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# Executive Orders

## EXECUTIVE ORDER BR 88 - 40

### EXECUTIVE ORDER NO BR 88-39

WHEREAS, Louisiana has had and continues to have a critical problem in the area of adult literacy; and

WHEREAS, national statistics consistently show that Louisiana is in the bottom five percent of states in this nation in terms of the percentage of adults who are functionally literate; and

WHEREAS, the State of Louisiana must develop a comprehensive long-range plan to attack this problem and provide services for adults who do not have the basic reading skills necessary to function in today's society and pursue gainful employment;

NOW THEREFORE I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order and direct the following:

SECTION 1: There be established a Literacy Task Force with the goal of developing a comprehensive long-range plan for improved adult literacy services.

SECTION 2: The task force will be comprised of no more than 25 members, with the membership representing the education community, private citizens, public officials, volunteer groups, libraries, literacy providers, media, community based organizations, business, industry and labor, and other interested citizens.

SECTION 3: That the Louisiana Literacy Task Force will be chaired by Patti Roemer.

SECTION 4: That the membership of the task force will be appointed by the governor and will serve at the pleasure of the governor.

SECTION 5: That the task force will meet monthly for a period of six months and pursue the goal of increasing the number of persons served in adult literacy programs and to increase the number of persons enrolled in public and private workplace adult literacy programs.

SECTION 6: At the end of the six-month period the task force will submit a report to the governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 22nd day of September, 1988.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

WHEREAS, the welfare of Native Americans in Louisiana is important to this administration; and

WHEREAS, the Governor's Commission on Indian Affairs was created by Executive Order No. EWE-87-41; and

WHEREAS, the Governor's Commission on Indian Affairs has been designated as the agency to represent the interests of the Native American population of the state; and

WHEREAS, the Governor's Commission on Indian Affairs is required by the Community Services Block Grant Policy Manual and Special Clauses to have an advisory board,

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Advisory Board for Native Americans in Louisiana is hereby re-created within the Governor's Commission on Indian Affairs, office of the governor.

SECTION 2: The advisory board shall continue to be composed of 15 members as follows:

1. five members shall be elected officials currently holding office;

2. five members shall be representatives of the poor in Indian communities;

3. five members shall be officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community.

SECTION 3: Each member shall be appointed by the governor and shall serve for a term of one year. Any vacancy occurring on the board shall be filled in the manner of the original appointment. Members of the Governor's Commission on Indian Affairs shall not serve as members of the Advisory Board for Native Americans in Louisiana.

SECTION 4: The duty of the advisory board is to continue to serve in an advisory capacity to the Governor's Commission on Indian Affairs.

SECTION 5: The governor shall continue to appoint the chairman of the advisory board and the board may elect such officers as it deems necessary.

SECTION 6: Members shall continue to serve without compensation, and no member shall receive per diem or reimbursement of personal expenses from public funds.

SECTION 7: This order shall remain in effect until amended or modified by the governor or terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 27th day of September, 1988.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State



SCHEDULE A

This schedule is to be completed by each owner, partner, agent and official signing the Application for Off-Track Wagering Facility.

Name: \_\_\_\_\_
Residence address: \_\_\_\_\_
Driver's license number: \_\_\_\_\_; social security number: \_\_\_\_\_
Date of birth: \_\_\_\_\_; place of birth: \_\_\_\_\_
Are you a U.S. citizen? ( ) Yes; ( ) No; Louisiana citizen? ( ) Yes; ( ) No
Sex: ( ) Male; ( ) Female; Race: \_\_\_\_\_; Marital status: \_\_\_\_\_
Length of time residing in Louisiana: \_\_\_\_\_ years
Name of spouse: \_\_\_\_\_
Have you or your spouse ever been convicted of a felony under the laws of the United States, Louisiana or any other state? ( ) Yes; ( ) No; If yes, attach sheet giving details.
Have you or your spouse ever been ruled off or ejected from any racetrack or OTB facility in Louisiana or any other state? ( ) Yes; ( ) No; If yes, attach sheet giving details.
Have you ever had an OTB application denied, or an OTB license revoked? ( ) Yes; ( ) No
Have you ever used any other name than the one given herein? ( ) Yes; ( ) No
Name used: \_\_\_\_\_
Where and when name used: \_\_\_\_\_
Is anyone authorized to act on your behalf in regard to the proposed OTB facility? ( ) Yes; ( ) No; Give person's name and address who is authorized to act on your behalf: \_\_\_\_\_
Attach statement of Assets and Liabilities.

OFFICEMONT

I hereby swear that I have read and understand the aforementioned application and schedule, and that the information provided herein is true and correct, and that I shall abide by the rules and regulations of the Louisiana Racing Commission and the statutes and laws of the State of Louisiana. I understand that any omission or misstatement of any information may render this application and schedule void and invalid, and shall be cause for denial and/or revocation of same.

Applicant's signature: \_\_\_\_\_
Title: \_\_\_\_\_
Date of signature: \_\_\_\_\_, 19\_\_\_\_

FOR NOTARY:
Subscribed and sworn before me
this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public

FOR LRC USE ONLY
Received: Date \_\_\_\_\_ Time: \_\_\_\_\_ M
By: \_\_\_\_\_
Copy to RIU on: \_\_\_\_\_

Alan J. LeVasseur
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

The Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B amended rule LAC 35:XIII.10901 "Super Six" effective June 30, 1988.

The commission found it necessary to amend this rule due to a change in wagering opportunities offered at Louisiana Downs.

Title 35
HORSE RACING
Part XIII. Wagering

Chapter 109. Super Six
§10901. Super Six

A. - F. ...

1. ...

2. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders, plus any carryover resulting from provisions of Subsection F.4, shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the Super Six.

3. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the second most official winners, but less than six, in each of the six races comprising the Super Six.

4. ...

a. Seventy percent of the net amount in the pari-mutuel pool shall be retained by the association as distributable amounts and shall be carried over to the next succeeding racing day as an additional net amount to be distributed as provided in Subsection F.2.

b. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the most official winners, but less than six, in each of the six races comprising the Super Six.

5. ...

G. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission LR 6:542 (September, 1980), amended LR 12:11 (January, 1986).

Alan J. LeVasseur
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education
Amendment to Bulletin 746, Page 68

The State Board of Elementary and Secondary Education, at its meeting of September 22, 1988, exercised those powers conferred by the emergency provisions of the Adminis-

trative Procedure Act R.S. 49:953B and approved an amendment to Bulletin 746, page 68, "E" to read as follows:

E. Assistant superintendents who supervise any part of the instructional program are required to meet the same standards as superintendents.

This emergency adoption is necessary because this change in policy will immediately benefit local school systems with problems they may encounter with certification and personnel evaluation and accountability. Effective date of rule: October 20, 1988.

Em Tampke  
Executive Director

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, LA. R.S. 49:953-B to adopt the following rule in the Child Support Enforcement Program.

The Child Support Enforcement Amendments of 1984 (P.L. 98-378) prevented states from recovering costs of providing services and charging an application fee, and specified a distinctive distribution methodology, for a period of five months following the termination of AFDC eligibility for a family. The Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) abolished these provisions.

**RULE**

Effective October 1, 1988, an application fee will be charged to any former AFDC recipient who reapplies for support enforcement services more than 30 days after services are discontinued because of failure to cooperate. An application fee will also be charged to any former AFDC recipient who reapplies for Support Enforcement Services after services are discontinued at the recipient's request. Any child support collected for a former AFDC recipient will be distributed using the same methodology that is used for collections for Non-AFDC recipients.

David L. Ramsey  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Food Stamp Program.

It was necessary to adopt this as an emergency rule as the Hunger Prevention Act mandates an implementation date of October 1, 1988. This rule hereby amends the rule entitled "Dependent Care Deductions for Elderly and Disabled," published in

the *Louisiana Register*, Vol. 13, No. 3, March 20, 1987, page 181.

**Proposed Rule**

Effective October 1, 1988, the maximum dependent care deduction shall be \$160 per dependent rather than \$160 per Food Stamp household.

David L. Ramsey  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Transportation and Development  
Maintenance**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953B, notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt this fee schedule that will apply to Drive-way Permits issued by the department's Right-of-Way Permit Section, all in accordance with the provisions of R.S. 48:461.3.

Driveway Permits - per permit \$50

Neil L. Wagoner  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Transportation and Development  
Traffic and Planning**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953 (B), notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt this fee schedule that will apply to Outdoor Advertising Permits issued by the department's Traffic and Planning Section, all in accordance with the provisions of R.S. 48:344, 381.

<b>Sign Size (Sq. Ft.)</b>	<b>Initial Permit</b>	<b>Effective 7/1/89 Annual Renewal Fee</b>
300 +	\$125.00 Sign Face	\$25.00 Sign Face
101-300	62.50 Sign Face	12.50 Sign Face
0-100	37.50 Sign Face	7.50 Sign Face
	(No Charge)	

Neil L. Wagoner  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Transportation and Development  
Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953 (B), notice is hereby

given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors conducted by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504, (A)(3), (B)(5) and R.S. 48:265.

Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors

Meter Calibration: 1 - 3 Meters \$275  
 Each additional meter \$50  
 (At one location within State)

Truck Calibration - Per Truck \$275  
 (At one location within State)

Neil L. Wagoner  
 Secretary

**DECLARATION OF EMERGENCY**

**Department of Transportation and Development  
 Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Department of Transportation and Development Evaluation of New Products conducted by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504(A)(3), (B)(5), and R.S. 48:265.

Proposed Fee Schedule for Evaluation of New Products (Non-QPL)

MATERIAL		LABORATORY EVALUATION COST	FIELD EVALUATION COST
Chemical Unit-Coatings	High Range	\$825	\$3150
	Low Range	\$575	\$1625
	Average	\$700	\$2375
Curing Compounds		\$150	
*Other Products			

NOTE: Other products will be evaluated at a rate of \$25/hr. The contractor will be given an estimate of cost prior to start of any evaluation. Once evaluation (laboratory and/or field) is complete contractor will be provided with a detailed invoice for actual services rendered.

Neil L. Wagoner  
 Secretary

**DECLARATION OF EMERGENCY**

**Department of Transportation and Development  
 Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953 (B), notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Evaluation of Products for the Department of Transportation and Development's Qualified Products List issued by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504 (A)(3), (B)(5), and R.S. 48:265.

Proposed Fee Schedule for Evaluation of Products for DOTD's Qualified Products List

QPL NUMBER	MATERIAL	LABORATORY EVALUATION COST	FIELD EVALUATION COST
QPL-2	Coarse Aggregate	\$375	\$400 out of state source
	Fine Aggregate	\$115	
QPL-3	Elastomeric Bridge Bearing Pads	\$225	
QPL-4	Flexible Plastic Gaskets & Sealants for Culvert Pipe	\$200	
QPL-5	Polyurethane Polymer Joint Sealers	\$150	\$450
QPL-6	Preformed Elastomeric Compression Joint Seals	\$175	\$200
QPL-7	Portland Cement & Portland-Pozzolan Cement	\$1175	\$200
QPL-8	Lubricant Adhesive for Preformed Elastomeric Bridge Seals	\$125	\$200
QPL-9	Raised Pavement Markers	\$100	\$450
QPL-10	Mineral Filler for Asphaltic Concrete	\$150	
QPL-11	2-Coat Inorganic Zinc Primer & Topcoat Paint Systems	\$675	
QPL-12	2-Coat Organic Zinc Primer & Topcoat Paint Systems	\$675	
QPL-13	Reflective Sheeting	\$1550	\$400
QPL-14	Special Surface Finish for Concrete	\$525	
QPL-15	Cantilever Type Load Transfer Devices	\$ 25	
QPL-16	Barricade Warning Lights	\$150	
QPL-17	Geotextile Fabrics (Plastic Filter Cloth)	\$150	
QPL-18	Preformed Closed Cell Polyethylene Joint Filler	\$ 50	\$300

Proposed Fee Schedule for Evaluation of Products for DOTD's Qualified Products List

QPL NUMBER	MATERIAL	LABORATORY EVALUATION COST	FIELD EVALUATION COST
QPL-22	Silicone Additive for Asphalt Cement		\$200
QPL-23	Cold Galvanizing Repair Compounds	\$ 525	
QPL-24	Rapid Setting Patching Materials for Concrete	\$ 200	\$300
QPL-25	Asphalt Mix Release Agents	\$ 50	\$100
QPL-26	Manhole Steps	\$ 175	
QPL-27	Paint, Activated Epoxy Primer & Topcoat	\$ 800	
QPL-29	Form Release Agents	\$ 50	
QPL-30	All Purpose Blasting Sand	\$ 100	
QPL-31	Paint-High Build Water Borne Traffic	\$ 100	\$400
QPL-32	Epoxy Resin Systems for Concrete	Multiple Types \$800 Type I \$400 Type II \$525 Type III \$650 Type V \$400	
QPL-33	PVC Extended Coal Tar Joint Sealers	\$ 100	\$450
QPL-34	Hydrated Lime & Quicklime	\$ 100	
QPL-35	Elastomeric Railroad Grade Crossing	\$ 225	\$200
QPL-36	Traffic Paint	\$ 100	\$800
QPL-37	3-Coat Organic Zinc Paint System	\$1350	
QPL-38	Plastic Durms for Traffic Warning or Channelization		\$150
QPL-39	Flexible Delinicator Posts	\$ 25	\$400
QPL-40	Concrete Anchor Systems	\$ 225	
QPL-41	Asphaltic Materials	\$ 525	\$200
QPL-42	Silicone Joint Sealers	\$ 125	\$450

QPL NUMBER	MATERIAL	LABORATORY EVALUATION COST	FIELD EVALUATION COST
QPL-43	Polymeric Coated Steel & Repair Materials	\$650	
QPL-44	Mechanical Butt Splicing Devices	\$100	
QPL-47	Nonshrink Grout	\$125	
QPL-48	Dry-Batched Prepackaged Sacked Concrete Revetment	\$450	\$200
QPL-49	Patching Material for Precast or Prestressed Concrete Products		\$250
QPL-50	Fly Ash	\$3925	\$200
QPL-51	Epoxy Coatings for Reinforcing Bars	\$250	
QPL-52	Adhesive Anchor Systems for Deformed Tie Bars	\$225	
QPL-53	Lubricating Oil	\$75	
QPL-54	Gear Lubricants for Transmissions & Differentials	\$75	
QPL-55	Multi Purpose Grease	\$75	
QPL-56	Hydraulic Oil	\$75	
QPL-57	Anti-Stripping Additives	\$100	
QPL-58	Admixtures for Portland Cement Concrete	\$825	\$400
QPL-59	Bituminous Adhesive for Bonding Raised Pavement Markers	\$100	\$450
QPL-60	Temporary Pavement Markings	\$100	\$450

NOTE 1: Inspections and evaluations made out of state will require reimbursement by contractors for actual travel expenses at state rates.

NOTE 2: Field evaluation will not be run or charged for if lab evaluation fails.

NOTE 3: Any product currently on QPL list will remain on the list for a period of 2 calendar years from the date of initiation of the fee schedule. After this grace period all products currently on QPL will be required to be recertified.

Neil L. Wagoner  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Transportation and Development Weights and Measures

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the proposed fee schedule that will apply to manuals produced by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504(A)(3), (B)(5), and R.S. 48:265.

		With Tax
Testing Procedures Manual (2 volume set)	\$40.40	\$40.40
Field Testing Procedures Manual	20.00	20.20
Qualified Products List Manual	20.00	20.20
Materials Sampling Manual	20.00	20.20

Neil L. Wagoner  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Transportation and Development Weights and Measures

In accordance with the applicable provisions of the Ad-

ministrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Project Related Inspections conducted by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504 (A)(3), (B)(5) and R.S. 48:265.

