/1ML	INJECTION
METHOTREXATE SODIUM	50.000 MG	INJECTION
METHSUXIMIDE	150.000 MG	CAPSULE
METHSUXIMIDE	300.000 MG	CAPSULE
METHYLDOPA	125.000 MG	TABLET
METHYLDOPA	250.000 MG	TABLET
METHYLDOPA	500.000 MG	TABLET

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
METHYLPHENIDATE HCL	5.000 MG	TABLET
METHYLPHENIDATE HCL	10.000 MG	TABLET
METHYLPHENIDATE HCL	20.000 MG	TABLET
METHYSERGIDE MALEATE	2.000 MG	TABLET
METOPROLOL TARTRATE	50.000 MG	TABLET
METOPROLOL TARTRATE	100.000 MG	TABLET
METRONIDAZOLE	250.000 MG	TABLET
MINOXIDIL	2.500 MG	TABLET
MINOXIDIL	10.000 MG	TABLET
MIOCEL		VISCOUS SOLUTION
MODICON		TABLET
MORPHINE SULFATE	4.000 MG/1ML	INJECTION
MORPHINE SULFATE	8.000 MG/1ML	INJECTION
MORPHINE SULFATE	10.000 MG/1ML	INJECTION
MORPHINE SULFATE	10.000 MG/5ML	SOLUTION
MORPHINE SULFATE	15.000 MG/1ML	INJECTION
MORPHINE SULFATE	20.000 MG/5ML	SUSPENSION
NADOLOL	40.000 MG	TABLET
NADOLOL	80.000 MG	TABLET
NADOLOL	120.000 MG	TABLET
NADOLOL	160.000 MG	TABLET
NATAMYCIN	5.000 %	SUSPENSION
NEOQUESS		TABLET
NIFEDIPINE	10.000 MG	CAPSULE
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	5.000 MG	DRESSING
NITROGLYCERIN	10.000 MG	DRESSING
NITROGLYCERIN	16.000 MG	DRESSING
NITROGLYCERIN	26.000 MG	DRESSING
NITROGLYCERIN	32.000 MG	DRESSING
NITROGLYCERIN	51.000 MG	DRESSING
NITROGLYCERIN	77.000 MG	DRESSING
NITROGLYCERIN	104.000 MG	DRESSING
NITROGLYCERIN	150.000 MCG	SOLUBLE TABLET
NITROGLYCERIN	300.000 MCG	SOLUBLE TABLET
NITROGLYCERIN	400.000 MCG	SOLUBLE TABLET
NITROGLYCERIN	600.000 MCG	SOLUBLE TABLET
NORDETTE TABLET		TABLET
NORETHINDRONE	350.000 MCG	TABLET
NORETHINDRONE ACETATE	5.000 MG	TABLET
NORGESTREL	75.000 MCG	TABLET
NORINYL 1+35		TABLET
NORINYL 1+50		TABLET
NORINYL 1+80		TABLET
NORINYL 2 MG		TABLET
NORLESTRIN FE 1/50		TABLET
NORLESTRIN FE 2.5/50		TABLET
NORLESTRIN 21 1/50		TABLET
NORLESTRIN 21 2.5/50		TABLET
NORLESTRIN 28 1/50		TABLET
NYSTATIN	100000.000 U	SUPPOSITORY
NYSTATIN	100000.000 U/1G	OINTMENT
NYSTATIN	100000.000 U/1ML	SUSPENSION
NYSTATIN	500000.000 U	TABLET
ORTHO-NOVUM 1/35 21		TABLET
ORTHO-NOVUM 1/35 28		TABLET
ORTHO-NOVUM 1/50 21		TABLET
ORTHO-NOVUM 1/50 28		TABLET
ORTHO-NOVUM 1/80 21		TABLET
ORTHO-NOVUM 1/80 28		TABLET
ORTHO-NOVUM 10/11		TABLET
ORTHO-NOVUM 2 MG 21		TABLET
OVCON-35		TABLET
OVCON-50		TABLET
OVRAL		TABLET
OVRAL-28		TABLET
OVULEN		TABLET
OVULEN-21		TABLET
OVULEN-21 COMPACT 24X21		TABLET
OVULEN-28		TABLET
OXACILLIN SODIUM	1.000 G	INJECTION
OXACILLIN SODIUM	2.000 G	INJECTION
OXACILLIN SODIUM	250.000 MG	INJECTION



DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
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
PALBAR		TABLET
* PANCREATIN QUADRUPLE STRENGTH		TABLET
* PANCREATIN QUADRUPLE STRENGTH	300.000 MG	TABLET
* PANCREATIN TRIPLE STRENGTH	300.000 MG	ENTERIC COATED TABLET
* PANCREATIN TRIPLE STRENGTH	300.000 MG	CAPSULE
* PANCRELIPASE		CAPSULE
* PANCRELIPASE		ENTERIC COATED CAPSULE
* PANCRELIPASE	300.000 MG	CAPSULE
* PANCRELIPASE	400.000 MG	TABLET
PARAMETHADIONE	150.000 MG	CAPSULE
PARAMETHADIONE	300.000 MG	CAPSULE
PARAMETHADIONE	300.000 MG/1ML	SOLUTION
PAREGORIC		TINCTURE
PENICILLIN G POTASSIUM	2000000.000 U	INJECTION
PENICILLIN G POTASSIUM BUFFERED	5000000.000 U	INJECTION
PENICILLIN G POTASSIUM BUFFERED	2000000.000 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
PENTAERYTHRITOL TETRANITRATE	40.000 MG	TABLET
PHENACEMIDE	500.000 MG	TABLET
PHENAZOPYRIDINE HCL	100.000 MG	TABLET
PHENAZOPYRIDINE HCL	200.000 MG	TABLET
PHENOBARBITAL	15.000 MG	TABLET
PHENOBARBITAL	30.000 MG	TABLET
PHENOBARBITAL	60.000 MG	TABLET
PHENOBARBITAL	100.000 MG	TABLET
PHENOBARBITAL ELIXIR	20.000 MG/5ML	SOLUTION
PHENOBARBITAL SODIUM	125.000 MG/1ML	INJECTION
PHENSUXIMIDE	500.000 MG	CAPSULE
PHENYTOIN	30.000 MG/5ML	SUSPENSION
PHENYTOIN	50.000 MG	CHEWABLE TABLET
PHENYTOIN	125.000 MG/5ML	SUSPENSION
PHENYTOIN SODIUM	30.000 MG	CAPSULE
PHENYTOIN SODIUM	30.000 MG	EXTENDED RELEASE CAPSULE
PHENYTOIN SODIUM	50.000 MG/1ML	INJECTION
PHENYTOIN SODIUM	100.000 MG	EXTENDED RELEASE CAPSULE
PHENYTOIN SODIUM	100.000 MG	CAPSULE
PHYSOSTIGMINE SULFATE	.250 %	OINTMENT
PHYTONADIONE	5.000 MG	TABLET
PHYTONADIONE	10.000 MG/1ML	INJECTION
PILOCARPINE HCL	.250 %	SOLUTION
PILOCARPINE HCL	.250 %	VISCOUS SOLUTION
PILOCARPINE HCL	.500 %	SOLUTION
PILOCARPINE HCL	.500 %	VISCOUS SOLUTION
PILOCARPINE HCL	1.000 %	SOLUTION
PILOCARPINE HCL	1.000 %	VISCOUS SOLUTION
PILOCARPINE HCL	1.500 %	SOLUTION
PILOCARPINE HCL	1.500 %	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
PILOCARPINE HCL	8.000 %	SOLUTION
PILOCARPINE HCL	8.000 %	VISCOUS SOLUTION
PILOCARPINE HCL	10.000 %	VISCOUS SOLUTION
PILOCARPINE HCL	10.000 %	SOLUTION
PILOCARPINE NITRATE	.500 %	VISCOUS SOLUTION
PILOCARPINE NITRATE	1.000 %	VISCOUS SOLUTION
PILOCARPINE NITRATE	3.000 %	VISCOUS SOLUTION
PILOCARPINE NITRATE	4.000 %	VISCOUS SOLUTION
PILOCARPINE NITRATE	6.000 %	VISCOUS SOLUTION
PINDOLOL	5.000 MG	TABLET
PINDOLOL	10.000 MG	TABLET