#### Proposed Fee Schedule for Project Related Inspections

- Item 1 - Weight certification of all haul trucks used on DOTD projects.  
\$50 per certification - one time fee (unless altered)  
All existing certifications to be grandfathered for one year.
- Item 2 - Certification of all Portland Cement Concrete and Asphaltic Concrete (Hot Mix) plants.  
\$250 per plant - biannual fee  
Applies for new and recertified plants
- Item 3 - Portland Cement Concrete Truck Performance Certification.  
\$25 per truck - biannual fee  
Applies for new and recertified trucks
- Item 4 - Certification of Asphaltic Concrete (Hot Mix) Laydown Equipment: Included are rollers, tack distributor trucks, power units, etc.  
\$25 per unit - biannual fee  
Applies for new and recertified equipment.
- Item 5 - Pit borings for Source Approval for Embankment used on DOTD Construction Projects.  
\$10 per linear foot bored and tested
- Item 6 - Design Cylinders for Portland Cement Concrete for Project Information  
\$5 per cylinder tested for compressive strength

NOTE: All testing and inspections will be performed by one of nine district laboratories.

Neil L. Wagoner  
Secretary

### DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953-B and under the authority of R.S. 56:22, the Louisiana Wildlife and Fisheries Commission hereby declares that portion of the Louisiana coast landward of a line beginning at the most easterly point of land on the west side of the mouth of Grand Bayou du Large, lat. 29° 10' 52" N., long. 90° 57' 42" W., thence N. 89° 49' E. for approximately 2,500' to a point at the mouth of Fish Bayou, lat. 29° 10' 52" N. long. 90° 57' 14" W. Thence in a southeast direction along the shoreline to the south-easterly most point on the west shore of Bayou Grand Caillou, lat. 29° 10' 20" N. long. 90° 56' 36" W. Thence S. 82° 59' E approximately 1,608' to the easterly side of Bayou Grand Caillou lat. 29° 10' 18" N. long. 90° 56' 18" W. Thence a southeast direction along the northeast shore of Caillou Bay to a most westerly point of land on the north side of Grand Pas Des Ilettes, lat. 29° 07' N. long 90° 53" W. is closed to shrimping effective



July 8 at 12 noon until the opening of the 1988 fall shrimp season. Since this area is used as white shrimp nursery area, the commission has determined it would be in the best interest of the state to close this area to shrimping until the fall season. This action is necessary to cover the interim period until pending legislation becomes effective.

Virginia Van Sickle  
Secretary

## DECLARATION OF EMERGENCY

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

In accordance with the Emergency Provisions of R.S. 49:953 (B) and 49:967 of the Administrative Procedure Act, the Louisiana Department of Wildlife and Fisheries adopted the attached rules and regulations to govern the Louisiana Waterfowl Conservation Stamp and Print Program.

A declaration of emergency is necessary in order to meet time schedules established by Act 632 of the 1988 Regular Legislative Session. Additionally, monies derived from this program will directly benefit waterfowl and waterfowl habitat at a time of declining populations and drastic loss of critical habitat.

Therefore, the Louisiana Department of Wildlife and Fisheries hereby establishes rules and regulations governing the Louisiana Waterfowl Conservation Stamp and Print Program effective October 10, 1988. These rules are to remain in effect for 120 days from date of establishment.

### Louisiana Waterfowl Conservation Stamp 1989 Art Competition Rules and Procedures Louisiana Department of Wildlife and Fisheries

#### Background

In 1988, the Louisiana State Legislature authorized the Louisiana Waterfowl Conservation Stamp program to generate revenues for conservation and enhancement of waterfowl, protection and acquisition of valuable wetland habitats, and other worthy projects that benefit Louisiana's ducks and geese. Income is derived from the sale of state duck stamps to hunters aged 16 and over, who are required to have a stamp for waterfowl hunting in Louisiana, as well as from the sale of limited edition art reproductions of the design. Stamps and prints are sold to collectors nationwide via normal retail sales outlets. The state will receive royalties from the sale of prints and revenue from the sale of duck stamps.

#### Purpose

The primary purpose of the Louisiana waterfowl conservation stamp program is to produce revenue for needed waterfowl conservation and enhancement projects.

#### Objectives

1. Obtain the highest quality work of art that will most accurately and eminently portray waterfowl species and will have broad appeal to art collectors.

2. Provide a nationwide opportunity for waterfowl hunters, viewers, and art collectors to contribute financial support for waterfowl conservation and enhancement programs in Louisiana.

#### General Guidelines

By tradition, most waterfowl conservation stamp art is highly realistic in style, exhibiting extensive detail in anatomy, plumage, and the natural setting. Although artists are free to submit any composition that they desire, highly stylized or unusual designs may be viewed as too incongruous by series collectors or may limit the breadth of appeal among print buyers.

A key aspect of duck stamp art is the strength of the composition and dominance of the featured bird(s). Because the final image will be 6 1/2" x 9" on the print and only 1 3/8" x 2" on the stamp, lighting, spatial arrangement and colors should provide a clean, attractive composition at both scales.

#### Specific Requirements

The subject of the 1989 Louisiana Waterfowl Conservation Stamp and Print will be the Blue-winged Teal.

2. The design must be a full-color, realistic rendering of blue-winged teal. The setting must be identifiable as Louisiana and appropriate to the natural habitat of the species.

3. The image must be horizontal, 13" x 18" and bear no signature or other marks that would identify the artist.

4. The design must be original, never have been published, and not have been entered in competition for any federal or state waterfowl stamp program.

5. There is no restriction on media or substrate, but the department will not be responsible for damage or deterioration of pastels or other sensitive, unstable materials.

6. Each artist may enter only one design in the 1989 stamp competition. A winning artist may not compete for two successive years following his selection year.

7. Works must be matted in white to outside dimensions of 18 1/2" x 23" and should be loosely covered with acetate or other protective overleaf, but must not be framed or covered with glass.

8. A card on the back of each entry must list the artist's name, mailing address and phone number. A brief summary of the artist's background and credit should be enclosed.

9. All entries must be shipped in sturdy reusable containers bearing a legible return address, at the expense of the sender. Return shipping will be to the point of origin, unless requested otherwise, at the department's expense. The department will be held harmless for loss or damage during shipment.

10. All entries must be available for inclusion in public exhibits for one year from the close of competition. Entries not judged to be in the top selections may be returned sooner. The department reserves the right to photograph all entries for purposes of documentation, promotion, and education. The winning entry will be retained by the department.

#### Judging Criteria and Selection Procedures

The winning design will be selected by a panel of five judges who have expertise in waterfowl biology, artistic methods and expression. Judges will be selected by the Louisiana Department of Wildlife and Fisheries and the Louisiana Art Council. Judging will be done in three stages as follows: (1) the panel will screen and evaluate all entries and will select the top 30 entries, (2) the panel will reevaluate these 30 selected entries in detail to select three designs which will become finalists and (3) the finalists will be required to submit a detailed production and marketing plan (see attached guidelines) to be evaluated along with the design to determine the winning entry. The art production and marketing plans will be evaluated by the department using the assistance of independent production and marketing experts.

Preliminary judging will be completed on or about December 1, 1988.

If the Louisiana Legislature amends Act 632, which created the Louisiana Waterfowl Conservation Stamp and Print Program, to place the responsibility for the reproduction, distribution and marketing of the stamps and prints with the department instead of the artist, the panel of five judges will select the winning art design. The artist of the winning design will then be required to enter into a contract with the publisher selected by the department.

All art works will be scored on the following criteria:

1. Accuracy of the form, size, proportion, posture, and colors of the bird(s).
2. Level and accuracy of detail in plumage, eyes, feet, bill, etc.
3. Appropriateness, accuracy, and detail in depiction of the bird's habitat.
4. Attractiveness and creativity of the composition, regarding spatial balance, lighting, and harmony of subject and background.
5. Visual appeal and suitability for reproduction at both the print and stamp scales.

**Eligibility**

This art competition is open to all artists who are 18 years of age or older and domiciled in Louisiana except employees of the Louisiana Department of Wildlife and Fisheries and members of their immediate families. An artist is considered to be domiciled in Louisiana if he has resided within the state for a period of 12 months immediately preceding submission of his art work, provided that such person has shown his intent to remain in this state as demonstrated by compliance with all of the following, as applicable:

1. If registered to vote, he is registered to vote in Louisiana.
2. If licensed to drive a motor vehicle, he is in possession of a Louisiana driver's license.
3. If owning a motor vehicle located within Louisiana, he is in possession of Louisiana registration for that vehicle.
4. If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

**Entry Procedures and Deadlines**

Entries must be prepared and shipped according to the specific requirements listed above. All entries must be RECEIVED by 4:30 p.m., on November 14, 1988 at the Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808, ATTN: Louisiana Waterfowl Conservation Stamp Program.

2. Entries will not be considered complete without a signed and notarized Artist Agreement and a \$50 entrance fee received by the deadline.

3. Entries may be hand-delivered, sent via U. S. Mail, or by express parcel service. Senders are advised to obtain adequate shipping insurance on their entries.

**Additional Information**

For more information on the Louisiana Waterfowl Conservation Stamp program and the art competition, contact the following office: Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, ATTN: Dave Morrison or Robert Helm, (504) 765-2347 or (504) 765-2358.

**1989 LOUISIANA WATERFOWL CONSERVATION STAMP  
ARTIST AGREEMENT**

I hereby agree to the following terms and conditions if my original design is selected for the 1989 Louisiana Waterfowl Conservation Stamp and Art Print.

1. If my original art work is selected as one of the top designs in the final judging, I agree to submit a complete and detailed production and marketing plan for the prints and stamps to the Louisiana Department of Wildlife and Fisheries within 45 days after notification. The department's guidelines for the production and marketing plan are attached. The top finalists will then be evaluated again, and an overall winning entry selected.

2. Upon selection of my original design and associated production and marketing plan as the winning entry, the original work of art and any and all reproduction rights to the design become the property of the Louisiana Department of Wildlife and Fisheries. The department will use the design to produce the 1989 Louisiana Waterfowl Conservation Stamp, limited edition art prints, commemorative medallions, and any reproductions it deems necessary and appropriate for purposes of documentation, promotion, and education.

3. If the Louisiana Legislature amends Act 632, which created the Louisiana Waterfowl Conservation Stamp and Print Program, to place the responsibility for the reproduction, distribution and marketing of the stamps and prints with the department instead of the artist, I agree to enter into a contract with the publisher selected by the department within 15 days after notification.

4. I hereby affirm that my original design of my own creation, has not been copied in whole or part from any published works of art, has not been previously entered in any federal or state waterfowl conservation stamp competition, and has not been published. I understand that all compensation may be forfeited if these conditions are not met.

5. I affirm that I am an artist legally domiciled in the state of Louisiana.

6. I have enclosed a non-refundable entrance fee of \$50 paid by cashier's check, certified check or money order made payable to: Louisiana Department of Wildlife and Fisheries.

I have read and agree to the terms and conditions of this Artist Agreement.

Artist's Signature \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_ Telephone \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

GUIDELINES FOR  
PRODUCTION AND MARKETING PLAN

1989 Louisiana Waterfowl Conservation Stamp  
and Art Print Program

Prospective artists are required to carefully review the following minimum requirements for design, production, marketing, and project administration for the 1989 Louisiana Waterfowl Conservation Stamp and Art Print Program.

A. Artist Responsibilities

1. Design Arrangements

Each artist responding must agree to submit a proposal to produce and market his design if it is selected by the department for the 1989 stamp and print. Within 45 days after being selected as one of the finalists, the artist shall submit to the department a proposed contract to accomplish this work. Upon selection of the winning design, the original art work and all reproduction rights will become the property of the Louisiana Department of Wildlife and Fisheries. The artist/agent shall supply the department two print size photos or stamp prints suitable for copyright application within 90 days after selection of the winning design.

2. Contract

The winning artist shall enter into a contract with the department for the production and distribution of the stamps, prints and supplemental products, a copy of which is attached hereto. This contract shall incorporate in its entirety the marketing, printing and production plan submitted by the artist and agreed to by the department.

3. Production of Stamps

A copy of the keyline and a kromalin proof of the stamp design will be delivered to the department for review.

On or before June 1, 1989, the artist or his agent will be required to deliver to the department without charge a minimum of 339,980 stamps, produced, printed, and packaged according to the following specifications:

a. Stock should be 70# White English finish (matte) or an equivalent quality stock specified by the department. Printing ink should be four-color process on the front side and PMS 421 (gray) on the back side. Printing should be high quality—133 line press or better.

b. Stamp size will be 1 3/8" × 2". Perforations will be pinhole with 14 pinholes per inch, on all four sides of the stamps.

c. Printing will be two sides, head to head. Four full size final press sheets will be provided to the department as soon as available. Press sheets will not be gummed, numbered, or perforated.

d. A minimum of 79,980 stamps will be produced in 2666 sheets of 30 stamps each. Each sheet is to be serially numbered from 0001 to 2666 in each corner of the selvage area, to form plate blocks. Each stamp is to be consecutively numbered from 000001 to 79980 with numbers printed on the back in black ink. This stamp shall be printed with a price of \$5.

e. A minimum of 60,000 stamps will be produced in 2000 sheets of 30 stamps each. Each sheet is to be serially numbered from 2667 to 4666 in each corner of the selvage area, to form plate blocks. Each stamp is to be consecutively numbered from 79981 to 139980 with numbers printed on the back in black ink. This stamp shall be printed with a price of \$7.50.

f. A minimum of 200,000 stamps will be produced in manifold sets with address cards for license vendors. Each manifold set will contain a sheet of five stamps with perforated address stub. Each book shall contain 2 manifold sets or 10 stamps per book. The size and quality of these stamps must be the same as those produced in sheets for collectors (item d. above), and they must be numbered consecutively with stamps produced in sheets. Each manifold set will include a cover sheet.

g. Costs of producing stamp manifold sets, over and above the costs of printing the stamps, shall be borne by the state, through a deduction from the contractor's final royalty payment to the state. The proposal shall include the name of the subcontract printer and the cost to the department for these manifold sets.

h. Any overage or misprinted stamps must be destroyed by shredding. An affidavit by the printer as to disposition of stamps shall be provided to the department.

i. Sheets of 30 stamps will be packaged or boxed in 100s, slip-sheeted to prevent sticking, with the lowest sheet number at the top of the package. All packages will be marked to show the sheet numbers and stamp numbers. All shipping and insurance charges are the responsibility of the artist or his agent. Shipping must be by a qualified shipper to ensure against loss or delays in delivery.

j. The printing process may be monitored by a representative of the department. Delivery of the printing plates is to be made by the printer directly to the department upon completion of press run and acceptance of stamps by the department.

4. Sale of Stamps

Except as provided, it is the intention of the Louisiana Department of Wildlife and Fisheries to have exclusive rights for the sale of all stamps, and no more stamps than are specified in the negotiated contract shall be printed except upon written order from the department.

The Louisiana Department of Wildlife and Fisheries will reserve resident and non-resident stamps specifically for the purpose of accompanying the limited edition prints. The artist or his agent must state in the proposal the quantity of stamps desired.

A resident and non-resident stamp will be sold by the artist or his agent with all art prints and also sold separately to collectors. Stamps will be purchased from the department by the artist or his agent for the sum of \$5 for a resident stamp and \$7.50 for a non-resident stamp payable in accordance with the terms of the negotiated contract. The artist or his agent will dispense both stamps with the print. However, payment for the stamps will not be required in advance but it will be allowable to include stamp payments with royalties paid to the department.

5. Production of Prints

The artist or his agent will have exclusive rights to reproduce the design submitted, as allowed by the contract, and to market prints only in the following editions and priced as indicated:

a. Regular Edition — numbered, signed by artist;

Maximum Retail Price: \$135

Minimum Royalty to department per print sold: \$35

b. Medallion Edition — numbered, signed by artist, with gold-plated medallion;

Maximum Retail Price: \$300

Minimum Royalty to department per print sold: \$65

c. Executive Edition — numbered, signed by artist, artist

remarque, with gold-plated medallion; artist shall include schedule for delivery of remarqued edition

Maximum Retail Price: \$450

Minimum Royalty to department per print sold: . . . \$75

d. Conservation Edition — numbered separately, signed by artist, labeled as "Conservation Edition". This edition will be provided at no cost to the department for promotional purposes.

e. Artist Proof — edition size, pricing scale and royalty to the department must be included on the proposal.