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
PIPERAZINE HEXAHYDRATE CITRATE	500.000 MG/5ML	SOLUTION
POTASSIUM CHLORIDE	2.000 MEQ/1ML	INJECTION
POTASSIUM CHLORIDE	6.700 MEQ/5ML	SOLUTION
POTASSIUM CHLORIDE	8.000 MEQ	EXTENDED RELEASE CAPSULE
POTASSIUM CHLORIDE	13.300 MEQ/5ML	SOLUTION
POTASSIUM CHLORIDE	40.000 MEQ	INJECTION
POTASSIUM CHLORIDE	60.000 MEQ/1ML	INJECTION
POTASSIUM CHLORIDE	600.000 MG	EXTENDED RELEASE TABLET
POTASSIUM CHLORIDE	750.000 MG	EXTENDED RELEASE TABLET
POTASSIUM GLUCONATE	6.700 MEQ/5ML	SOLUTION
POTASSIUM GLUCONATE	486.000 MG	TABLET
PRAZOSIN HCL	1.000 MG	CAPSULE
PRAZOSIN HCL	2.000 MG	CAPSULE
PRAZOSIN HCL	5.000 MG	CAPSULE
PREDNISONE	5.000 MG	TABLET
PREDNISONE	10.000 MG	TABLET
PREDNISONE	20.000 MG	TABLET
PREDNISONE	50.000 MG	TABLET
PRIMIDONE	50.000 MG	TABLET
PRIMIDONE	250.000 MG	TABLET
PRIMIDONE	250.000 MG/5ML	SUSPENSION
PROBENECID	500.000 MG	TABLET
PROCAINAMIDE HCL	250.000 MG	CAPSULE
PROCAINAMIDE HCL	375.000 MG	CAPSULE
PROCAINAMIDE HCL	500.000 MG	CAPSULE
PROCHLORPERAZINE	2.500 MG	SUPPOSITORY
PROCHLORPERAZINE	5.000 MG	SUPPOSITORY
PROCHLORPERAZINE	25.000 MG	SUPPOSITORY
PROCHLORPERAZINE EDISYLATE	5.000 MG/1ML	INJECTION
PROCHLORPERAZINE EDISYLATE	5.000 MG/5ML	SOLUTION
PROCHLORPERAZINE EDISYLATE	10.000 MG/1ML	SOLUTION
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	12.500 MG	SUPPOSITORY
PROMETHAZINE HCL	25.000 MG	TABLET
PROMETHAZINE HCL	25.000 MG	SUPPOSITORY
PROMETHAZINE HCL	25.000 MG/5ML	SOLUTION
PROMETHAZINE HCL	50.000 MG	TABLET
PROMETHAZINE HCL	50.000 MG	SUPPOSITORY
PROPANTHELINE BROMIDE	15.000 MG	TABLET
PROPRANOLOL HCL	10.000 MG	TABLET
PROPRANOLOL HCL	20.000 MG	TABLET
PROPRANOLOL HCL	40.000 MG	TABLET
PROPRANOLOL HCL	80.000 MG	TABLET
PROPYLTHIOURACIL	50.000 MG	TABLET
PYLORA		TABLET
PYRANTEL PAMOATE	250.000 MG/5ML	SUSPENSION
PYRAZINAMIDE	500.000 MG	TABLET
PYRVINIUM PAMOATE	10.000 MG/1ML	SUSPENSION
QUINIDINE POLYGALACTURONATE	275.000 MG	TABLET
QUINIDINE SULFATE	100.000 MG	TABLET
QUINIDINE SULFATE	200.000 MG	TABLET
QUINIDINE SULFATE	300.000 MG	TABLET
RELAXADON		TABLET
RESERPINE	2.500 MG/ML	INJECTION
RESERPINE	100.000 MCG	TABLET
RESERPINE	250.000 MCG	TABLET
RIFAMPIN	300.000 MG	CAPSULE
SILVER SULFADIAZINE	1.000 %	CREAM
SINEMET-10/100		TABLET
SINEMET-25/100		TABLET
SINEMET-25/250		TABLET
SODIUM CHLORIDE	2.000 MEQ/1ML	INJECTION
SODIUM CHLORIDE	4.000 MEQ/1ML	INJECTION
* SODIUM FLUORIDE	2.200 MG	TABLET
* SODIUM FLUORIDE	2.200 MG	TABLET, CHEWABLE
* SODIUM FLUORIDE	0.550 MG/DROP	DROPS
* SODIUM FLUORIDE	1.100%	GEL DROPS
SPALIX		TABLET
SPASMOPHEN ELIXIR		SOLUTION
SPIRONOLACTONE	25.000 MG	TABLET
SUCRALFATE	1.000 G	TABLET
SULFACETAMIDE SODIUM	10.000 %	OINTMENT
SULFACETAMIDE SODIUM	10.000 %	SOLUTION