The edition sizes (Regular, Medallion, and Executive Editions) may be pre-set or time limited. On or about November 1, 1989, after the deadline for receipt of distributor orders, all unsold prints shall be destroyed and a letter shall be sent to the department certifying the total number of prints sold in each print edition. However, at least 200 prints should be retained as replacements in the regular edition and not less than 50 prints for the medallion issue. These prints will be returned to the state by mid 1990. The publisher will be responsible for replacing these prints for a reasonable time. Upon request the artist or his agent will provide distributors and dealers a copy of that letter. If the artist or his agent elects to propose a pre-set edition, edition size shall be stated in the proposal. The department will retain all other reproduction rights. Any other proposed editions or use of the image on products to be sold to the public must be specified in the proposal.

The overall size of the print must be at least 12 inches by 14 inches with an image size of at least 6 1/2 inches by 9 inches.

The artist or his agent will purchase a resident and non-resident stamp from the department to accompany each print. The lowest numbered prints will be provided to Louisiana dealers. The artist or his agent will provide the department with a registry of purchasers of the 1989 stamps and prints.

#### 6. Advertising and Marketing

The success of the stamp and print program depends on a broad, effective network of distributors and dealers to maintain and increase sales. The artist or his agent should provide in his plan the following:

cooperative advertising and dealer incentives,  
distributor-dealer marketing plan,  
pricing and volume discounts, and  
marketing aids for dealers (e.g., counter display cards,

ads.).

Although the department has no desire to exercise control over distributors or urge divulgence of their competitive strategies, the department is interested in the effort the artist or his agent propose to take to promote the program as distributors.

##### a. Advertising

The artist or his agent will be responsible for conducting an aggressive nation-wide advertising and marketing campaign for the prints and stamps. An advertising schedule shall be included as part of the marketing proposal. All costs associated with the campaign will be the responsibility of the artist or his agent. The artist or his agent will establish a common release date for the first release of advertising material by all distributors. The campaign should include:

##### i. Direct Nationwide Magazine Advertising

The artist or his agent will advertise prints and stamps nationally and regionally in magazines to include, but not limited to: Ducks Unlimited, Wildfowl, Southern Outdoors, Fin and Feather (Full Circulation), Wildlife Art News, Collectors Mart, Stamp Collector, and Stamp Work.

An advertising schedule, including magazine issue, size of ads, and costs must be included with the proposal. The schedule will be a part of the negotiated contract. The ads will be professionally designed and proof of advertising must be submitted as part of the contractor's monthly reports to the department.

##### ii. Direct Local Newspaper Advertising

The artist or his agent will advertise locally in Louisiana newspapers. An advertising schedule, including anticipated size of ads, name of newspaper and frequency of advertising should be included with the proposal. The schedule will be a part of the negotiated contract. Publications will include, but not be limited to:

Times Picayune, Morning-Advocate, State Times, Shreveport Journal, Alexandria Town Talk, Lake Charles Press, Lafayette Daily Advertiser, Monroe News Star World.

These advertisements will identify dealers and ads will be aimed at educating collectors and directing them to their local source of prints.

##### b. Marketing Plan

The artist or his agent will develop and describe a detailed marketing plan in the proposal that includes at least the following elements:

i. List of Proposed Distributors — the proposal should list all national and Louisiana distributors expected to market prints and stamps, as well as describe the criteria for qualification as a distributor.

ii. The Artist-Distributor Agreement — provisions of this agreement should ensure that the distributors:

(a) make timely payments

(b) advertise and provide verification

(c) provide dealer incentives

(d) make all payments due the department payable directly to the artist/agent. Any non-payment by distributors shall not release the artist/agent from the liability of royalty payments.

iii. Price Distribution for Products — the proposal should include a schedule of retail, wholesale, and distributor prices for each edition of prints, posters, or other products to be sold to the public.

iv. Distributor Discounts and Incentives — the proposal should describe any volume discounts and advertising credits to distributors that would escalate according to the number of prints ordered. In addition, the proposal should describe a cooperative program with participating Louisiana dealers that would provide them with national advertising at no cost. Such a program would encourage greater dealer participation in marketing the Louisiana waterfowl conservation stamp and print.

v. Mailing and Press Releases — the artist or his agent will produce press releases for national media and conduct periodic mailings to distributors to provide promotional support, transmit news on the status of sales, and inform dealers of the purpose of the program, the nature of the design subject, and artist's background.

vi. Artist Appearances and Trade Shows — the proposal should list a schedule of artist appearances, in Louisiana and elsewhere, as well as any trade shows where the design and program will be promoted.

vii. Other Marketing Methods — the proposal should describe any innovative or expanded marketing approaches (e.g. telemarketing, catalog sales) that will be used to promote sales and the program.

c. Marketing Aids

The artist or his agent will produce marketing aids, available to distributors at cost and, as specified, to the department at no charge, including:

- i. Press proofs — full-size color prints (stamped “Sample Not for Sale”) with facsimile of stamp; 30 for the department.
- ii. Full-color mailers — to be 8 1/2” × 11 in size with information about the print, department program, and artist; minimum of 125,000 total, 500 for the department. Department approval required.
- iii. Black and white glossy photos — for use in advertising campaigns and press releases.
- iv. Posters

(1) 1500 posters, 18” × 24”, specifically designed for hunting license vendors, to be distributed by the department. Department approval required.

(2) Quality art posters of the same size designed to promote the print and stamp program; 100 to the department. Posters may be given to distributors and dealers free of charge for promotional purposes. The state will receive a royalty on each poster sold after the first 2,000.

- v. Artist information fliers.

7. Administration

The artist or his agent is required to submit monthly progress reports to the department, including a summary of marketing activity and outlook for sales, reports of any problems encountered with the program, subcontractors, or distributors, and documentation such as ad tear sheets, fliers, and inventory records.

The artist or his agent must be able to cover all expenses up front for advertising, printing, and other financial obligations; to meet the proposed time table for the negotiated contract. Any anticipated support from the department must be detailed in the proposal and agreed to in negotiations.

The department expects to receive a royalty on each print sold on the sale of any art posters and supplemental products.

The artist or his agent will be required to provide the department with an accounting of all production and disposition of products.

If full payment is not made, the artist or his agent shall be required to remit the payment to the department together with penalty at a rate of 18 percent Per Annum from the date due through the date of the final payment.

All payments will be remitted to the department no later than April 1, 1990. A proposed schedule of payments must be included in the proposal.

B. Project Schedule

The following is a proposed time schedule for this contract including due dates of deliverables.

DATE

Announcement of art contest . . . . .	09/14/88
Art work submitted by . . . . .	11/14/88
Selection of finalists . . . . .	12/01/88
Winner selected and contract awarded . . . . .	01/15/89
Delivery of press proofs . . . . .	04/01/89
Delivery of keyline and kromalin proof of stamp design to department . . . . .	04/01/89
Beginning of advertising campaign . . . . .	04/01/89
Delivery of final stamp press sheets . . . . .	05/01/89
Printing of art prints . . . . .	05/01/89
Delivery of all stamps and printing plates . . . . .	06/01/89

Delivery of Conservation Edition prints . . . . .	08/15/89
Distribution of all Executive Edition prints . . . . .	*
End of sale of art prints . . . . .	09/30/89
Begin distribution of all Regular and Medallion prints . . . . .	11/15/89
Return of original artwork and delivery of printing plates . . . . .	02/01/90
Submission of audit and final report . . . . .	04/01/90
Final payments to department . . . . .	04/01/90
Submission of progress reports . . . . .	monthly

\*Negotiable but no later than January 30, 1990

GUIDELINES FOR PRODUCTION AND MARKETING PLAN

1989 Louisiana Waterfowl Conservation Stamp  
and Art Print Program

All prospective contractors are required to carefully review the following minimum requirements for design, production, marketing, and project administration for the 1989 Louisiana Waterfowl Conservation Stamp and Art Print Program.

A. Publishers Responsibilities

1. Design Arrangements

Bidders responding must agree to produce and market the design selected by the department for the 1989 stamp and print. Upon selection of the design, the original artwork and all reproduction rights will become the property of the Louisiana Department of Wildlife and Fisheries. The contractor shall supply the department with two print size photos or stamp prints suitable for copyright application within 60 days after the contract is awarded. Within 15 days of contract award, the successful bidder is required to contract with the winning artist for services and compensation specified below and must file a copy of the contract with the department:

- a. participate in the quality control process of stamp, art print, and medallion production to ensure accurate design reproduction, sharpness, and color balance;
- b. participate in trade shows, promotional tours in Louisiana, and other appropriate appearances;
- c. sign the original work of art and the required number of stamps, and sign and number all limited edition prints; and
- d. produce hand-rendered, full-color remarques on the Executive Edition prints and any other prints authorized by the Louisiana Department of Wildlife and Fisheries.

The state reserves the right to intervene in any disputes between the artist and contractor. All payments and compensation to the artist for this project are the responsibility of the contractor and shall be as follows:

- a. \$3 per art print for the first 5000 sold;
- b. \$4 per art print number for the second 5000 sold;
- c. \$5 per art print in excess of 10,000;
- d. \$40 per remarque (Executive Edition);
- e. \$0.25 per signed stamp.

2. Contract

The successful bidder will be required to enter into a contract with the department for a period not to exceed three years with an option to renew. Details established in these guidelines are for the 1989-90 Conservation Stamp and Print Program. However all bids should include proposals for the term of the

contract. Specific details concerning advertising, marketing, etc., proposed for the second and third year may differ from that proposed for the first year.

### 3. Production of Stamps

A copy of the keyline and a kromalin proof of the stamp design will be delivered to the Department for review.

On or before June 1, 1989, the contractor will be required to deliver to the department without charge a minimum of 339,980 stamps, produced, printed, and packaged according to the following specifications:

a. Stock should be 70# White English finish (matte) or an equivalent quality stock specified by the department. Printing ink should be four-color process on the front side and PMS 421 (gray) on the back side. Printing should be high quality—133 line press or better.

b. Stamp size will be 1 3/8" × 2". Perforations will be pinhole with 14 pinholes per inch, on all four sides of the stamps.

c. Printing will be two sides, head to head. Four full size final press sheets will be provided to the department as soon as available. Press sheets will not be gummed, numbered, or perforated.

d. A minimum of 79,980 stamps will be produced in 2666 sheets of 30 stamps each. Each sheet is to be serially numbered from 0001 to 2666 in each corner of the selvage area, to form plate blocks. Each stamp is to be consecutively numbered from 000001 to 79980 with numbers printed on the back in black ink. This stamp shall be printed with a price of \$5.

e. A minimum of 60,000 stamps will be produced in 2000 sheets of 30 stamps each. Each sheet is to be serially numbered from 2667 to 4666 in each corner of the selvage area, to form plate blocks. Each stamp is to be consecutively numbered from 79981 to 139980 with numbers printed on the back in black ink. This stamp shall be printed with a price of \$7.50.

f. A minimum of 200,000 stamps will be produced in manifold sets with address cards for license vendors. Each manifold set will contain a sheet of five stamps with perforated address stub. Each book shall contain 2 manifold sets or 10 stamps per book. The size and quality of these stamps must be the same as those produced in sheets for collectors (item d. above), and they must be numbered consecutively with stamps produced in sheets. Each manifold set will include a cover sheet.

g. Costs of producing stamp manifold sets, over and above the costs of printing the stamps, shall be borne by the state, through a deduction from the contractor's final royalty payment to the state. The proposal shall include the name of the subcontract printer and the cost to the department for these manifold sets.

h. Any overage or misprinted stamps must be destroyed by shredding. An affidavit by the printer as to disposition of stamps shall be provided to the department.

i. Sheets of 30 stamps will be packaged or boxed in 100s, slip-sheated to prevent sticking, with the lowest sheet number at the top of the package. All packages will be marked to show the sheet numbers and stamp numbers. All shipping and insurance charges are the responsibility of the contractor. Shipping must be by a qualified shipper to ensure against loss or delays in delivery.

j. The printing process may be monitored by a representa-

tive of the department. Delivery of the printing plates is to be made by the printer directly to the department upon completion of press run and acceptance of stamps by the department.

### 4. Sale of Stamps

Except as provided, it is the intention of the Louisiana Department of Wildlife and Fisheries to have exclusive rights for the sale of all stamps, and no more stamps than are specified in the negotiated contract shall be printed except upon written order from the department.

The Louisiana Department of Wildlife and Fisheries will reserve resident and non-resident stamps specifically for the purpose of accompanying the limited edition prints. The contractor must state in the proposal the quantity of stamps desired.

A resident and non-resident stamp will be sold by the contractor with all art prints and also sold separately to collectors. Stamps will be purchased from the department by the contractor for the sum of \$5 for a resident stamp and \$7.50 for a non-resident stamp payable in accordance with the terms of the negotiated contract. The contractor will dispense both stamps with the print. However, payment for the stamps will not be required in advance but it will be allowable to include stamp payments with royalties paid to the department.

### 5. Production of Prints

The contractor will have exclusive rights to reproduce the design submitted, as allowed by the contract, and to market prints only in the following editions and priced as indicated:

a. Regular Edition — numbered, signed by artist:

Maximum Retail Price: \$135

Minimum Royalty to department per print sold: \$35

b. Medallion Edition — numbered, signed by artist, with gold-plated medallion:

Maximum Retail Price: \$300

Minimum Royalty to department per print sold: \$65

c. Executive Edition — numbered, signed by artist, artist remarque, with gold-plated medallion: artist shall include schedule for delivery of remarqued edition

Maximum Retail Price: \$450

Minimum Royalty to department per print sold: \$75

d. Conservation Edition — numbered separately, signed by artist, labeled as "Conservation Edition". This edition will be provided at no cost to the department for promotional purposes.

e. Artist Proof — edition size, pricing scale and royalty to the department must be included on the proposal.

The department shall receive from the publisher an irrevocable bond in the amount of \$500,000 to insure royalty payments for the three year period of the contract. This bond will be required at the time the contract is awarded.

The edition sizes (Regular, Medallion, and Executive Editions) may be pre-set or time limited. On or about November 1, 1989, after the deadline for receipt of distributor orders, all unsold prints shall be destroyed and a letter shall be sent to the department certifying the total number of prints sold in each print edition. However, at least 200 prints should be retained as replacements in the regular edition and not less than 50 prints for the medallion issue. These prints will be returned to the state by mid 1990. The publisher will be responsible for replacing these prints for a reasonable time. Upon request the contractor will provide distributors and dealers a copy of that letter. If the contractor elects to propose a pre-set edition, edition size shall be stated in the proposal. The department will retain all other reproduction rights. Any other proposed editions or use of the image

on products to be sold to the public must be specified in the proposal.

The overall size of the print must be at least 12 inches by 14 inches with an image size of at least 6 1/2 inches by 9 inches. The contractor will purchase a resident and non-resident stamp from the department to accompany each print. The lowest numbered prints will be provided to Louisiana dealers. The contractor will provide the department with a registry of purchasers of the 1989 stamps and prints.

#### 6. Advertising and Marketing

The success of the stamp and print program depends on a broad, effective network of distributors and dealers to maintain and increase sales. The contractor should provide in his plan the following:

Cooperative advertising and dealer incentives,  
Distributor-Dealer Marketing plan,  
Pricing and volume discounts, and  
Marketing aids for dealers (e.g., counter display cards, ads.).

Although the department has no desire to exercise control over distributors or urge divulgence of their competitive strategies, the department is interested in the effort the contractor proposes to make to promote the program as distributors.