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
SULFACETAMIDE SODIUM	15.000 %	SOLUTION
SULFACETAMIDE SODIUM	30.000 %	SOLUTION
SULFAMETHOXAZOLE W/TRIMETHOPRIN	400 MG/80 MG	TABLET
SULFAMETHOXAZOLE W/TRIMETHOPRIN DS	800 MG/160 MG	TABLET
SULFAMETHOXAZOLE W/TRIMETHOPRIN	200MG/40MG/5 ML	SUSPENSION
SULFINPYRAZONE	100.000 MG	TABLET
SULFINPYRAZONE	200.000 MG	CAPSULE
SULFISOXAZOLE	500.000 MG	TABLET
SULTRIN		CREAM
TERBUTALINE SULFATE	2.500 MG	TABLET
TERBUTALINE SULFATE	5.000 MG	TABLET
TETRACYCLINE HCL	250.000 MG	CAPSULE
TETRACYCLINE HCL	500.000 MG	CAPSULE
THEOPHYLLINE	50.000 MG	EXTENDED RELEASE CAPSULE
THEOPHYLLINE	80.000 MG/15ML	SOLUTION
THEOPHYLLINE	100.000 MG	CHEWABLE TABLET
THEOPHYLLINE	100.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE	130.000 MG	EXTENDED RELEASE CAPSULE
THEOPHYLLINE	150.000 MG/15ML	SOLUTION
THEOPHYLLINE	225.000 MG	TABLET
THEOPHYLLINE	250.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE	260.000 MG	EXTENDED RELEASE CAPSULE
THEOPHYLLINE	300.000 MG	TABLET
THEOPHYLLINE	300.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE	500.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE ANHYDROUS	60.000 MG	EXTENDED RELEASE CAPSULE
THEOPHYLLINE ANHYDROUS	100.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE ANHYDROUS	100.000 MG	CAPSULE
THEOPHYLLINE ANHYDROUS	100.000 MG/5ML	SUSPENSION
THEOPHYLLINE ANHYDROUS	125.000 MG	EXTENDED RELEASE CAPSULE
THEOPHYLLINE ANHYDROUS	200.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE ANHYDROUS	200.000 MG	CAPSULE
THEOPHYLLINE ANHYDROUS	250.000 MG	EXTENDED RELEASE CAPSULE,
THEOPHYLLINE ANHYDROUS	250.000 MG	CAPSULE
THEOPHYLLINE ANHYDROUS	250.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE ANHYDROUS	300.000 MG	EXTENDED RELEASE CAPSULE
THEOPHYLLINE ANHYDROUS	300.000 MG	EXTENDED RELEASE TABLET
THEOPHYLLINE ANHYDROUS	500.000 MG	EXTENDED RELEASE TABLET
THIABENDAZOLE	500.000 MG	CHEWABLE TABLET
THIABENDAZOLE	500.000 MG/5ML	SUSPENSION
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
THIORIDAZINE HCL	200.000 MG	TABLET
THIORIDAZINE HCL BASE	25.000 MG/5ML	SUSPENSION
THIORIDAZINE HCL BASE	100.000 MG/5ML	SUSPENSION
THIOTHIXENE	1.000 MG	CAPSULE
THIOTHIXENE	2.000 MG	CAPSULE
THIOTHIXENE	5.000 MG	CAPSULE
THIOTHIXENE	10.000 MG	CAPSULE
THIOTHIXENE	20.000 MG	CAPSULE
THIOTHIXENE HCL	2.000 MG/1ML	INJECTION
THIOTHIXENE HCL	5.000 MG/1ML	INJECTION
THIOTHIXENE HCL	5.000 MG/1ML	SOLUTION
THYROGLOBULIN	30.000 MG	TABLET
THYROGLOBULIN	60.000 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
TIMOLOL MALEATE	.250 %	SOLUTION
TIMOLOL MALEATE	.500 %	SOLUTION
TIMOLOL MALEATE	10.000 MG	TABLET
TIMOLOL MALEATE	20.000 MG	TABLET
TOLAZAMIDE	100.000 MG	TABLET
TOLAZAMIDE	250.000 MG	TABLET
TOLAZAMIDE	500.000 MG	TABLET
TOLBUTAMIDE	250.000 MG	TABLET

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
TOLBUTAMIDE	500.000 MG	TABLET
TRANLYCYPROMINE SULFATE	10.000 MG	TABLET
TRIAMCINOLONE ACETONIDE	.025 %	CREAM
TRIAMCINOLONE ACETONIDE	.025 %	QINTMENT
TRIAMCINOLONE ACETONIDE	.025 %	LOTION
TRIAMCINOLONE ACETONIDE	.100 %	QINTMENT
TRIAMCINOLONE ACETONIDE	.100 %	LOTION
TRIAMCINOLONE ACETONIDE	.100 %	CREAM
TRIAMCINOLONE ACETONIDE	.500 %	CREAM
TRIAMCINOLONE ACETONIDE	.500 %	QINTMENT
TRIAMCINOLONE ACETONIDE	40.000 MG/1ML	INJECTION
TRIAMTERENE	50.000 MG	CAPSULE
TRIAMTERENE	100.000 MG	CAPSULE
TRIFLURIDINE	1.000 %	SOLUTION
TRIHEXYPHENIDYL HCL	2.000 MG	TABLET
TRIHEXYPHENIDYL HCL	2.000 MG/5ML	SOLUTION
TRIHEXYPHENIDYL HCL	5.000 MG	TABLET
TRIMETHADIONE	150.000 MG	CHEWABLE TABLET
TRIMETHADIONE	200.000 MG/5ML	SOLUTION
TRIMETHADIONE	300.000 MG	CAPSULE
TRIPLE SULFA VAGINAL		CREAM
TRYSUL VAGINAL		CREAM
VAGIDINE		CREAM
VALPROIC ACID	250.000 MG	CAPSULE
VALPROIC ACID SODIUM	250.000 MG/5ML	SOLUTION
VERAPAMIL HCL	80.000 MG	TABLET
VERAPAMIL HCL	120.000 MG	TABLET
VIDARABINE MONOHYDRATE	3.000 %	QINTMENT
VITAMIN A	25000.000 U	CAPSULE
VITAMIN A	50000.000 U	CAPSULE
VITAMIN A SOLUBILIZED	50000.000 U/1ML	INJECTION
WARFARIN SODIUM	2.000 MG	TABLET
WARFARIN SODIUM	2.500 MG	TABLET
WARFARIN SODIUM	5.000 MG	TABLET
WARFARIN SODIUM	7.500 MG	TABLET
WARFARIN SODIUM	10.000 MG	TABLET
ZINC CHLORIDE	1.000 MG/1ML	INJECTION
ZINC SULFATE	1.000 MG/1ML	INJECTION

ADDENDUM

ANTIHEMOPHILIC FACTOR		INJECTION
CONTRACEPTIVE DEVICES & SUPPLIES		
HEPATITIS B IMMUNE GLOBULIN		INJECTION
INSULIN SYRINGE TYPE 1YLI	BD	
INSULIN SYRINGE TYPE 1YLI	BD	
INSULIN SYRINGE TYPE 2YZ	BD	
INSULIN SYRINGE TYPE 1YTI	BD	
INSULIN SYRINGE TYPE 2YPI	BD	
INSULIN SYRINGE TYPE U-100	BD	
INSULIN SYRINGE TYPE 3YLH	BD	
5 CC CATHETER		
30 CC CATHETER		
TRAY		
TRAY WITH 5 CC CATHETER		
TRAY WITH 30 CC CATHETER		

Attachment 4.19-B, Item 12a, I. A., of the Title XIX (Medicaid) State Plan is amended to show:

The agency may not pay more for prescribed drugs than the lower of ingredient cost plus a reasonable dispensing fee or the provider's usual and customary charge to the general public. Consequently, providers are requested to show on their claim forms for prescription services, their usual and customary charge and the National Drug Code (NDC) for the product dispensed.