##### a. Advertising

The contractor will be responsible for conducting an aggressive nation-wide advertising and marketing campaign for the prints and stamps. An advertising schedule shall be included as part of the marketing proposal. All costs associated with the campaign will be the responsibility of the contractor. The contractor will establish a common release date for the first release of advertising material by all distributors. The campaign should include:

##### i. Direct Nationwide Magazine Advertising

The contractor will advertise prints and stamps nationally and regionally in magazines to include, but not limited to:

Ducks Unlimited, Wildfowl, Southern Outdoors, Fin and Feather (Full Circulation), Wildlife Art News, Collectors Mart, Stamp Collector, and Stamp Work.

An advertising schedule, including magazine issue, size of ads, and costs must be included with the proposal. The schedule will be a part of the negotiated contract. The ads will be professionally designed and proof of advertising must be submitted as part of the contractor's monthly reports to the department.

##### ii. Direct Local Newspaper Advertising

The contractor will advertise locally in Louisiana newspapers. An advertising schedule, including anticipated size of ads, name of newspaper and frequency of advertising should be included with the proposal. The schedule will be a part of the negotiated contract. Publications will include, but not be limited to:

Times Picayune, Morning-Advocate, State Times, Shreveport Journal, Alexandria Town Talk, Lake Charles Press, Lafayette Daily Advertiser, Monroe News Star World.

These advertisements will identify dealers and ads will be aimed at educating collectors and directing them to their local source of prints.

##### b. Marketing Plan

The contractor will develop and describe a detailed marketing plan in the proposal that includes at least the following elements:

##### i. List of Proposed Distributors — the proposal should list

all national and Louisiana distributors expected to market prints and stamps, as well as describe the criteria for qualification as a distributor.

ii. The Publisher-Distributor Agreement — provisions of this agreement should ensure that the distributors:

- (a) make timely payments
- (b) advertise and provide verification
- (c) provide dealer incentives
- (d) make all payments due the department payable directly to the contractor. Any non-payment by distributors shall not release the contractor from the liability of royalty payments.

iii. Price Distribution for Products — the proposal should include a schedule of retail, wholesale, and distributor prices for each edition of prints, posters, or other products to be sold to the public.

iv. Distributor Discounts and Incentives — the proposal should describe any volume discounts and advertising credits to distributors that would escalate according to the number of prints ordered. In addition, the proposal should describe a cooperative program with participating Louisiana dealers that would provide them with national advertising at no cost. Such a program would encourage greater dealer participation in marketing the Louisiana waterfowl conservation stamp and print.

v. Mailing and Press Releases — the contractor will produce press releases for national media and conduct periodic mailings to distributors to provide promotional support, transmit news on the status of sales, and inform dealers of the purpose of the program, the nature of the design subject, and artist's background.

vi. Artist Appearances and Trade Shows — the proposal should list a schedule of artist appearances, in Louisiana and elsewhere, as well as any trade shows where the design and program will be promoted.

vii. Other Marketing Methods — the proposal should describe any innovative or expanded marketing approaches (e.g. telemarketing, catalog sales) that will be used to promote sales and the program.

c. Marketing Aids

The contractor will produce marketing aids, available to distributors at cost and, as specified, to the department at no charge, including:

i. Press proofs — full-size color prints (stamped "Sample Not for Sale") with facsimile of stamp; 30 for the department.

ii. Full-color mailers — to be 8 1/2" x 11" in size with information about the print, department program, and artist; minimum of 125,000 total, 500 for the department. Department approval required.

iii. Black and white glossy photos — for use in advertising campaigns and press releases.

##### iv. Posters

(1) 1500 posters, 18" x 24", specifically designed for hunting license vendors, to be distributed by the department. Department approval required.

(2) Quality art posters of the same size designed to promote the print and stamp program; 100 to the department. Posters may be given to distributors and dealers free of charge for promotional purposes. The state will receive a royalty on each poster sold after the first 2,000.

##### v. Artist information fliers.

#### 7. Administration

The contractor is required to submit monthly progress re-

# Rules

ports to the department, including a summary of marketing activity and outlook for sales, reports of any problems encountered with the program, subcontractors, or distributors, and documentation such as ad tear sheets, fliers, and inventory records.

The contractor must be able to cover all expenses up front for advertising, printing, and other financial obligations and meet the proposed time table for the negotiated contract. Any anticipated support from the department must be detailed in the proposal and agreed to in negotiations.

The department expects to receive a royalty on each print sold on the sale of any art posters and supplemental products. The contractor will be required to provide the department with an accounting of all production and disposition of products.

If full payment is not made, the contractor shall be required to remit the payment to the Department together with penalty at a rate of 18 percent PER ANNUM from the date due through the date of the final payment.

All payments will be remitted to the department no later than April 1, 1990. A proposed schedule of payments must be included in the proposal.

## B. Project Schedule

The following is a proposed time schedule for this contract including due dates of deliverables.

	DATE
Announcement of art contest . . . . .	09/14/88
Art work submitted by . . . . .	11/14/88
Selection of winner . . . . .	11/18/88
Contract awarded . . . . .	01/15/89
Delivery of press proofs . . . . .	04/01/89
Delivery of keyline and kromalin proof of stamp design to department . . . . .	04/01/89
Beginning of advertising campaign . . . . .	04/01/89
Delivery of final stamp press sheets . . . . .	05/01/89
Printing of art prints . . . . .	05/01/89
Delivery of all stamps and printing plates . . . . .	06/01/89
Delivery of Conservation Edition prints . . . . .	08/15/89
Distribution of all Executive Edition prints . . . . .	*
End of sale of art prints . . . . .	09/30/89
Begin distribution of all Regular and Medallion prints . . . . .	11/15/89
Return of original artwork and delivery of printing plates . . . . .	02/01/90
Submission of audit and final report . . . . .	04/01/90
Final payments to department . . . . .	04/01/90
Submission of progress reports . . . . .	monthly

\*Negotiable but no later than January 30, 1990

Virginia Van Sickle  
Secretary

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Seed Commission

(**Editor's Note:** LAC 7:XIII.8783 which appeared in the September issue of the *Louisiana Register* is being reprinted to correct an error.)

## Title 7

### AGRICULTURE AND ANIMALS

#### Part XIII. Seeds

#### Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law

#### Subchapter C. Requirements for Certification of Specific Crops/Varieties

#### §8783. Rice Seed Certification Standards

##### A. Isolation Requirements

1. Fields offered for certification must be clearly separated from other fields by a ditch, levee, roadway, fence or barren strip a minimum of 10 feet if the adjoining crop is the same variety and same class.

2. In addition to the preceding regulations, the following isolation distances will pertain if the adjoining crop is a different class or different variety:

No. of Feet From Same Variety/Different Class Planted By				No. of Feet From Other Varieties/All Classes Planted By			
Ground		Air Right		Ground		Air Right	
Drill	Broadcast	Angle	Parallel	Drill	Broadcast	Angle	Parallel
10	10	1.320	10	20	100	1.320	100

Any part of the applicant's field or fields which are closer than these distances must be harvested prior to final inspection or plowed up. Failure to comply with this requirement will disqualify the entire field.

##### B. Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land requirement	1 yr.	1 yr.	1 yr.	1 yr.
Other varieties	None	None	10 plants per acre	25 plants per acre
* Harmful diseases	None	None	None	None
Noxious weeds:				
Red Rice (including Black Hull Rice) & Spearhead	None	None	None	4 plants per acre
Curly Indigo			4 plants	4 plants per acre

\* Diseases seriously affecting quality of seed and transmissible by planting stock.



C. Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	98.00%	98.00%	98.00%	98.00%
Inert matter	2.00%	2.00%	2.00%	2.00%
Other crops, including other varieties	None	None	None	2 seed/lb.
Off-color grains, if of similar size, quality, and maturity	None	5 seed/lb.	10 seed/lb.	20 seed/lb.
Noxious weeds:				
Red Rice (including Black Hull Rice)	None	None	None	1 seed/4 lbs.
Spearhead, Curly Indigo & Mexican Weed	None	None	None	None
Other weeds	0.05%	0.05%	0.05%	0.10%
Germination		80.00%	80.00%	80.00%

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1433.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture, Seed Commission, LR 8:576 (November 1982), amended LR 9:201 (April 1983), LR 9:754 (November 1983), LR 10:495 (July 1984), repealed and readopted LR 12:825 (December 1986), amended LR 13:157 (March 1987), LR 13:233 (April 1987), LR 14: (September 1988), LR 14:694 (October 1988).

Bob Odom  
Commissioner

**RULE**

**Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board**

In accordance with the provisions of LSA 49.950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board adopted and/or amended the following regulations.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XXI. Diseases of Animals**

**Chapter 117. Livestock Sanitary Board**

**Subchapter B. Cattle**

**§11735. Livestock Auction Market Requirements**

All cattle which are sold or offered for sale in livestock auction markets must meet the general requirements of LAC 7:XXI.11709 and the following specific requirements:

**A. Brucellosis**

1. Cattle from quarantined herds or from non-qualified herds from quarantined areas are not eligible for sale in the state of Louisiana except as provided in LAC 7:XXI.11749, which governs brucellosis quarantined herds.

2. All cattle that are offered for sale through Louisiana Livestock auction markets must be identified by a white official

backtag; those animals two years of age and older shall have this official backtag placed immediately behind the shoulder of the animal. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name and address of each consignor, the official backtag numbers applied to the consignor's livestock, and the license plate of the vehicle used to haul the livestock to the auction market. The check-in slip shall be made available to the Livestock Sanitary Board's official representative before the animals can be tested for brucellosis.

It shall be a violation of this regulation for anyone to provide a name and address of anyone other than the owner of any livestock consigned to a Louisiana livestock auction market.

3. All cattle 12 months of age and over, that are offered for sale, are to be identified by an official metal eartag and are to be tested for brucellosis.

Exceptions to LAC 7:XXI.11735.A.3 are:

- a. steers and spayed heifers;
- b. cattle consigned from quarantined feedlots that are "S" branded and permitted prior to shipment to the auction barn;
- c. official calfhood vaccinates less than 24 months of age for beef breeds and 20 months of age for dairy breeds, that are not pre-parturient or post-parturient;
- d. bulls less than 18 months of age.

4. a. All non-vaccinated heifer calves, between 4 and 12 months of age, must be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold.

b. All heifers and cows, which were born after January 1, 1982 and are over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that has had a complete negative brucellosis herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) being tested, must accompany the animal(s) at the stockyard. All heifers and cows, older than 12 months of age, which were born after January 1, 1982, that are not official brucellosis vaccinates or have not been part of a complete negative brucellosis herd test, conducted within the previous 12 months, may be returned to the farm of origin or be brucellosis tested, "S" branded, and sold to a quarantine feedlot or an approved slaughter establishment and shall be accompanied by a VS Form 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment, a Louisiana- or USDA-approved quarantined feedlot, or the premises of a Louisiana-permitted livestock dealer within 72 hours of purchase. The permitted livestock dealer may hold these animals up to seven days at his approved facilities. The animals must move from the permitted livestock dealer's premises directly to an approved slaughter establishment or to a Louisiana or USDA approved quarantined feedlot.

Exceptions to this Subparagraph are:

- i. official brucellosis calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient;
- ii. individually identified cattle, moving directly from a certified brucellosis free herd and accompanied by a copy of the last herd test record, which includes the animal(s) being offered for sale.

c. Effective January 1, 1989, all heifers and cows over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that

has had a complete negative herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) being tested, must accompany the animal(s) to the stockyard. All heifers and cows older than 12 months, that are not official brucellosis vaccinates or have not been part of a complete negative brucellosis herd test conducted within the previous 12 months, may be returned to the farm of origin or may be brucellosis tested, "S" branded and sold to a quarantined feedlot or to an approved slaughter establishment and shall be accompanied by a VS Form 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment or to a Louisiana-permitted livestock dealer within 72 hours of purchase. The permitted livestock dealer may hold the animals up to seven days at his approved facilities. The animals must move from the Louisiana-permitted livestock dealer's premises directly to an approved slaughter establishment or to a Louisiana- or USDA-approved quarantined feedlot.

Exceptions to this Subparagraph are:

- i. official brucellosis calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient;
- ii. individually identified cattle, moving directly from a certified brucellosis free herd and accompanied by a copy of the last herd test record, which includes the animal(s) being offered for sale.

5. Disposition of animals tested at an auction market:

a. Reactor animals vaccinated or non-vaccinated, disclosed must be branded with a three-inch hot brand on the left jaw, tagged and removed to slaughter with a properly executed VS Form 1-27.

b. Suspect animals, adult vaccinated or calfhood vaccinated animals, which are card test positive and either rivanol test negative or have a CITE test reaction, which is in the suspect range established by a designated epidemiologist, can be "S" branded and sold for slaughter or, at the choice of the owner, returned to the farm of origin under quarantine for retest in no less than 30 days. Additional animals in the same consignment with the vaccinated suspect(s), which are negative on the brucellosis test, may move without restriction, provided they are in compliance with other appropriate regulations.

c. All exposed animals in a consignment must be "S" branded for removal to slaughter or, at the choice of the owner, can be returned to the farm of origin under quarantine.

6. Cattle originating from brucellosis quarantined herds shall be identified by eartag and branded with a three-inch hot "S" brand on the left jaw and accompanied by a properly executed VS Form 1-27. The branding and the issuance of VS Form 1-27 will be completed on the farm of origin prior to movement. The VS Form 1-27 will be delivered to authorized representatives at the livestock auction market. In cases where it is impractical to have the exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of the cattle to the livestock auction market and the branding will be accomplished at this point.

a. Cattle from brucellosis quarantined areas may be moved to Louisiana livestock auction markets on a permit. These animals will be "S" branded after arrival at the Louisiana livestock auction market.

b. Cattle from quarantined areas and from brucellosis quarantined herds must be sold to approved slaughtering estab-

lishments or to approved quarantined feedlots.

Exceptions to LAC 7:XXI.11735.A.6.b. are:

- i. steers and spayed heifers;
- ii. heifer calves eight months of age or less, from brucellosis quarantined beef herds and heifer calves six months of age or less, from brucellosis quarantined dairy herds, provided the herd is participating in an approved herd plan to eliminate brucellosis from the herd.
- iii. bull calves under six months of age, that are nursed by brucellosis reactor or exposed cows, may move from the quarantined premises under permit, provided they have been weaned for not less than 30 days immediately preceding movement.
- iv. exceptions to "ii" and "iii" above, will be deleted when Part 78, of the Code of Federal Regulations, is amended to restrict the movement of all sexually intact heifer calves from brucellosis quarantined herds.

7. When brucellosis reactors are found in a consignment, all remaining negative cattle in the consignment are considered exposed and shall be handled by one of the following ways:

a. The exposed cattle shall be identified by a three-inch, hot brand on the left jaw with the letter "S" and sold directly to a recognized slaughter establishment for immediate slaughter or to a state-federal approved quarantined feedlot and shall be accompanied by a VS Form 1-27.

b. The exposed cattle may be identified by a yellow paint mark on the left ear and returned to the original owner's premises under quarantine. All such movements will be accompanied by a quarantine notice listing the eartag and auction tag identification numbers of the animals moving to Louisiana farms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:615 (June 1985), amended LR 12:501 (August 1986), amended LR 12:598 (September 1986), amended LR 13:556 (October 1987), amended LR 14:220 (April 1988), LR 14: (October 1988).

#### §11749. Governing the Testing and Vaccination of Cattle and the Movement of Cattle from Brucellosis Quarantined Herds

A. Testing of Cattle in Quarantined Herds

1. Within six months of the date the quarantine was issued, an exposed herd will be tested at a date agreed upon by the owner or his representative and an authorized agent of the Livestock Sanitary Board. If a date to test an exposed herd cannot be agreed upon, the state veterinarian will establish a date to test the exposed herd and notify the owner in writing 30 days prior to the date established. An exposed herd will remain under quarantine and be tested until it has passed one complete negative test. When more than one herd test is required to obtain a complete negative test, the test date will be established by the procedures used to establish the initial herd test.