Each pharmacy's records shall establish that the dispensing fee paid by the Medical Assistance Program for prescriptions does not exceed the dispensing fee paid by others. This also applies to the payment for insulin and diabetic testing agents and indwelling catheters and catheterization trays for which the dispensing fee may not exceed 50 percent of the Louisiana Maximum Allowable Cost (LMAC).

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.

A public hearing on this proposed Rule has been scheduled for Tuesday, June 7, 1983, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside, Baton Rouge, LA.

Interested persons may submit written comments through June 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.

Roger P. Guissinger  
Secretary

## NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to increase the allowable monthly income limit as follows:

#### PROPOSED RULE

Effective July 1, 1983, the maximum allowable monthly income limit (CAP Rate) for long term care eligibility for an individual will be increased from \$852.90 to \$912.90. For a couple occupying the same room in a long term care facility, the double rate of \$1,825.80 would apply.

Federal regulation 42 CFR 435.1005 allows provisions to set the maximum income limit, before deductions, at 300 percent of the Supplemental Security Income (SSI) payment.

Effective July 1, 1983, the monthly SSI payment increases by \$20 to \$304.30.

Interested persons may submit written comments through June 6, 1983, at the following address: R. K. Banks, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Establishment of a Generic Formulary

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

State General Fund	FY 83-84	FY 84-85	FY 85-86
	(\$10,750,244)	(\$12,151,064)	(\$13,487,681)
Federal Fund	(\$17,697,044)	(\$19,451,182)	(\$21,590,812)
TOTAL	(\$28,447,288)	(\$31,602,246)	(\$35,078,493)

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

There will be no effect on revenue collections.

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

The program will provide to recipients only those drugs included on the formulary and recipients will be required to pay for any additional drugs they require. Recipients who choose not to accept a drug on the formulary will be required to pay for the drug they choose. The Pharmacy Physician Providers will benefit from this proposed change because they will be supplied with a list of all drugs which are reimbursable by the program together with the Louisiana Maximum Allowable Cost for each of the drugs - no such list exists at the present time.

#### 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

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Increase CAP Rate for Long Term Care

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

The estimated implementation costs are \$27,240.36 for FY 83-84. The sources of funding for implementing the proposed action for FY 83-84 are \$10,296.86 state funds and \$16,943.50 federal funds. At the present time there is no way to determine costs for subsequent fiscal years, because we are unable to accurately estimate the number of recipients who will be affected by another federally-mandated change, or to determine if another change will be forthcoming in the future.

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

No effect on revenue collection is anticipated due to this change.

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

The Long Term Care or Home and Community Based Service applicant/recipient with income below the proposed maximum allowable monthly income limit would be financially eligible for Long Term Care or Home and Community Based Services.

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

No effect on competition and employment.

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 the following Rule:

#### PROPOSED RULE

Effective July 1, 1983, the monthly maintenance allowance for an individual receiving Home and Community Based Services will be increased from \$284.30 to \$304.30.

Federal regulation, 42 CFR 435.726, contains provisions for determining the amount of the monthly maintenance allowance.

Effective July, 1983, the monthly maintenance allowance increases by \$20 to \$304.30.

Interested persons may submit written comments through June 6, 1983, at the following address: R. K. Banks, Assistant Secretary, Box 44065, Baton Rouge, LA.

Roger P. Guissinger  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Increase in Monthly Maintenance Allowance for H & CBS Recipients

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

The implementation of this proposed Rule is expected to cost the agency an additional \$82,800 yearly. Sources for funding in FY 83-84 are \$31,298.40 state funds and \$51,501.60 federal funds. In FY 84-85, sources of funding are \$31,836.60 state funds and \$50,963.40 federal funds.

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

No effect on revenue collections is anticipated due to this proposed change.

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

Home and Community Based Services recipients eligible under the Special Income Unit will be allowed to retain an additional \$20 of their own income to meet maintenance needs.

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

No effect on competition and employment is anticipated due to this proposed change.

R.K. Banks  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

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

In accordance with Revised Statute 40:91 - 40:99 of the 1982 Regular Session of the Louisiana Legislature, the Depart-

ment of Health and Human Resources, Office of Human Development/Division of Evaluation and Services intends to adopt the following Rules relative to the voluntary registration of adopted children and/or the biological parents of adopted children with the Office of Human Development:

#### Proposed Rule

##### Eligibility Requirements for Registration

Only persons who meet the following criteria shall be eligible for the services of the Department of Health and Human Resources Voluntary Adoption Registry:

A. The adopted person if he or she is 25 years of age or older, and if any biological siblings adopted by the same adoptive parents have reached the age of 18 years.

B. The biological mother of the adopted child.

C. The biological father of the child if (1) the father has signed a voluntary release for the child's adoption in accordance with R.S. 9:402 and R.S. 9:422.3 et. seq. or (2) the father has legitimated the child as provided by law.

##### Procedures For Registration

Voluntary registration by the adopted person and/or the biological parents of the adopted person shall be by a typewritten affidavit, filed with the Office of Human Development, Division of Evaluation and Services. All affidavits filed must contain certain minimum identifying information as specified by law. Any other information which the applicant feels will be useful in making the match between the adopted person and the biological parent(s) of the person may be added.

##### Fees for Voluntary Registration

The affidavit submitted to Department of Health and Human Resources, Office of Human Development/Division of Evaluation and Services must be accompanied by a check or money order payable to Department of Health and Human Resources, Office of Human Development/Division of Evaluation and Services in the amount of \$25.00. The fee is charged to cover the cost of establishing the file of registrants and other costs to the Office of Human Development in providing this service.

##### Mandatory Counseling Requirement

Within 30 days of registration with the Office of Human Development, the registrant shall be required to participate in not less than one hour of counseling with a board certified social worker or a social worker employed by a licensed adoption agency. The Office of Human Development will provide the names and addresses of participating agencies to provide counseling service in the State of Louisiana. An adopted person or a biological parent who is domiciled outside the State of Louisiana shall obtain counseling from an appropriate agency in his state of domicile. The licensed adoption agency or social worker shall collect the cost of counseling services from persons who are able to pay all or part of the cost of services provided.

##### Matching the Adopted Person and the Biological Parent(s)

The Office of Human Development shall regularly monitor registrant affidavits to determine whether or not affidavits have been filed by an adopted person and his biological parent(s). If there appears to be a match between an adopted person and a biological parent, the Office of Human Development shall notify a licensed adoption agency located in or near the parish residence of the adopted person. The agency notified shall delegate a social worker in its employ or a BCSW to contact the registered and matched parties in a careful and confidential manner, and give the information necessary to contact each other.

If the Office of Human Development has any doubt that

there is a match between the adopted person and biological parent the parties shall be advised to petition the district court having jurisdiction to open the sealed adoption record for verification. The court may appoint an ad hoc curator for this purpose.

#### Time Limit on Registration

Registration of an adopted person or biological parent with the Office of Human Development shall remain effective for five years after filing at which time the registration shall expire. Registration may be renewed by the registrant at the end of the five year period. A \$25.00 renewal fee made payable to Department of Health and Human Resources, Office of Human Development/ Division of Evaluation and Services by check or money order must accompany the request to renew the registration of the adopted person or biological parent.

If both birth parents of an adopted person are deceased and if this fact is known by the Office of Human Development or the licensed adoption agency which originally placed the adopted person, this information shall be disclosed to the adopted person.

#### Confidentiality

Notwithstanding the provisions of R.S. 44:1 et. seq., documents filed with the Office of Human Development, pursuant to the provisions of this law shall be confidential and not available for inspection; nor shall any information acquired by the Voluntary Registry be disclosed under any sunshine or freedom of information legislation, Rules, or practice. No person, group of persons, or entity may file a class action to force the voluntary registry to disclose identifying information.

Roger P. Guissinger  
Secretary

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

#### **Rule Title: Voluntary Registry-Adoption Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The Agency plans to absorb the workload associated with the initial volume of registrants with existing staff.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Revenue collections will equal \$25 for each registrant; however, there is no basis from which to project the number of potential registrants who will use this service.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Adult adoptees and their biological parents may be able to contact each other by mutual consent without court involvement. Cost will be \$25 registration fee for each person. Registration is renewable in five years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Registrants will be required to secure not less than one hour of counseling at their own expense from licensed private adoption agencies or board certified social workers.

Arthur Dixon  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## **NOTICE OF INTENT**

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

Effective July 1, 1983, the Department of Health and Human Resources proposes to implement a uniform (regardless of funding source) and minimum standards for residential care and client placing 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 Community Homes (six beds or less), Group Homes (seven beds to 15 beds), Residential Homes (16 beds or more), Foster Care Homes and Supervised Apartment Living Situations.

These standards are being proposed to comply with the Gary W. et al vs. State of Louisiana et al, Civil Action No. 74-2412 and are written in order to comply with the terms of the federal court order and a Memorandum of Agreement between parties of that civil action. The standards apply to all clients in care in the covered residential facilities mentioned above.

The uniform minimum standards covering residential care providers will replace the standards published in 1976 by the Department in an effort to comply with the Gary W. Court Order, entitled, *Standards for Certification of Facilities Where DHHR Funds Are Used to Care for Handicapped Persons*. The foster home standards replace the standards published in 1976 by the Louisiana Division of Family Services, entitled *Child Placing Agencies*. The standards for Supervised Apartment Living Situations are new.

The proposed uniform and minimum standards are too bulky for publication but is 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 or by contacting the Governor's Tie Line at Box 44004, Capitol Station, Baton Rouge, LA 70804, phone: 1-800-272-9868.

A public hearing on these proposed standards has been scheduled for June 8, 1983 at 1:30 p.m. in the Louisiana State Library Auditorium, 760 N. Riverside, Baton Rouge, LA.

Interested persons may submit written comments on the proposed standards through June 4, 1983 to the attention of Billy W. 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: Licensing Stds. for Residential Care Providers, Client Placing Providers, Foster Homes, Supervised Apartment Living**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The estimated implementation cost is \$1,000 for printing the standards and the survey form. The Rule change only changes the standards of care of facilities already being surveyed by the Department of Health and Human Resources.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

The estimated costs to affected groups is a reduction in costs in some cases. The reduction in cost is estimated because these minimum standards do not specify a specific direct care staff to client ratio as do the current standards. Thus, some facilities may accomplish the adequate care and treatment with fewer people. An estimated minimal cost saving to each facility would be one direct care staff, approximately \$10,000 a year in salary and benefits.

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

The estimated effect on employment is that some currently employed people may not have a job. If the estimated reduction is one person per facility, there will be an estimated 100 fewer people employed in Louisiana facilities.

Billy Brown  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Labor  
Office of Worker's Compensation Administration**

The Department of Labor, Office of Worker's Compensation Administration, intends to adopt Rules for the implementation and administration of the provisions of Act No. 1 of the First Extraordinary Session of 1983.

Copies of the proposed Rules may be obtained at the Office of Worker's Compensation, 555 St. Tammany St., Baton Rouge, LA.

Public hearings on the proposed Rules will be held June 3, 1983 at 10 a.m. at the Chamber of Commerce Building, 301 Camp Street, 5th floor, New Orleans, LA; on June 10, 1983 at 10 a.m. at the 4th floor auditorium at the Department of Labor, 1001 N. 23rd St., Baton Rouge, LA; and on June 17, 1983 at 10 a.m. at Shreveport/Bossier Voc.-Tec. Center, Main Building, Rm. A132, 2010 N. Market St., Shreveport, LA.

Interested persons may comment on the proposed Rules either by attendance at the public hearings or by writing to John L. Whitfield, Assistant Secretary of Labor, Post Office Box 44094, Baton Rouge, LA 70804, through June 20, 1983.

Ulysses Williams  
Secretary

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

**Rule Title: Worker's Compensation Administration**

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

The Rules will cost approximately \$1.5 million to implement and administer for the first year of operation. The second and subsequent years will probably increase the costs and the number of employees as work responsibilities become more definitive and the volume of claims increase.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Rules allow that the program will be self-financed by imposing an assessment fee on all insurance companies writing worker's compensation insurance and all self-insured employers. The revenues will coincide with the estimated cost with a minimal surplus generated to overcome any timing problems with receipt and expenditure of funds.

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

The benefits to the employers shall be an immediate 20 percent in worker's compensation insurance rates. The benefit to the insurance companies shall be a more consistent decision made on benefits for particular injuries. The cost to the insurance companies and self-insured will be to finance 100 percent of this program. The benefit to the worker will be an increased maximum weekly benefit from 60 2/3 percent to 75 percent of average weekly wage, and lengthens supplemental earnings benefits for the partially disabled from 450 weeks to 520 weeks. The disadvantages to the worker: limits "Schedule" partial loss and redefines "total permanent disability" and "wages."

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

Removes one of the deterrents to investment and expansion by labor-intensive industry in Louisiana.

Neil Borel  
Undersecretary

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 their April 28, 1983 hearing. Following the initiation of Rulemaking procedures by the Commission, 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 Commission intends to consider adoption of the proposed amendments at their regularly scheduled June 23, 1983 hearing.

The primary purpose of the proposed amendments to the HWMP is to provide the State with regulations equivalent to the Federal hazardous waste management permit program under Phase II, Components A, B and C under 40 Code of Federal Regulations Part 122, 124, 260, 261, and 264. (See Resource Conservation & Recovery Act, Public Law 94-580). The adoption of these regulatory changes will enable the State to apply to EPA for federal authorization to operate the State's permit program in lieu of the federal government.