2. a. An infected herd will be tested on a schedule established in an approved herd plan or be tested at intervals of 60 days or less. The adult herd will be tested and continue to be classified as infected and under quarantine until it has passed one complete negative herd test, not less than 30 days following the date the last reactor was removed from the herd, and, in addition, a second negative herd test, no less than 180 days from the date the last reactor was removed from the herd. In addition, all infected herds must be tested 6 to 12 months follow-

ing their release from brucellosis quarantine, provided that some or all of their herd is still intact.

b. Heifer calves weaned after eight months of age, from a known brucellosis infected herd, must be quarantined and held separate and apart from the known infected adult herd until they test negative for brucellosis following their first calving or

c. if heifer calves remain in a brucellosis infected adult herd, the entire herd shall remain under quarantine until all the heifer calves have calved and the entire herd is tested negative for brucellosis.

3. Any brucellosis infected herd which has one or more reactors on more than one herd test, would be required to be adult vaccinated against brucellosis and will be tested on a schedule established in an approved herd plan or be tested at intervals of 60 days or less. The herd will be tested and continue to be classified as infected and under quarantine until it has passed one complete negative test, not less than 30 days following the date the last reactor was removed from the herd and a second negative herd test, not less than 180 days from the date the last reactor was removed from the herd. In addition, the herd must be tested 6 to 12 months following its release from brucellosis quarantine, provided that some or all of the herd is still intact.

#### B. Movement of Cattle from Quarantined Herds

1. Brucellosis reactors disclosed in a quarantined herd will be:

a. "B" branded on the left jaw;  
b. identified with a reactor tag; and  
c. removed from the herd and sold directly to slaughter or to an approved stockyard for sale to slaughter within 45 days from the date the animal is classified as a brucellosis reactor.

2. a. All cattle over six months of age in beef herds, will be "S" branded and identified prior to movement from the quarantined premises by an authorized agent of the Livestock Sanitary Board. In cases where it is impractical to have exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of cattle from quarantined herds to a livestock auction market for branding and identification.

Exceptions to this Subparagraph are:

i. steers and spayed heifers;  
ii. official brucellosis calfhood vaccinated heifers, no more than eight months of age and in a herd participating in an approved herd plan to eliminate brucellosis from the herd.

b. All cattle over six months of age in dairy herds, will be "S" branded and identified prior to movement from the quarantined premises by an authorized agent of the Livestock Sanitary Board.

Exceptions to this Subparagraph are:

i. steers and spayed heifers;  
ii. calves, no more than six months of age which were separated from the dam at no more than seven days of age, held separate and apart from the infected herd for at least 30 days, and be identified with an official eartag prior to movement from the premises. In addition, they must be from a herd participating in an approved herd plan to eliminate brucellosis.

3. When Part 78, of the Code of Federal Regulations, is amended to restrict the movement of all sexually intact heifer calves from brucellosis quarantined herds, all cattle, regardless of age or vaccination status, will be "S" branded and identified prior to movement from any brucellosis quarantined premises by an authorized agent of the Louisiana Livestock Sanitary Board. In

cases where it is impractical to have exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of cattle from quarantined herds to a livestock auction market for branding and identification. Exceptions are steers and spayed heifers.

C. All movement from brucellosis quarantined herds must be accompanied by a VS Form 1-27, listing the individual identification of each animal to be moved. This form must be delivered to an authorized representative at destination. These permits will be issued by an agent of the Louisiana Livestock Sanitary Board.

D. All intrastate and interstate movements from brucellosis quarantined herds are restricted to an approved slaughtering establishment for immediate slaughter, directly to an approved quarantined feedlot, or to an approved livestock auction market for sale to an approved slaughtering establishment or quarantined feedlot. (Brucellosis reactors must be sold for slaughter only, either directly to an approved slaughtering establishment or through an approved livestock auction market for sale to such establishment.)

Exceptions to LAC 7:XXI.11749.D are:

1. steers and spayed heifers over six months of age;  
2. heifer calves under 12 months of age that are official calfhood vaccinates, and they originate from herds participating in an approved herd plan to eliminate brucellosis from the herd.

E. Bull calves under six months of age that are nursed by brucellosis reactor or exposed cows, may move from the quarantined premises under permit, provided they have been weaned for not less than 30 days immediately preceding movement.

Exceptions to this Subparagraph are

1. steers and spayed heifers;  
2. heifer calves from beef herds that are no more than eight months of age and are in a herd participating in an approved herd plan to eliminate brucellosis from the herd;

3. calves from dairy herds that are not more than six months of age which were separated from the dam at no more than seven days of age, held separate and apart from the infected herd for at least 30 days, and be identified with an official eartag prior to movement from the premises. In addition, they must be from a herd participating in an approved herd plan to eliminate brucellosis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2221.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:130 (March 1985), amended LR 11:615 (June 1985), LR 12:289 (May 1986), LR 13:559 (October 1987), LR 14: (October 1988).

#### Subchapter C. Horses, Mules and Asses

##### §11765. Governing Equine Infectious Anemia and Livestock Auction Market Requirements

###### A. Equine Required to be Tested

1. Equine moving into the state of Louisiana for any purpose other than immediate slaughter must be accompanied by record (original form VS 10-11 or Health Certificate) of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory, and the name of the laboratory, the case number, and date of test must appear on the health certificate, as required in LAC 7:XXI.11761.

2. Horses moving within the state to fairs, livestock shows, horse shows, breeders association sales, rodeos, race-

tracks or other concentration points must be accompanied by record (original form VS 10-11) of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory, the case number, and the date of test must appear on the official record.

3. Horses reacting to the coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand or tattoo "72 A". Positive horses will be rebled upon request, by state employed veterinarians and samples submitted to the laboratory for reconfirmation.

4. All out-of-state horses offered for sale at Louisiana livestock auction markets must be accompanied by record (original form VS 10-11) of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

5. All Louisiana horses offered for sale at Louisiana auction markets must be accompanied by record (original form VS 10-11) of negative test for equine infectious anemia (coggins test) conducted by an approved laboratory within 12 months of date of sale.

Exceptions to this Subsection are:

a. Horses consigned and/or sold for slaughter shall be sold to authorized buyers only. Such animals shall be branded with the letter "S" on the left shoulder, prior to leaving the auction market and shall be accompanied by a VS Form 1-27, Permit for Movement of Restricted Animals.

b. Untested horses, arriving at livestock auction markets, may be offered for sale for purposes other than slaughter if a blood sample is drawn for Equine Infectious Anemia testing at the seller's expense and the buyer will be charged a \$5 surcharge before the animal leaves the livestock auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory and the horse must be identified by an official mane tag. Horses may then move from the livestock auction market to the purchaser's premises under a quarantine, issued by Louisiana Livestock Sanitary Board personnel, until results of the official test are received. If the animal is found to be positive it must be branded "72A" and sold to slaughter within two weeks of notification. The positive animal must be accompanied by a VS Form 1-27, issued by a representative of the Louisiana Livestock Sanitary Board, when it leaves the owner's premises.

B. Collection and Submission of Blood Samples

1. All blood samples for equine infectious anemia testing must be drawn and submitted to an approved laboratory by an accredited veterinarian.

2. Blood samples will be accompanied by Form VS 10-11 "Equine Infectious Anemia Laboratory Test Report" with completed information as to owner's name and address and identification of animal(s).

3. Only serum samples in sterile tubes will be accepted for testing.

C. Testing of Samples Collected

1. Only laboratories approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the coggins test for equine infectious anemia in Louisiana.

2. Such laboratories must also receive approval by the Livestock Sanitary Board.

3. Approved laboratories must submit a copy of Form VS 10-11 at the end of each week to the Livestock Sanitary Board office. (Green copy on negative samples and white copy of positive samples.)

4. A fee shall be charged to the accredited veterinarian for conducting the coggins test at state laboratories. Invoices will be forwarded to the veterinarian monthly for these charges.

D. Identification and Quarantining of Animal(s) Positive to the Coggins Test

1. Animal(s) positive to the coggins test will be quarantined to the owner's premises and kept a minimum distance of 200 yards between the positive equidae and equidae owned by other individuals. If the positive animal(s) is sold, it must be sold for slaughter and a form VS 1-27 permit must be issued by state personnel to move the animal(s) from the premises to slaughter.

2. Confirmation test of positive animal(s) will be conducted by state employed veterinarians upon request of the owner prior to identification.

3. All animal(s) positive to the coggins test will be properly identified by state personnel with either a "72A" cold brand, hot iron brand, or freeze brand on the left shoulder; or be tattooed "72A".

E. Requirements for Permit for Operation of Quarantine Holding Area

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

2. The facility to be operated as a quarantine holding area must have an area where equine infectious anemia positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

3. The facility must be approved by the Livestock Sanitary Board in an inspection of the premises prior to the issuance of the permit.

4. The buyer desiring to operate a quarantine holding area must agree in writing to comply with the rules and regulations of the Livestock Sanitary Board and to permit inspection of the premises at any reasonable time by the board.

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

6. No horses can be kept in the quarantine holding area longer than 60 days.

7. All permits must be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:243 (March 1985), amended LR 11:615 (June 1985), LR 14:223 (April 1988), LR 14: (October 1988).

### **11766. Equine Infectious Anemia Testing Laboratory Requirements**

A. No person shall operate an Equine Infectious Anemia testing laboratory without first obtaining approval from the Louisiana Livestock Sanitary Board.

B. Conditions for approving an Equine Infectious Anemia testing laboratory:

1. The person must submit an application for approval to the office of the state veterinarian.

2. An inspection of the facility must be made by someone representing the office of the state veterinarian and who shall

submit a report to the Louisiana Livestock Sanitary Board indicating whether or not the person applying for an Equine Infectious Anemia testing laboratory approval has the facilities and equipment which are called for in Veterinary Service Memorandum 555.8.

3. The applicant must agree, in writing, to operate the laboratory in conformity with the requirements of the regulation and Veterinary Service Memorandum 555.8.

4. The applicant must show the board that there is a need for the laboratory.

5. If the application is approved by the Louisiana Livestock Sanitary Board, the applicant will proceed with training, examination, and United States Department of Agriculture laboratory visitation.

6. Laboratory check test results will be provided to the state veterinarian for final approval.

7. All Equine Infectious Anemia testing laboratories which have been approved by the United States Department of Agriculture prior to the adoption of this regulation will be automatically approved at the time this regulation goes into effect.

C. Conditions for maintaining Equine Infectious Anemia testing laboratory approval:

1. Laboratories must maintain a work log clearly identifying each individual sample and tests results, which must be available for inspection, for a period of 18 months from the date of the test.

2. Laboratories must maintain on file and make available for inspection, a copy of all submitting forms for a period of 18 months.

3. Laboratories must continually meet all the requirements of Veterinary Services Memorandum 555.8.

4. Samples will be periodically collected, without prior notification for spot check tests, to allow periodic laboratory inspection.

5. Laboratories must report, by telephone, all positive cases to the state veterinarian's office, within 24 hours of the test results or on the next business day.

6. The state veterinarian will renew the approval in January of each year, as long as laboratories maintain the standards required by this regulation and Veterinary Services Memorandum 555.8.

D. Cancellation of Equine Infectious Anemia testing laboratory approval

An Equine Infectious Anemia testing laboratory may have its approval cancelled if the Louisiana Livestock Sanitary Board finds, at a public hearing, that the laboratory has failed to meet the requirements of this regulation or has falsified its records or reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 14: (October 1988).

William B. Fairchild, D.V.M.  
State Veterinarian

## RULE

### Department of Economic Development Office of Financial Institutions

Under authority granted by R.S. 6:121B(1) and 242A(15), the commissioner of Financial Institutions intends to adopt the following rule for the purpose of increasing fees or charges for exercising regulatory and supervisory authority over state-chartered banks and bank holding companies domiciled in the state of Louisiana as provided for in Act 13 of the First Extraordinary Session of the 1988 Legislature, and all other authority previously granted by state law affecting state-chartered banks and bank holding companies domiciled in the state of Louisiana.

Notice is hereby given in compliance with Act 13 of the First Extraordinary Session of the 1988 Legislature, that the Office of Financial Institutions, pursuant to written approval from the Division of Administration, has proposed to increase fees and charges currently assessed by the Office of Financial Institutions for:

The reservation of a corporate name of a state bank; application for a state bank charter, merger, or consolidation; application for branch office; application for electronic financial terminal machines; application for conversion or merger of a state bank into a national bank; application for organizing or merger of a one-bank holding company for an already existing bank (phantom bank); relocation of main office or branch; special examination fee for state-chartered banks; quarterly assessment at floating rate; annual assessment for bank holding companies domiciled and/or operating in Louisiana; and, examination fee for each bank holding company domiciled in and/or operating in Louisiana, as authorized by Act 13 of the First Extraordinary Session of 1988 Louisiana Legislature, and all authority previously granted by state law affecting state-chartered banks and bank holding companies.

This rule will become effective upon being published in the *Louisiana Register*.

This rule is being republished as a result of a clerical error in the foregoing rule which was published on September 20, 1988, in Volume 14, Number 9, Page 607 of the *Louisiana Register*. It was the intention of the commissioner of Financial Institutions to promulgate the foregoing rule to assess quarterly fees of all state-chartered banks on a quarterly basis, therefore, the language in LAC 10:1.110.A.9 should read as follows:

A.9. Quarterly assessment on all state-chartered banks at a floating rate to be assessed no later than the last day of each quarter to be based on the total consolidated assets for the preceding quarter

\$2,658,295

There is no change in the fiscal and/or economic impact as a result of the above described clerical correction.

### Title 10 BANKS AND SAVINGS AND LOANS Part I. Banks

#### Chapter 1. General Provisions §110. Assessments

##### A. Fees and Charges

Each state bank and bank holding company regulated and supervised by the Office of Financial Institutions shall pay the following increases in fees and charges currently assessed or

to be assessed by the Office of Financial Institutions pursuant to the authority granted by Act 13 of the First Extraordinary Session of the 1988 Legislature.

	FEE
1. For the reservation of a corporate name of a state bank pursuant to R.S. 6:212(C)(1)	\$100
2. Application for a state bank charter, merger, or consolidation pursuant to R.S. 6:331(B)(1)	\$10,000
3. Application for a branch office pursuant to R.S. 6:331(B)(2)	\$1,000
4. Application for an electronic financial terminal machine pursuant to R.S. 6:331(B)(3)	\$500
5. Application for a conversion or merger of a state-chartered bank into a national bank pursuant to R.S. 6:331(B)(4)	\$5,000
6. Application for organizing or merger of a one-bank holding company for an already existing bank (phantom bank) pursuant to R.S. 6:331(B)(1)	\$1,000
7. Relocation of main office or branch	\$1,000
8. Special examination fee pursuant to R.S. 6:331(C)(1); not currently billed	(per hour) \$30
9. Quarterly assessment in all state-chartered banks at a floating rate to be assessed no later than the last day of each quarter to be based on the total consolidated assets for the preceding quarter	\$2,658,295
10. Annual assessment for all bank holding companies domiciled and/or operating in Louisiana, to be assessed no later than September 30 of each year to be based upon its total consolidated assets as of June 30 in accordance with the following schedule:	
a. assets less than \$100,000,000 . . . . .	\$350
b. assets of \$100,000,000 to \$149,999,999	\$500
c. assets greater than \$150,000,000 . . . . .	\$650
11. Examination fee for each bank holding company domiciled in and/or operating in Louisiana, pursuant to R.S. 6:515(B)(3).	\$30/hour or \$500 (whichever is greater)

See Exhibit "A" for a list of fees and charges currently assessed by the Office of Financial Institutions in accordance with R.S. 6:212(C)(1), 6:331, and 6.5.15(B)(3) as amended.

**B. Statement of Anticipated Costs and Proceeds**

The fees to be imposed by the commissioner consist of the following:

Type of fee imposed	Amount generated in FY '88-89	Costs to be offset by increase
Bank name reservation	1,700	1,700
Relocation/application/merger fees	104,000	104,000
Special examination fees	129,000	129,000
Holding company assessment	61,750	61,750
Holding company examination fee	75,000	75,000
Quarterly bank assessment	2,658,295	2,658,295

Cost figures are based on actual expenditures to date plus projected expenditures.

**C. Administration**

1. The commissioner of financial institutions shall administer and carry out the provisions of this Chapter and may issue such regulations and orders that may be necessary to discharge this duty and to prevent evasions of this Chapter.

2. The commissioner may promulgate reporting, examination, and regulations for state-chartered banks and bank holding companies domiciled in the state of Louisiana in accordance with the Administrative Procedure Act.

3. The commissioner hereby certifies that he has received the requisite written approval to adopt this rule from the commissioner of administration on June 27, 1988.

**Exhibit "A"**

1. Fee increase pursuant to R.S. 6:212(C)(1) from \$5 to \$100.
2. Fee increase pursuant to R.S. 6:331(B)(1) from \$5,000 to \$10,000.
3. Fee increase pursuant to R.S. 6:331(B)(2) from \$500 to \$1,000.
4. Fee increase pursuant to R.S. 6:331(B)(3) from \$200 to \$500.
5. Fee increase pursuant to R.S. 6:331(B)(4) from \$1,000 to \$5,000.
6. Fee increase pursuant to R.S. 6:331(B)(1) from \$250 to \$1,000.
7. Fee increase from \$500 to \$1,000.
8. The special assessment fee has been previously authorized but has not been currently billed pursuant to R.S. 6:331(C)(1).
9. Quarterly assessment at floating rate is in lieu of current semi-annual assessment at fixed rate pursuant to R.S. 6:331(A).
10. The annual assessment for all bank holding companies domiciled and/or operating in Louisiana is a new assessment.
11. Examination fee for bank holding companies is increase in fee set by R.S. 6:515(B)(3) from \$500 to the greater of \$500 or \$30 per hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1) and 242(A)(15).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:608 (September 1988), repromulgated LR 14: (October 1988).

Fred C. Dent  
Commissioner

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part III. Personnel, Registration and Licensing  
Chapter 57. Association's Duties and Obligations  
§5765. Employment on Track Grounds**

Any individual deriving economic benefits from employment on the grounds of a racing association or at an off-track

wagering facility, except members of the working press, shall be licensed by the commission whether he or she is in the employ of an association or individual. Economic benefit includes, but is not limited to, fixed salary, hourly wages or income from gratuities.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:147 and 148.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

#### **§5767. Disclosure**

Any association conducting a race meeting shall disclose in writing any and all activity it has reason to believe may be criminal under the laws of this state or the United States and violations of the rules of racing to the Louisiana State Racing Commission. Failure to do so may subject the association to a fine.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:147 and 148.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

#### **§5769. Security Check**

Any association conducting a race meeting shall have an annual physical security check performed by the Louisiana State Police Racing Investigations Unit or an independent agency authorized and approved by the commission. The Louisiana State Police Racing Investigations Unit or the independent agency shall issue a written report on its security check to the commission within ten days of the conclusion of the physical security check. The association then has 90 days in which to correct any deficiencies found, or to appeal the findings of the report to the commission within ten days of the receipt of the report. Failure to correct these deficiencies within the allotted time may subject the association to a fine.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:147 and 148.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

Alan J. LeVasseur  
Executive Director

### **RULE**

#### **Department of Economic Development Racing Commission**

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLI. Horseracing Occupations**

#### **Chapter 5. Assistant Trainers and Other Employees**

#### **§535. Examinations**

A. The commission may require any new applicant to demonstrate his or her knowledge, qualifications and proficiency for the license applied for by such examination as the commission shall direct. The applicant shall be notified of the time and place for such examination.

B. The commission shall administer a standardized, written and/or oral proficiency test to each new applicant in the following license categories: steward, trainer, jockey and jockey agent. Such testing shall be performed at a track commission office or other commission authorized location, and shall be supervised by a commission appointee or state steward. Provisions will be made for those individuals who do not speak the English language. The fee for the test shall be \$35 and paid for by such applicant.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 150.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 12:289 (May 1986), amended by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

Alan J. LeVasseur  
Executive Director

### **RULE**

#### **Department of Economic Development Racing Commission**

#### **Title 35**

#### **HORSE RACING**

#### **Part I. General Provisions**

#### **Chapter 3. General Rules**

#### **§317. ID Badges on Track**

All licensed persons shall wear his or her identification badge on the person in clear view while in the non-public areas of a racing association, otherwise he or she may be penalized by the stewards in the amount of \$25. Jockeys, exercise riders and outriders while fulfilling their riding assignments are excluded.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 150.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

#### **§319. ID Badges at Commission Hearing**

Any individual appearing before the commission for disciplinary hearing shall have on his or her person his or her identification badge if not previously surrendered. Failure to bring his or her badge shall result in a \$75 fine.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 150.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

#### **Chapter 15. Permitted Medications**

#### **§1513. Mandatory Penalties**

REPEALED.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 11:6 (January 1985), re-

pealed by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

Alan J. LeVasseur  
Executive Director

## RULE

### Department of Economic Development Racing Commission

#### Title 35 HORSE RACING

#### Part V. Racing Procedures

#### Chapter 63. Entries

#### §6336. Preference for Eliminated Horses

A. Should two horses which are owned separately, but trained by the same trainer, be entered in any race, causing an excess of the number of horses which may, because of track limitations, be permitted to start, the horses to start shall be determined and selected by lot from all of the horses entered. Those entries which are eliminated shall receive a preference as provided in these rules.

B. A double entry shall be superseded by a single entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:289 (May 1987), amended by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

#### §6353. Entry After Excused

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

B. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:437 (December 1976), repromulgated LR 3:34 (January 1977), LR 4:280 (August 1978), amended LR 11:615 (June 1985), amended by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

#### Chapter 75. Winnings

#### §7509. Purse Payments Pending Licensure

No share or shares of any purse shall be paid to the owner of any horse finishing in a race until said owner has been licensed by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, 150 and 169.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

Alan J. LeVasseur  
Executive Director

## RULE

### Department of Economic Development Racing Commission

#### Title 35 HORSE RACING

#### Part XI. Claiming Rule and Engagements

#### Chapter 99. Claiming Rule

#### §9947. Scratched Horse

Should the stewards determine that a horse was scratched from a claiming race because of a claim, the horse may be required, at the discretion of the stewards, to run back for a claiming price not to exceed the claiming price when the scratch occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 142 and 148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 14: (October 1988).

Alan J. LeVasseur  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 1.10.00.a(1)

Amend Section 101, Items K and L of the 8(g) Policy and Procedure Manual as follows:

K. Elementary teacher

L. Secondary teacher

In order to achieve continuity in the terms of appointments to the council, members serving two-year terms shall be appointed as follows: the college president, vocational-technical director and school superintendent will be appointed on July 1 of odd-numbered years; and the representatives of business, labor, and nonpublic schools will be appointed on July 1 of even-numbered years.

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 3.07.10.b

The board adopted the following amendments to the



Adult Education State Plan:

1. Amend certification of the 1985-88 Louisiana State Plan for Adult Education to cover the period July 1, 1988 through June 30, 1989.

2. Amend the assurances of the state educational agency to the Louisiana State Plan for Adult Education to cover the period July 1, 1988 through June 30, 1989.

3. Amendment to the goals and objectives in the 1985-88 Louisiana State Plan for Adult Education to cover the period July 1, 1988 through June 30, 1989.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

3.01.51.aa(1)

Add a standard to Bulletin 741 to allow exploratory classes at the middle school level as indicated below:

Under Standard 2.090.07, grades 7 and 8, (6-period day option) change wording to:

“Health and Physical Education or Health and Physical Education and Exploratory/elective”

For grades 7 and 8 (7-period option) add the words to read “Exploratory/elective.”

Each time the word “electives” appears on page 71, change to read:

“Elective/exploratory courses”

Add as a procedural block:

Exploratory courses (electives offered for less than a full semester) may be taught by any elementary or secondary teacher.

Each time the word “elective” appears on page 71.1, change to read: “Elective/Exploratory.”

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

4.01.50(7)

The board adopted the following as part of the Nonpublic School Standards:

A. Students who have attained the age of seven years

shall attend a public or private day school or participate in a home study program until they reach the age of 17 years. However, a student between the ages of 16 and 17 years may withdraw from school prior to graduation with the written consent of his parent, tutor, or legal guardian.

B. Each school system shall develop and implement a system whereby a student's parent, tutor, or legal guardian is given written notification when that student has been excessively absent from school and at intervals thereafter. This notification shall be provided each semester for those high schools operating on a semester basis.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.00.75

The board adopted the Communicable Disease Control Policy (AIDS) as recommended by the department. Complete text of the policy may be seen in the office of the State Board of Elementary and Secondary Education, located in Room 104 of the Education Building at 626 N. Fourth Street, Baton Rouge, LA 70804.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 5.01.31.b(1)

The board adopted the following three supplemental categories to the Rules and Regulations covering the Required Services Legislation (R.S. 17:301 - 17:365 which was passed by the Louisiana Legislature in 1980):

1. Asbestos Testing and Abatement

2. Auditory and Visual Testing

3. Criminal history and finger printing of school employees

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.03.48

The board adopted a tuition fee increase to \$20 per month for full-time vocational-technical students for the 1988-89 school year. (Tuition fees for <sup>3</sup>/<sub>4</sub> time students will be \$15 per month, and for half-time students, tuition fees will be \$10 per month). Effective date of this tuition increase was July 1, 1988. (Also adopted as an Emergency Rule)

Em Tampke  
Executive Director

## RULE

### Department of Environmental Quality Air Quality Division

Adopt §2108 Marine Vapor Recovery to read as follows:

#### Title 33 ENVIRONMENTAL QUALITY Part III. Air

#### Chapter 21. Control of Emission of Organic Compounds

##### Subchapter A. General

##### §2108. Marine Vapor Recovery

A. An affected facility is any marine loading operation serving ships and/or barges loading crude oil, gasoline or volatile organic compounds (VOC's) with an uncontrolled emission of 100 tons per year or greater of volatile organic compounds (as defined in LAC 33:III.111).

B. On or after the date specified in LAC 33:III.2108.C.

1. Each affected facility shall be equipped with a vapor collection system designed to collect the organic compounds vapors displaced from ships and/or barges during loading.

2. The vapors shall be collected and processed by a recovery and/or destruction system such that uncontrolled emissions (identified in LAC 33:III.2108.A) are reduced by at least 90 percent by weight.

3. The emissions to the atmosphere caused by the loading of crude oil, gasoline or volatile organic compounds into ships and/or barges are not to exceed the following:

a. for barge loading of gasoline - 70 mg of total organic compounds per liter of VOC's loaded (0.6 pounds/1,000 gallons).

b. for barge loading of crude oil or other VOC's - 30 mg of total organic compounds per liter of VOC's loaded (0.25 pounds/1,000 gallons).

c. for ship loading of gasoline - 30 mg/liter of VOC's loaded (0.25 pounds/1,000 gallons).

d. for ship loading of crude oil or other VOC's - 12 mg/liter of VOC's loaded (0.1 pounds/1,000 gallons).

4. Alternate procedures to those described in LAC

33:III.2108.B.1, B.2 and B.3 may be used provided:

a. the procedure results in at least a 90 percent by weight reduction in uncontrolled emissions and

b. the administrative authority has granted approval of the installation prior to any commencement of construction.

5. The owner or operator of the affected facility shall act to assure that loadings are made only into ships and/or barges equipped with vapor collection equipment that is compatible with the affected facility's vapor collection system.

6. The owner or operator of the affected facility shall act to assure that the vapor collection and disposal system is properly connected to the ships and/or barges before any loading is done.

C.1. Each facility under LAC 33:III.2108.A shall be in compliance with the provisions of this Section as expeditiously as practicable but no later than May 1, 1991, for gasoline and other VOC's except for crude oil. The final compliance date for crude oil loading shall be May 1, 1992.

2. Any request for an extension of the compliance dates will be considered on a case-by-case basis in response to a written request to the administrative authority and in accordance with LAC 33:III.2119.

D. Test Methods and Procedure

1. For the purpose of determining compliance with the mass emission limitations of LAC 33:III.2108.B.3 the following reference methods shall be used:

a. for the determination of volume at the exhaust vent:

i. Method 2B for combustion vapor processing systems (except flare stacks).

ii. Method 2A for all other vapor processing systems.

b. for the determination of total organic compounds concentration at the exhaust vent, Method 25A or 25B. The calibration gas shall be either propane or butane.

2. Vapor processing systems utilizing a flare stack to destruct the collected VOC's will be exempt from testing and must be designed and operated in accordance with LAC 33:III.3741.D.

3. Immediately prior to the performance test for determination of compliance, all potential sources of vapor leakage in the facility's vapor collection system equipment shall be monitored for leaks using Method 21. The monitoring shall be conducted only while a ship or barge is being loaded and should cover all parts of the vapor system, including tank hatches, that operate at pressures above atmospheric pressure. All leaks shall be repaired prior to conducting the performance test.

4. The test procedure for determining compliance with LAC 33:III.2108.B.3 shall be that specified below:

a. All testing equipment shall be prepared and installed as specified in the appropriate test methods.

b. The time period for a performance test shall be not less than three hours. As much as possible, testing should be conducted during the three-hour period in which the highest emissions normally occur (near the end of the loading).

c. For intermittent vapor processing systems:

i. the vapor holder level shall be recorded at the start of the performance test. The end of the performance test shall coincide with a time when the vapor holder is at its original level;

ii. at least two startups and shutdowns of the vapor processor shall occur during the performance test. If this does not occur under automatically-controlled operation, the system shall be manually controlled.

d. The volume of crude oil, gasoline and volatile organic compounds loaded during the performance test period, whose vapor emissions are controlled by the processing system being tested, shall be determined.

e. An emission testing interval shall consist of each five-minute period during the performance test. For each interval:

i. the reading from each measurement instrument shall be recorded, and

ii. the volume exhausted and the average total organic compounds concentration in the exhaust vent shall be determined, as specified in the appropriate test method. The average total organic compounds concentration shall correspond to the volume measurement by taking into account the sampling system response time.

f. The mass emitted during each testing interval shall be calculated as follows:

$$M_{ei} = 10^{-6}KV_{es}C_e$$

where:

$M_{ei}$  = mass of total organic compounds emitted during testing interval  $i$ , mg.

$V_{es}$  = volume of air-vapor mixture exhausted,  $m^3$ , at standard conditions.

$C_e$  = total organic compounds concentration (as measured) at the exhaust vent, ppmv.

$K$  = density of calibration gas,  $mg/m^3$ , at standard conditions.

=  $1.83 \times 10^6$ , for propane

=  $2.41 \times 10^6$  for butane.

$s$  = standard conditions,  $20^\circ C$  and  $760$  mm Hg.

g. The total organic compounds mass emissions shall be calculated as follows:

$$E = \frac{\sum_{i=1}^n M_{ei}}{L}$$

Where:

$E$  = mass of total organic compounds emitted per volume of crude oil, gasoline and volatile organic compounds loaded, mg./liter.

$M_{ei}$  = mass of total organic compounds emitted during testing interval  $i$ , mg.

$L$  = total volume of crude oil, gasoline and volatile organic compounds loaded, liters.

$n$  = number of testing intervals.

5. The owner or operator may adjust the emission results to exclude the methane content in the exhaust vent by the chromatographic method shown in Method 25.