Components A, B and C refer to permit procedures and technical standards for hazardous waste management facilities which:

1. Treat and/or store hazardous waste in containers and tanks, including location, closure and post-closure care, and financial responsibility (Component A);



2. Treat hazardous waste by incineration (Component B);
3. Dispose of hazardous waste in landfills, surface impoundments and waste piles and treat or dispose through land treatment (Component C).

Provisions concerning definitions, agency responsibilities, facility security, reporting and recordkeeping, and the state's universe of waste have been made in order to achieve consistency with Federal laws and regulations.

In addition, changes are also proposed pursuant to Act 800 of 1982 (Section 1136 A (5)), directing the Commission to adopt Rules and Regulations relative to tracking and regulating the generation, transportation, or disposition of reusable material.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Gerald D. Healy, Jr., Administrator, 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 June 23, 1983, at 9 a.m. in the State Land and Natural Resources Building, Mineral Board Hearing Room, 625 North Fourth Street, Baton Rouge, LA, or both, about any of the actions proposed. Comments received by the agency both in person or by mail, prior to 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 B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066. Persons requesting a copy of the proposed changes may contact the Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066 or telephone (504) 342-1227. Copies of the proposed amendments are also available for inspection at all Louisiana Depository Libraries and at the following locations from 8 a.m. until 4:30 p.m.:

Room 600, 6th 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, 3945 North I-10 Service Road, Metairie, LA.

Office of Environmental Affairs, 1155 Ryan Street, 2nd Floor, Lake Charles, LA.

Office of Environmental Affairs, 100 Epplen Road, Lafayette, LA.

B. Jim Porter  
Assistant Secretary

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

**Rule Title: LA Hazardous Waste Management Plan**

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

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

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

There will be no estimated effect on revenues.

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

Industry must comply with the new federal regulations. If the proposed amendments are not approved, Louisiana will not receive Phase II Interim Authorization from EPA, which will result in double permitting of hazardous waste disposal facilities by both the state and EPA.

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

There will be no estimated effect on competition and employment.

B. Jim Porter  
Assistant 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. 30:1051 et. seq., Section 1124 B and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:951 et. seq. the Louisiana Environmental Control Commission (ECC) gives notice that it initiated Rulemaking procedures to revise the Louisiana Solid Waste Rules and Regulations at its April 28, 1983, meeting. These proposed regulations are being forwarded to the Joint Committee on Natural Resources for acceptance. After review of these proposed revisions by the Joint Committee, the Commission shall consider their adoption at its meeting to be held at 9 a.m. on Thursday, June 23, 1983, in the Mineral Board Hearing Room, State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

The proposed revisions clarify the meaning or intent and supplement the Solid Waste Rules and Regulations to provide more precise instructions to the regulated community. These revisions extensively amend the Regulations. In addition to correcting typographical and grammatical errors, definitions were added or revised in an effort to achieve clarity and consistency within the Regulations. Reorganization of the Regulations is proposed to effect a more logical and readable format.

These proposed revisions would provide more effective regulation of industrial solid waste including a requirement for a quarterly industrial solid waste generator's report. In addition, the revisions include provisions clarifying the applicability of the Solid Waste Rules and Regulations to waste formerly classified as hazardous.

The proposed revised Solid Waste Rules and Regulations also provide for a Solid Waste Fee System which consists of a permit application fee and a permit maintenance fee. The Fee System is proposed to partially offset the costs of processing and evaluating permit applications, surveillance and monitoring and other related program costs.

All interested persons are invited to submit written comments, speak at the public hearing, or both, concerning the action proposed above. Any comments received in person or by mail prior to the public hearing will be considered by the Commission before making the final decision on the proposed action. All comments and requests to speak at the hearing should be submitted to Mrs. Theresa Walters, Clerk of the Environmental Control Commission, Box 44066, Baton Rouge, LA 70804.

Persons requesting copies and/or further information concerning the draft proposed revisions may contact John Koury,

Administrator, Solid Waste Management Division, Box 44066, Baton Rouge, LA 70804 or telephone (504) 342-1216. The draft revisions are also available for inspection until 4:30 p.m., June 22, 1983, at the State Lands and Natural Resources Building, 625 North Fourth Street, 7th Floor reception area, Baton Rouge, LA from 8 a.m. until 4:30 p.m.

B. Jim Porter  
Secretary

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

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

Implementation of the revised SWRR will not effect the state funded budget for the Division. All additional costs required to implement the Rules and Regulations will be absorbed by the revenues received from the Permit Maintenance Fee and the Permit Application Fee.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

During FY 83/84 the Solid Waste Management Division anticipates revenues of \$37,500 generated from the Permit Application Fee.

During FY 84/85 and the fiscal years thereafter, we foresee the Permit Application Fee and the Permit Maintenance Fee generating approximately \$250,000 a year in revenues.

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

Benefits to the regulated community will result from clear and consistent Solid Waste Rules and Regulations. Costs to those affected could be as high as \$10,000 per year or as low as \$500 per year in fees paid to the Office. Additional costs will result from increased paperwork due to additional reporting requirements.

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

There should be only limited effects on competition and employment resulting from this Rule change.

Jerry D. Hill  
Undersecretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The following resolution was passed at the April 26, 1983 meeting of the Louisiana Wildlife and Fisheries Commission:

WHEREAS, the Louisiana Department of Wildlife and Fisheries has received from the public numerous letters and resolutions making recommendations for the 1983-84 hunting seasons, and

WHEREAS, the Department personnel have met with various wildlife clubs, Louisiana Wildlife Federation, civic groups and others to receive recommendations for the seasons, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission conducted three public hearings, in Bossier City, Lafayette and Kenner, for the purpose of the public making recommendations for the hunting seasons, and

WHEREAS, the Game Division staff met pertaining to putting together the various recommendations from the public and field data and observation from field personnel, and

WHEREAS, after combining this data the Game Division and Enforcement Division met with the Commission Hunting Season Regulations Committee and Wildlife Management Areas Committee to review the proposed 1983-84 hunting seasons recommendations, now

THEREFORE BE IT RESOLVED that the recommendations as presented to the Louisiana Wildlife and Fisheries Commission on this date April 26, 1983, at a public meeting held in the Airport Hilton, Kenner, LA be adopted as proposals for the 1983-84 Louisiana resident game hunting seasons.

Interested parties may submit their views in writing to Joe L. Herring, Chief, Game Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895. The proposed Rule in its entirety may be examined at the above address.

Jesse J. Guidry  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Season and Bag Limit-Hunting**

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

There will be no impact on agency expenditures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There will be no costs or benefits on affected groups as this merely establishes resident game hunting season which is done on an annual basis.