E. Reporting and Recordkeeping

1. The results of any testing done in accordance with LAC 33:III.2108.D. shall be reported to the administrative authority within 45 days of the test.

2. The following records shall be kept on file at the affected facility for at least two years and shall be made available for inspection by a representative of the administrative authority on request:

a. Daily throughput of liquid by type.

b. Daily record of the number of each type of vessel loaded and the type and quantity of each liquid loaded on each vessel.

c. Records of all replacements or additions of compo-

nents performed on the vapor processing system.

F. Operation and Maintenance

1. No person may load gasoline, crude oil or other VOC's into ships or barges at affected facilities unless all loading and vapor lines, arms and hoses are equipped with fittings which make vapor-tight connections and provide tight shut-off when disconnected.

2. Provisions must be made to prevent spills or leaks during attachment or disconnection of filling lines, hoses or arms. Liquids subject to this rule shall not be spilled or handled in any other manner that would result in evaporation to the atmosphere.

3. All equipment associated with the loading of gasoline, crude oil or other VOC's into ships or barges at affected facilities shall be maintained to be leak-free, gas-tight and in good working order.

G. Safety/Emergency

Nothing in this rule shall be construed to:

1. require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard or;

2. prevent any act or omission that is necessary to secure the safety of a vessel or for saving life at sea.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 14: (October 1988).

Paul H. Templet, Ph.D.  
Secretary

## RULE

### Department of Health and Hospitals Board of Examiners for Speech Pathology and Audiology

The Louisiana Board of Examiners for Speech Pathology and Audiology has adopted the following rule which was published as a notice of intent in Volume 14, Number 6 of the *Louisiana Register* on June 20, 1988.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXV. Speech Pathology and Audiology

#### Chapter 1. General Rules

#### §103. Definitions

As used in these regulations, the following terms and phrases, which have not already been defined in Title 37, Louisiana Revised Statutes, Section 2651-2665, shall have the meanings specified.

A. *On-site observations* means that the supervisor actually observes the restricted licensee engaging in a specified activity with his/her client or student.

B. *Direct supervision* means a minimum of 12 to 15 monitoring activities of a restricted licensee by a full valid licensee during a nine to 12-month period, with at least four of these monitoring activities to be on-site observations, divided between the areas of diagnostics and management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

**§105. Qualifications for Licensure**

**A. Full Valid Audiology License**

In order to qualify for a full valid license to practice audiology in Louisiana, an applicant must:

1. be of good moral character; and
2. hold a Master's Degree in audiology, or its equivalent as defined in R.S. 37:2659(2); and
3. obtain a minimum score of 600 on the Audiology Section of the National Teachers Examination (NTE); and
4. complete at least 300 clock hours of supervised, direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs; and
5. present evidence of at least nine months of full-time employment as an audiologist following the completion of all other requirements for the license sought.

**B. Restricted Audiology License**

In order to qualify for a restricted license to practice audiology in Louisiana, an applicant must:

1. be of good moral character; and
2. hold a Master's Degree in audiology, or its equivalent as defined in R.S. 37:2659(2); and
3. obtain a minimum score of 600 on the Audiology Section of the National Teachers Examination (NTE); and
4. complete at least 300 clock hours of supervised, direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs.

*Holders of a restricted license in audiology are permitted to practice in Louisiana only while under the direct supervision of an audiologist holding a full valid license from this board.*

5. holders of a restricted license may apply for and, if qualified, obtain a full valid license anytime during a license year without payment of an additional fee.

**C. Full Valid Speech Pathology License**

In order to qualify for a full valid license to practice speech pathology in Louisiana, an applicant must:

1. be of good moral character; and
2. hold a Master's Degree in speech pathology, or its equivalent as defined in R.S. 37:2659(2); or
3. hold a Baccalaureate Degree with a major in speech pathology, together with a current Type A or Type B Teaching Certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and
4. obtain a minimum score of 600 on the Speech Pathology Section of the National Teachers Examination (NTE); or hold a current Type A or Type B Teaching Certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and

5. an applicant for a full valid license in Speech Pathology based on a Master's Degree (see Subsection C.2 above) must submit evidence of completion of at least 300 clock hours of supervised, direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs;

6. an applicant for a full valid license in Speech Pathology based on a Type A or Type B Teaching Certificate issued by the Louisiana State Board of Elementary and Secondary Education must submit evidence of completion of his/her clock hours of supervised, direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs; and

7. present evidence of at least nine months of full-time employment as a speech pathologist following the completion of all other requirements for the license sought.

**D. Restricted Speech Pathology License**

In order to qualify for a restricted license to practice speech pathology in Louisiana, an applicant must:

1. be of good moral character; and
2. hold a Master's Degree in speech pathology, or its equivalent as defined in R.S. 37:2659(2); or
3. hold a Baccalaureate Degree with a major in speech pathology, together with a current Type A, Level I; Type B, Level I; or Type C, Level I Teaching Certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and
4. obtain a minimum score of 600 on the Speech Pathology Section of the National Teachers Examination (NTE); or hold a current Type A, Level I; Type B, Level I; or Type C, Level I Teaching Certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and

5. an applicant for a restricted license in Speech Pathology based on a Master's Degree (see Subsection D.2 above) must submit evidence of completion of at least 300 clock hours of supervised, direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs;

6. an applicant for a restricted license in Speech Pathology based on a Type A, Level I; Type B, Level I; or Type C, Level I Teaching Certificate issued by the Louisiana State Board of Elementary and Secondary Education must submit evidence of completion of his/her clock hours of supervised, direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs.

*Holders of a restricted license in speech pathology are permitted to practice in Louisiana only while under the direct supervision of a speech pathologist holding a full valid license from this board.*

7. holders of a restricted license may apply for and, if qualified, obtain a full valid license anytime during a license year without payment of an additional fee.

**§107. Fees**

This board collects the following fees, which are non-refundable:

- |  |       |
|--|-------|
| A. Initial Louisiana license (payable only by certified check, cashier's check or money order) | \$50. |
| B. Renewal of license  | \$35. |
| C. Delinquent renewal of license   | \$50. |

- D. Duplicate copy, full valid license \$10.
- E. Duplicate copy, restricted license \$ 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

#### §109. License Renewals

- A. All licenses are renewed annually on June 30.
- B. Renewal notices are mailed by the board to current licensees on April 15, and requests and fees for renewals are due not later than June 30.
- C. Delinquent requests for renewals will be accepted by the board through July 31, provided the delinquent renewal fee is paid.
- D. Licensees who allow their licenses to lapse by not renewing them before July 31 will be required to make a complete new application to the board for a license, and will be required to meet the qualifications required by law as they exist at the time of the new application.
- E. Initial licenses issued during the last quarter of the fiscal year, i.e., during April, May or June, will not be required to be renewed for the following year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

#### §111. Application Procedure

- A. An application for a license to practice speech pathology and/or audiology in Louisiana must be made on forms supplied by this board.
- B. In order to verify the academic degrees held by an applicant, or their equivalent, official transcripts must be sent to this board directly from the college or university from which the academic requirements were earned.
- C. The supervised clinical experience required to obtain a license must be verified by the college or university where the experience was obtained and submitted only on that college or university's reporting forms.
- D. The initial licensure fee submitted to this board must be paid by certified check, cashier's check or money order only; renewal fees may be paid by personal check.
- E. The nine months of professional experience required to obtain a full valid license must be completed after all other license requirements have been completed.
- F. While an application for a license is being considered by this board, the applicant may be employed as a speech pathologist or audiologist or speech-language-hearing specialist for a period not longer than 60 days from the date that his/her application is acknowledged to have been received by this board, but in no event after the applicant is notified that his/her application has been denied by this board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

#### §113. Supervision Requirements of Restricted Licensees

- A. Restricted licensees are required to undergo direct su-

pervision by a full valid licensee in the field in which the restricted license is held.

B. The direct supervision of a restricted licensee must include 12 to 15 monitoring activities annually, at least four of which must be on-site observations divided between the areas of diagnostics and management, as specified on the board's Form 100, entitled "Supervision Guidelines For Restricted Licensees."

C. The board's Form 100 must be submitted to the board annually by each restricted licensee, following completion of the supervision plan. All other licensees must submit Form 100 no later than July 10 of each year: licensees employed in the public schools must submit Form 100 within 10 days after the end of the school year.

D. All costs of supervision must be borne by the restricted licensee or his/her employer, but in no event will those costs be borne by this board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

#### §115. Disciplinary Proceedings

A. This board may suspend or revoke a license which it has issued upon proof of any of the causes set out in R.S. 37:2662 or 2664.

B. When this board has cause to believe that a licensee has violated any portion of R.S. 37:2662 or 2664, the board shall so advise the applicant in writing, setting forth the grounds on which it believes a violation has occurred, setting forth the sanctions which are mandated or permitted for such violation(s), and provide the licensee with the opportunity for a hearing pursuant to R.S. 37:2663 and 49:955-958. Unless waived by the licensee, the board's findings of fact, its conclusions of law, and decision as to the sanctions to be imposed, if any, shall be made in writing and served upon the licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

#### §117. Licensure by Reciprocity

The board may waive the examination for applicants who present proof of current licensure or certificate in another state with standards equivalent to those of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

#### §119. Additional Requirements for Foreign Graduates

A. Any document required to be submitted to this board with an application for a license must be in the English language, or accompanied by a certified translation thereof into the English language.

B. As a condition to the board's consideration of the license application of a graduate of a foreign college or university, the board must receive an evaluation of the applicant's transcript from an approved credentials evaluation agency. A list of approved agencies, and their addresses, may be obtained from the board.

C. Because the essence of the practice of speech pathol-

ogy and audiology is communication, a foreign graduate shall, by appointment, make a personal appearance before a member of this board or its designee before a license can be issued.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2651-2665.

**HISTORICAL NOTE:** Adopted by the Department of Health and Hospitals, Board of Examiners for Speech Pathology and Audiology, LR 14: (October 1988).

Dianne P. Orlesh  
Chairperson

## **RULE**

### **Department of Health and Hospitals Board of Pharmacy**

In accordance with R. S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that under R. S. 37:1178 the Louisiana Board of Pharmacy updated and recodified its regulations.

The rules encompass present regulations with updates, and, in addition, proposes to license out-of-state pharmacies doing business in Louisiana, manufacturers, manufacturer's representatives, and wholesalers in an effort to better ensure against legend drug diversion, enhance information pertaining to drug recalls, and limit legend drug distribution only to authorized persons or corporations.

These rules may be viewed in their entirety by contacting Howard B. Bolton, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Boulevard, 8-E, Baton Rouge, LA 70808.

Howard B. Bolton  
Executive Director

## **RULE**

### **Department of Health and Hospitals Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority vested in it by R.S. 37, Chapter II, Nurses, Part II, Practical Nurses, Sections 961-979, and pursuant to the notice of intent published on August 20, 1988, took the following action relative to an amendment to the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the state of Louisiana (LAC XLVII, 703.A) on September 30, 1988, at its annual board meeting in New Orleans, Louisiana.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLVII. Nurses**

#### **Subpart 1. Practical Nurses**

#### **Chapter 7. Program Establishment**

#### **§703. Initial Requirements**

A. Programs in practical nursing shall be established in an educational institution that meets the requirements of the Louisiana State Board of Practical Nurse Examiners.

B. - K. . . .

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:337 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 14: (October 1988).

Terry L. DeMarcay, RN  
Executive Director

## **RULE**

### **Department of Health and Hospitals Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, has adopted the following rule in the Food Stamp Program.

This revision is mandated by federal regulations published in the *Federal Register*, Vol. 53, No. 115, Wednesday, June 15, 1988, pages 22291-22292. It was necessary to adopt this as an emergency rule as federal regulations mandated an immediate implementation date.

## **RULE**

Effective immediately, cash charitable contributions based on need, which are received from private nonprofit charitable organizations, not in excess of \$300 total per federal fiscal year quarter, shall be excluded as food stamp household income.

Affected households are entitled to the income exclusion beginning with the second federal fiscal year quarter of 1988 (January, 1988 through March 1988) but not prior to February 1, 1988. Consequently a household which received \$100 in January, 1988, another \$100 in February and \$250 in March from private nonprofit charitable organizations would be entitled to an income exclusion for the \$100 received in February and \$200 of the \$250 received in March for a total income exclusion of \$300 in that quarter.

Affected households which were denied benefits because the household's eligibility or benefit calculation during the second federal fiscal year quarter of 1988 (but not prior to February 1, 1988) did not include this income exclusion shall be entitled to restored benefits, if otherwise eligible, at the time of recertification, whenever the household requests a review of its case, or when the OED otherwise becomes aware that a review of a particular case is needed. Restored benefits shall be paid to February 1, 1988, or the date of the food stamp application, whichever is later.

David L. Ramsey  
Secretary

## **RULE**

### **Department of Health and Hospitals Office of Public Health**

In accordance with the laws of the State of Louisiana, R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer has determined that the

following amendment to the listing entitled "Mechanical Waste-water Treatment Plants for Individual Homes—Acceptable Units" is adopted.

1. Amend the listing to include an additional model/series for a currently listed manufacturer/plant, specified as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Delta Process Equipment, Inc. P. O. Box 969 Denham Springs, LA 70727-0969 (504) 665-1666	Models HU-0.5D HU-1.0D HU-1.5D	500 GPD 1000 GPD 1500 GPD

The specified change is in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

David L. Ramsey  
Secretary

## RULE

### Department of Health and Hospitals Office of Public Health

Chapter IX  
Seafood

(Marine Fresh Water Annual Food Products)

The Department of Health and Hospitals, Office of Public Health pursuant to LSA-R.S. 40:5.3 as amended and reenacted by Act 1 of the First Regular Legislative Session of 1988 has adopted these regulations to amend Chapter IX (Seafood) of the Sanitary Code of Louisiana. This rule pertains to molluscan shellfish growing-areas, specifically regarding (1) Louisiana growing areas survey and classification rules, (2) laboratory analysis of shellfish growing waters- methods and techniques, (3) shellfish transplant permits. These regulations comply with said act and provide a proper foundation for law enforcement with regard to the illegal harvesting of molluscan shellfish. It is also anticipated that these amendments should reduce the incidence of shellfish-related disease outbreaks.

The Oyster Water Monitoring Program adopted an emergency rule to implement the change effective July 20, 1988, as mandated by Act 1 of the First Extraordinary Legislative Session of 1988. The rule was published in its entirety in the Emergency Rule Section of the *Louisiana Register*, Vol. 13, No. 7, dated July 20, 1988.

David L. Ramsey  
Secretary

## RULE

### Department of Health and Hospitals Office of Public Health

The Department of Health and Hospitals, Office of Public Health has adopted the following rule on Title 48, Part V, Subpart 21, Section 7303 et seq., in accordance with R.S. 49:950

et al; as follows:

## Title 48 PUBLIC HEALTH—GENERAL Part V. Preventive Health Services Subpart 21. Water and Sewerage Treatment Operator Certification

### Chapter 73. Certification §7303. Training - General

#### A. Training Courses Available

In order for the following training courses to be approved by the administrator, Operator Certification Program for training credits on the individual operator's record, the course must meet the following general requirements.

1. The administrator must have on file a copy of the course outline of the training course, seminar, workshop, etc. to make his approval decision.

2. Information must include dates, place held, sponsoring organization, speakers/instructors and time (length of subject.)

3. No blanket approval (from year to year-course) will be given or implied and a separate approval must be given by the administrator, Operator Certification Program each time training is given. On doubtful courses, the administrator will bring the matter to the Committee of Certification for disposition (An aggrieved applicant may apply for an administrative hearing to be conducted by a panel of the Committee of Certification.)

4. Operators shall be responsible to assure the sponsoring organization submitting his certified transcript of training credits earned to the administrator.

5. The operator shall notify the administrator of the course name, date taken and number of hours credit he wishes posted to his record.