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

There will be no effect on competition or employment.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission, at its meeting held in Kenner, LA, April 26, 1983, adopted the following proposed Rule:

WHEREAS, Nantachie Lake is a relatively small impoundment (1,500 acres) utilized primarily by recreational fishermen who seek largemouth bass, crappie and bluegill, and

WHEREAS, the commercial fish population in the lake is extremely low and presently cannot and does not support a commercial fisheries, and

WHEREAS, past studies have demonstrated detrimental

effects that can occur on gamefish populations with the use of commercial fish netting in small impoundments such as Nantachie Lake, and

WHEREAS, the Grant Parish Police Jury and the Nantachie Lake Commission have requested the removal of netting,

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of netting in Nantachie Lake, Grant Parish, Louisiana.

Interested persons may submit their views in writing to Bennie Fontenot, Chief, Fish Division, Department of Wildlife and Fisheries, Box 14526, Baton Rouge, LA 70898.

Jesse J. Guidry  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Prohibit Netting in Nantachie Lake**

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

There will be no impact on agency expenditures. Grant Parish Enforcement Agents are presently employed to patrol Nantachie Lake as part of their routine duty in Grant Parish. Whether or not netting is banned will not affect their present job description, duties and cost.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There will be no effect on commercial fishermen since no commercial fisheries exist on the lake.

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

There will be no effect on competition or employment.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

## Committee Reports

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 20, 1983, and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources, for which

Notice of Intent was published in the February 20, 1983, *Louisiana Register* with the following results:

1) Proposed revision to Regulation No. 9 of the Office of Conservation to combine existing state regulations with all federal pipeline safety requirements and natural gas odorization guidelines.

Approved by a vote of 9-0.

Arthur W. Sour, Jr.  
Chairman  
House Committee on Natural Resources

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 20, 1983, and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources, Office of Conservation, for which Notices of Intent were published in the January 20, 1983, and February 20, 1983, *Louisiana Registers* with the following results:

1) Proposed revisions to Conservation Statewide Order 29-B, regarding location criteria for commercial saltwater disposal facilities and the off-site disposal of nonhazardous oil field wastes.

Approved by a vote of 9-0.

Arthur W. Sour, Jr.  
Chairman  
House Committee on Natural Resources

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 20, 1983, and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources, Office of Conservation, for which Notice of Intent was published in the February 20, 1983, *Louisiana Register* with the following results:

1) Proposed revisions to Statewide Order 29-Q, relative to the responsibilities and duties of unit operators toward owners wishing to sell or take the production attributable to his interest.

Approved by a vote of 9-0.

Arthur W. Sour, Jr.  
Chairman  
House Committee on Natural Resources

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 20, 1983, and reviewed certain changes in state regulations proposed

by the Louisiana Department of Natural Resources, Office of Environmental Affairs, for which Notice of Intent was published in the April 20, 1983, *Louisiana Register* with the following results:

1) Proposed amendments to current Air Quality Regulations necessary to implement a hazardous air pollutant emission control program.

Approved by a vote 10-0.

Arthur W. Sour, Jr.  
Chairman  
House Committee on Natural Resources

### **COMMITTEE REPORT**

#### **House of Representatives House Natural Resources Committee Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 20, 1983 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources, Office of Forestry for which Notice of Intent was published in the *Louisiana Register* with the following results:

1) Proposed increase in prices at which forest tree seedlings are sold to landowners.

Approved by a vote of 9-0.

Arthur W. Sour, Jr.  
Chairman  
House Committee on Natural Resources

### **COMMITTEE REPORT**

#### **House of Representatives House Natural Resources Committee Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 20, 1983 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries, for which Notice of Intent was published in the February 20, 1983, *Louisiana Register* with the following results:

1) Proposed setting of spring shrimp season.

Approved by a vote of 10-0.

Arthur W. Sour, Jr.  
Chairman  
House Committee on Natural Resources

## **Potpourri**

### **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 16 completed claims, amounting to \$19,182.93 were received during the month of April, 1983. Twenty-five claims, amounting to \$19,294.13, were paid during the month of April, 1983.

Public hearings to consider payment of completed claims have been scheduled as follows:

Thursday, June 2, 1983, at 10:30 a.m. in the L. S. U. Cooperative Extension Office, 511 Roussell Street, Houma, LA.  
Claim No. 82-658 (Rescheduled)

Auford J. Pierce, of Morgan City, LA, while trawling on the vessel "Lady Lois," in West Cote Blanche Bay, St. Mary Parish, encountered an unidentified submerged obstruction on September 9, 1982, at approximately 4 p.m., causing loss of his 50 foot trawl.

Amount of Claim: \$735.

Claim No. 82-800

Howard J. DeRouen, of Howard Boat Company, Inc., New Iberia, LA, while trawling on the vessel "Sea Breeze," in the Gulf of Mexico, southeast of Alfred's Table, and west of the "New Cut," Cameron Parish, encountered an unidentified submerged obstruction on December 8, 1982, at approximately 4 p.m., causing the loss of his 55 foot trawl.

Amount of Claim: \$795.34.

Claim No. 83-813

Sidney J. Theriot, Jr., of Chauvin, LA, while trawling on the vessel Louisiana Registration Number LA 783 MA, in Lake Pelto, near Wine Island Pass, encountered a submerged channel marker on November 24, 1982, at approximately 11:30 a.m., causing loss of his 50 foot trawl, trawl boards, and tickler chain.

Amount of Claim: \$1,697.90.

Claim No. 83-814

Lloyd Theriot, of Chauvin, LA, while trawling on the vessel "Miss Meme," in the Gulf of Mexico, approximately two miles west of Wine Island Pass, Terrebonne parish, encountered a submerged pipe or piling on January 16, 1983, at approximately 8 a.m., causing the loss of his 50 foot trawl and related gear.

Amount of Claim: \$848.

Claim No. 83-849

James Joseph Lyons, of Houma, LA, while trawling on the vessel "Cheryl-B," in the Gulf of Mexico at LORAN-C coordinates of 11,394.5, 27,894.7, and 46,861.5, Terrebonne Parish, encountered a submerged shrimp boat, the "Lana," on April 10, 1983, at approximately 9:15 a.m., causing the loss of two 38 foot trawls, boards, and other equipment.

Amount of Claim: \$2,205.

Tuesday, June 7, 1983, at 10:30 a.m., in Room 1203, Natural Resources Building, 625 North 4th Street, Baton Rouge, LA.

Claim No. 82-527

The crew of the vessel "Sea Charger," owned by Charles S. Wallace, III, Inc., while fishing for menhaden, in Breton Sound one mile west, southwest of Battledore Reef, on June 16, 1982, encountered an unidentified submerged obstruction at approximately 8:50 a.m., causing damage to their menhaden net.

Amount of Claim: \$6,048.

Claim No. 82-629

William F. Vila, while trawling on the vessel "Cheryl Ann," in Lake Borgne near Unknown Pass, at LORAN-C coordinates of 28,939.5 and 47,042.5; and 28,938.0 and 47,043.0, on August 25, 1982, encountered wingnet barge anchors at approximately 6 a.m., causing damage to his 45 foot and his 50 foot trawls.

Amount of Claim: \$370.

Claim No. 82-668

Jerry P. Bourgeois, of Westwego, LA, while returning home from fishing in Bayou St. Denis, near Bayou Cutler, Jefferson Parish, encountered an unidentified submerged obstruction on September 3, 1982, at approximately 10:45 a.m., causing damage to his vessel.

Amount of Claim: \$1,264.56.

Claim No. 82-710

Gerald LeBlanc, of Lafitte, LA, while trawling on the vessel "Lydia Maria," in the Gulf of Mexico, at approximate LORAN-C coordinates of 28,630.2 and 46,866.6, Block 1, West Delta Area, encountered an unidentified submerged obstruction on October 21, 1982, at approximately noon, causing loss of his trawl boards.

Amount of Claim: \$795.

Claim No. 82-771

Malcolm J. LeBlanc, Sr., of Lafitte, LA, while trawling on the vessel "Bayou Champ," in the Gulf of Mexico, at LORAN-C coordinates of 28,815.0 and 46,805.8, Plaquemines Parish, encountered an unidentified submerged obstruction on November 26, 1982, at approximately 8:30 a.m., causing damage to his trawl and boards.

Amount of Claim: \$442.28.

Claim No. 83-827

Philip Cantrelle, boat captain for Wayne Duhon, of Lake Arthur, LA, while trawling on the vessel "Swamp Witch," in the Gulf of Mexico, at LORAN-C coordinates 11,049.8 and 26,895.5, Cameron Parish, encountered an unidentified submerged obstruction on February 12, 1983, causing loss of his 60 foot trawl, and damage to his trawl doors.

Amount of Claim: \$1,008.24.

Claim No. 83-827

Philip Cantrelle, boat captain for Wayne Duhon, of Lake Arthur, LA, while trawling on the vessel "Swamp Witch," in the Gulf of Mexico approximately three to five miles east of the Cameron Ship Channel, and two and one half miles from the beach, Cameron Parish, encountered a submerged catwalk on February 25, 1983, at approximately 6 a.m., causing loss of his 60 foot trawl.

Amount of Claim: \$958.24.

Claim No. 83-839

Anthony Guerra, Jr., of Braithwaite, LA, while trawling on the vessel "Shenandoah," in Bay Gardine, Plaquemines Parish, encountered a sunken barge on February 5, 1983 at approximately 3 p.m., causing damage to his vessel.

Amount of Claim: \$687.94.

Thursday, June 9, 1983, at 10:30 a.m., in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA to consider payment of the following claims against the fund:

Claim No. 82-620

Lawrence Charpentier, of Cut Off, LA, while trawling on the vessel "Thunder Bay," in Breton Sound at LORAN-C coordinates of 29,070.0 and 46,936.7, Plaquemines Parish, encountered an unidentified submerged obstruction on August 17, 1982, at approximately 3 a.m., causing loss of his trawl, try net and tickle chain.

Amount of claim: \$1,139.65.

Claim No. 82-739

Van Boudreaux, of Golden Meadow, LA, while trawling on the vessel "Jaime Lyn" in Bayou Blue near the entrance to Catfish Lake, Lafourche Parish, encountered an unidentified submerged obstruction on October 11, 1982, at approximately 4:30 p.m., causing loss of his trawl.

Amount of claim: \$919.58.

Claim No. 82-741

Johnny Cantrelle, of Jeanette Cantrelle, Inc., Delcambre, LA, while trawling on the vessel "Liberty Bell," in the Gulf of Mexico at approximately LORAN-C coordinates of 27,185.0 and

46,935.0, Vermilion Parish, encountered a ten foot section of H-Beam on October 30, 1982, at approximately 8 a.m., causing damage to his trawl.

Amount of claim: \$432.36.

Claim No. 82-754

Joe Billiot, Sr., boat captain for Florena Billiot, of Galliano, LA, in the Gulf of Mexico west of Than and Phene Pass, Plaquemines Parish, encountered an unidentified submerged obstruction, on November 10, 1982, at approximately 3:05 p.m., causing loss of his 50 foot trawl and tickle chain.

Amount of claim: \$730.67.

Claim No. 82-755

Joe Billiot, boat captain for Florena Billiot, of Galliano, LA, while trawling on the vessel "Captain Ed," in the Gulf of Mexico, north of Tiger Pass, Plaquemines Parish, encountered an unidentified submerged obstruction, on November 11, 1982, at approximately 7 a.m., causing loss of his 50 foot trawl and tickle chain.

Amount of claim: \$693.65.

Claim No. 82-760

Chris A. Griffin, (Rescheduled) of Golden Meadow, LA, while trawling on the vessel "Captain Chris," in Bayou Lafourche near Bayou Fourchon, Lafourche Parish, encountered an unidentified submerged obstruction, on November 4, 1982, at approximately 10 a.m., causing loss of his 50 foot trawl and tickle chain.

Amount of claim: \$780.36.

Claim No. 82-786

Dudley Adams, of Cut Off, LA, while trawling on the vessel "Todd Ann," in the Gulf of Mexico at LORAN-C coordinates of 28,318.0 and 46,820.5, Lafourche Parish, encountered an unidentified submerged obstruction, on December 9, 1982, at approximately 1:20 p.m., causing damage to his try net, boards, and tickle chain.

Amount of claim: \$320.53.

Claim No. 82-790

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 46,922.5, Lafourche Parish, encountered an unidentified submerged obstruction, on December 13, 1982, at approximately 9 a.m., causing damage to his trawl and related gear.

Amount of claim: \$797.11.

Claim No. 83-816

Gelpi Cheramie, of the Joseph Cheramie Corp., 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, encountered an unidentified submerged obstruction, on January 10, 1983, at approximately 3 a.m., causing loss of one 55 foot trawl, one try net, and damage to one 55 foot trawl.

Amount of claim: \$1,677.59.

Any written objections to these claims must be received by the close of business the day prior to the hearings. Address them to: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, LA 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank P. Simoneaux  
Secretary

**POTPOURRI**  
**Department of Natural Resources**  
**Office of Conservation**  
**Underground Injection Control Division**

DOCKET NUMBER UIC 83-5

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 1 p.m., Friday, June 24, 1983, in Toro Hall of the Toro Hills Resort, located on La. Hwy. 171 South, Florien, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Maroski, Inc., of P. O. Box 31, Mansfield, LA 71052. The applicant intends to operate a commercial saltwater disposal well and facility in Section 27, Township 10 North, Range 13 West, Sabine Parish, LA, and inject into the subsurface salt water generated from oil and gas production.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division, Room 228, of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., July 1, 1983, at the Baton Rouge office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275, Re: Docket No. UIC 83-5. Commercial Salt Water Disposal Well, Sabine Parish.

By order of  
Patrick H. Martin  
Commissioner

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