B. Training courses, short courses, technical sessions, seminars, workshops, etc., recognized by both the Committee of Certification and Department of Health and Hospitals, OPH include, but are not limited to, the following:

1. annual short course of the Louisiana Conference on Water Supply, Sewerage and Industrial Wastes;

2. regional conferences of one or more days sponsored and/or co-sponsored by the Louisiana Conference on Water Supply, Sewerage and Industrial Wastes;

3. American Water Works Association Annual Conferences, technical sessions, seminars and workshops;

4. National Association of Water Companies Annual Conferences seminars and workshops;

5. Southwest Section, American Water Works Association Annual Conference, technical sessions, seminars and workshops;

6. college or university and vocational-technical sponsored water and/or wastewater courses, as approved by the Certification Committee;

7. Water Pollution Control Federation Annual Conference, regional meetings, technical sessions, seminars and workshops;

8. Louisiana Water Pollution Control Association regional meetings, technical sessions, seminars and workshops;

9. Louisiana Rural Water Association regional meetings, technical sessions, seminars and workshops;

10. regional meetings, technical sessions, seminars, workshops and/or training programs, sponsored and/or co-sponsored by the Department of Health and Hospitals;

11. water and/or wastewater operator training courses approved for certification examinations by the Committee of Certification.

12. short schools, technical courses, seminars, workshops and training programs sponsored by other states.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources Office of Preventive and Public Health Services LR 13:246 (April 1987), repealed and re-adopted by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

### **§7305. Examinations - General**

A water and/or wastewater organization or utility may apply to the Committee of Certification for recognition if not listed in §7303.B and approval to conduct an approved training course. The applicant for an approved training course may ask that certification exams be conducted following the completion of the course. In order to obtain approval from the Committee of Certification, the applicant (sponsoring individual organization) must comply with the following requirements and rules.

A. The applications must be submitted to: The Administrator, Operator Certification Program, Louisiana Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160.

B. Applications must be submitted 30 days prior to the beginning of the course.

C. The applicant must acknowledge receipt of approval for the course by return mail to the hands of the administrator prior to beginning the course. No exam shall be conducted without prior written approval.

D. Blanket approval for training courses and exams will not be given by the Committee of Certification, i.e., each training course and each exam period must be approved according to these rules.

E. No exam period shall be approved to follow a training course consisting of less than 40 hours. An exception to this rule may be granted to the Louisiana Conference on Water Supply, Sewerage and Industrial Waste as this organization and its sub-organizations comprise the official training arm of the Committee of Certification.

F. Approval will be given to conduct exams only at the level of training and for areas of instruction given at the training course, i.e., for training in Class I, II, III or IV in production, treatment or distribution.

G. The level of training for which the course is directed must be stated in the application.

H. The applicant must submit a detailed course outline to include:

1. the goal of the training course;
2. which operators in water and/or wastewater would benefit from taking the course;
3. each subject to be covered;
4. a brief synopsis of each subject area to be covered;
5. the number of hours covered in each subject;
6. what references will be supplied in the course;
7. what references and materials the student should bring to the course.

I. The applicant must submit the names of all instructors, their education and work experience credentials and their certification levels.

J. Only those examinations prepared under the auspices of the administrator and the Committee of Certification will be given.

K. All examinations will be conducted and monitored by members of the staff of the Louisiana Department of Health and Hospitals and/or members of the Committee of Certification. No exams will be conducted without the presence of at least one monitor for every 20 examinees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

### **§7307. Examination Periods**

A. The Committee of Certification has established examination periods for water and/or wastewater operators to be examined. They are as follows:

1. One annual exam shall be conducted at the conclusion of the annual Louisiana Conference on Water Supply, Sewerage and Industrial Waste "Short Course," meeting which is held in various locations around the state. This meeting is usually held in March of each year.

2. The mid-year examination period shall be conducted in August of each year in a location approved by the Committee of Certification. This period is usually held in a location on the opposite end of the state from the March meeting.

3. Other examination periods may be scheduled at other locations as determined by the Committee of Certification based on their determination of need subject to provisions of §7305 of these rules.

4. Application for examinations to be given following scheduled training courses, seminars, workshops, etc., (as listed in §7303.B of these rules) will be considered on a case-by-case basis by the Committee of Certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

### **§7309. Examinations - Individual Operator Requirements**

A. Individual Operators of water and/or wastewater plants may make application to the Committee of Certification to take examinations. These examinations are offered in the following areas of qualifications:

1. Water Production
2. Water Distribution
3. Water Treatment
4. Wastewater Collection
5. Wastewater Treatment

B. Individual operators must make written application to the Committee of Certification to take each examination or series of examinations. The application forms will be made available to the examinee prior to the exam period with ample time given to allow completion prior to the actual exam period. The application will be given to the monitor prior to the exam. The operator (examinee) carries the responsibility for the accuracy of the information contained in the application.

C. Applicants for certification examinations must pay the prescribed exam fee prior to testing, see §7311.B of these rules.

D. Applicants for operator certification examinations must



be employed or seeking employment by the water or wastewater utility, either municipal, privately owned, separate district or other entity recognized by the Committee of Certification.

E. Exams will not have to be taken in grade sequence. It is recommended, however, that operators progress up through the four classes.

F. Upon written request to the administrator, special provisions may be made to administer the certification exams either orally or in another language.

G. If an applicant takes an examination and fails to attain a passing grade (70 percent or higher), he must wait a minimum of 90 days before he can take another exam in the same category and level.

H. All examinations will be graded by Department of Health and Hospitals personnel and retained for three years. The examinee will be notified of the results. Examinations will not be returned to the examinee but may upon written request, be reviewed in the Engineering Section Office in New Orleans.

I. Individuals caught cheating during the operator certification examinations or found to have prejudiced these exams or applications in any way shall be entitled to an administrative hearing before the Committee of Certification. If the committee finds that valid grounds exist, it shall revoke the subject's current certificate, it may refuse to certify the applicant and it may reject future applications. As provided in the Administrative Procedure Act, an aggrieved party may seek judicial review of the Committee of Certification's action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

#### **§7311. Examination Fees**

A. All fees for examination shall be paid to the Committee of Certification.

B. Examination Fees shall be \$5 per exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

#### **§7313. Certification**

A. All persons seeking certification must pass a written examination (grade 70 percent or higher) and meet minimum education/experience requirements (see Appendices 1) in the category in which he seeks certification. Exams shall be conducted in the English Language.

B. Certificates must be displayed by the holder in a prominent place in the Classified Facility (see Appendices 2). Failure to do so may cause revocation of the certificate in accordance with the Administrative Procedure Act.

C. If a certificate is allowed to lapse by the holder after the issuing period of two years, the holder may apply for a renewal provided that all fees and penalties for the intervening years are paid in addition to fees due for the renewal years.

D. Any certificate not renewed after two years (24 months) of expiration is void and re-examination may be required.

E. Certificates shall be valid only so long as the holder uses reasonable care, judgment, and knowledge in the performance of his/her duties. No certificate will be valid if obtained or

renewed through fraud, deceit, or the submission of inaccurate qualification data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

#### **§7315. Application for Certification**

A. Applicants who pass the examinations and meet the education and experience requirements will be notified to apply for the earned certification and pay the prescribed fees. Failure to make application and pay required fees within 90 days of notification may void the right to be certified from that examination and the Committee of Certification may require re-examination. All applications for certificates shall be addressed to: Administrator, Operator Certification Program, Louisiana Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, Louisiana 70160.

B. Applicants who pass an examination but do not meet the education and experience requirements will be notified of what education and/or experience and/or training is required to qualify. Failure to qualify within two years may void the examination results and the Committee of Certification may require re-examination. At whatever time the applicant qualifies, an application with the necessary fee must be submitted within 90 days as in the above requirement or re-examination may be required.

C. Individuals who have combined work experience in both water and wastewater may make written application to the Certification Committee for credit toward certification in either or both of the two categories. The work experience will be listed in a detailed resumé application which details the overlapping areas of work responsibility. This application will be certified by the immediate supervisor of the individual requesting certification. The Committee of Certification will rule on each individual application as presented. These applications will be reviewed twice a year by a screening subcommittee composed of members of the Operator Certification Committee.

D. One individual may be licensed as the "operator" over (several) more than one water or wastewater system or district provided that he is actively involved on a day-to-day basis in the operation of the systems, and not merely retained as a consultant.

E. Experience must be in the actual water supply system or sewage system operation or its approved equivalent and must be in the field applying to the respective certificates. Experience as foreman or supervisor in most capacities in water and sewerage systems may be considered acceptable. Experience in purely clerical capacity, such as accounting, bookkeeping, or narrow technical capacities, such as laboratory technicians or as laborers or meter readers cannot be considered as acceptable experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

#### **§7317. Fees - Certificates**

A. Certificate fees, in addition to the examination fee, shall be:

1. collected for issuance, renewal and/or reciprocation of certificates. The amount of fee is based on the number of certifi-

ates held in each field of water and/or sewerage, and the fee is calculated separately for water and sewerage. A \$10 fee is required for certification in the first category in water and/or sewerage and an additional \$5 is required for each added category.

For example:

	SEWERAGE	WATER
1 category	\$ 10	\$ 10
2 categories	15	15
3 categories	20	20
4 categories	25	25

2. Communities, municipalities, utilities and/or corporations may elect to utilize a flat fee system regarding their employees' certifications. For a fee of \$50 per year for either field of water or sewerage or \$100 per year for both, all eligible operators may be certified, either initially or renewed. In addition to the flat fee, there will be a \$5 per certificate charge for each certificate issued. In the instance of the flat fee, the individual operators at each facility will be the responsibility of the principal of the organization and shall be submitted with each renewal (flat fee) payment.

3. Duplicate certificates will be issued for a fee of \$5 per certificate.

4. Water and wastewater operator certificates will be renewed on a two-year basis, with the fees remaining at the same annual rates as are currently in effect but collected every two years.

For example:

	ANNUAL RATE		EACH TWO YEARS	
	WATER	SEWERAGE	WATER	SEWERAGE
Flat Fee	\$ 50	\$ 50	\$ 100	\$ 100
1 Category	10	10	20	20
2 Categories	15	15	30	30
3 Categories	20	20	40	40
4 Categories	25	25	50	50

5. Fees are to be paid in the form of a check or money order made payable to the Committee of Certification, Box 60630, New Orleans, Louisiana 70160. In addition to payment of the prescribed fee, the applicant must enumerate and certify that he/she has attended at least 16 hours of approved operator training hours for each field in which certified, during the previous two-year period. Failure to attend the required training or failure to furnish the required information shall constitute ground for refusal to renew the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7319. Certificate Renewal**

A. Any certificate not renewed by the first of April of the succeeding billing year is delinquent and a late renewal fee of \$5 must be paid in addition to the normal renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7321. Recertification**

A. In order to qualify for recertification in any and all classes, all operators of water and sewerage works shall demon-

strate that they have met all training requirements prescribed by the Committee of Certification as set forth in these rules. The operator must accumulate at least 16 hours of approved training in a two-year period in each field for which he is certified (water or sewerage). Approved training is defined as the completion of any of the training courses listed in training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7323. Reciprocity**

Reciprocity shall be granted at the discretion of the Committee of Certification, without examination, to holders of comparable certificates issued by other states, territories, or possessions of the United States. The applicant for a certificate under the reciprocity clause must submit his application on an official application blank, obtainable from the administrator. The application must be accompanied by the appropriate fee. The applicant must submit a copy of his certificate or other proof, satisfactory to the Committee of Certification that he holds a certificate issued by a governmental agency of another state, territory or possession of the United States. Such certificates must have been received after passage of an examination at least equivalent to that given by the Louisiana Committee of Certification for the level of competency for which application is made.

The burden of proof to submit sufficient information for the Committee of Certification's consideration shall be upon the applicant. If, after receiving such an application, the Committee of Certification is satisfied that the applicant qualifies for a certificate, it may, at its discretion award him a certificate in the appropriate grade. A reciprocal certificate will not ordinarily be issued unless the applicant is employed, or has accepted employment, in a Louisiana water or wastewater facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7325. Temporary Certificate**

Temporary certificates may be granted to either new operators or operators of new facilities. A temporary certificate shall be valid for a period of 24 months from the date of issue, and may not be renewed. The holder of a temporary certificate must qualify for a mandatory certificate within the 24-month time frame.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7327. Notification**

A. Failure to receive any notices previously mentioned does not relieve the certificate holder or applicant from complying with the rules of the Committee of Certification. The burden is upon the certificate holder or applicant to provide the Committee of Certification with a current mailing address.

B. Any request for applications, training course approvals, reciprocity, etc., and/or questions on Operator Certification should be addressed to: Administrator, Operator Certification Program, DHH-OPH, Box 60630, New Orleans, LA 70160.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7329. Limited Certificates**

All operators presently certified, in compliance with R.S. 40:1141-1152 working for a water supply or sewerage system on the effective day of this rule, and who do not hold the required certificates due to the population range and the certification titles for facility classification amendments, and who apply to the Committee of Certification within 12 months of the effective date of this rule and pay the prescribed certification fees, shall be granted an Operator's Limited Certificate, which shall be valid only for the system in which the operator is employed and for the conditions of operations and duties involved on the effective date of this rule. Limited certificates shall be renewable upon application provided the requirements for renewal without reexamination for certificates of even grade are satisfied. Persons granted limited certificates and renewals of limited certificates shall pay the same fees as are fixed for mandatory certificates of like grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7331. Operator Qualifications (Education/Experience)**  
(See Appendices 1)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7333. Levels of Certification for Types of Facilities**  
(See Appendices 2)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

**§7335. Inventory of Water and Wastewater Systems**

To insure proper enforcement of R.S. 40:1141-1152, the Committee of Certification requests the assistance of The Louisiana Conference on Water Supply, Sewerage and Industrial Waste, Inc. in developing accurate inventory of Water and Wastewater facilities covered by R.S. 40:1141-1152. These inventories shall be developed by the officers of The Louisiana Conference on Water Supply, Sewerage and Industrial Waste, Inc. and the Sections known as: 1. Northwest Section, 2. Northeast Section, 3. Central Section, 4. Southwest Section, 5. Lake Area Section, 6. Capitol Section, 7. Southeast Section, 8. South Central Section, along with The Louisiana Rural Water Association and The Louisiana Water Pollution Control Association. The administrator, Operator Certification Program will provide inventory questionnaire forms to the above mentioned organizations to assist in obtaining necessary facility inventory information. These completed inventory questionnaires shall be submitted to the administrator, Operator Certification Program, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1141-1152.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (October 1988).

Appendices 1

OPERATORS QUALIFICATIONS

Minimum Education (Ed.) and Experience (Exp.) Requirements (years)

Operator Class	1		2		3		4	
	Ed.	Exp.	Ed.	Exp.	Ed.	Exp.	Ed.	Exp.
Wastewater Collection	12	1	12	2	14	3	16	4
Wastewater Treatment	12	1	12	2	14	3	16	4
Water Production	12	1	12	2	14	3	16	4
Water Treatment	12	1	12	2	14	3	16	4
Water Distribution	12	1	12	2	14	3	16	4

- (a) Two years of acceptable experience in a Class 1 or higher operation.
- (b) Three years of acceptable experience in a Class 2 or higher operation, two years of which must have been in a position of major responsibility.
- (c) Four years of acceptable experience in a Class 3 or higher operation, two years of which must have been in a position of major responsibility.

SUBSTITUTIONS

A. Experience for Education:

- 1. One year of supervisory experience considered as equivalent to two years of education.
- 2. One year of non-supervisory experience may be considered as equivalent to one-half year of education.
- 3. Only a maximum of four years experience may be applied.
- 4. Experience applied to education may not also be applied to the experience.

B. Education for Experience:

- 1. One year of appropriate college may be considered as equivalent to two years of general experience or one year of experience in responsible charge.
- 2. Each 30 semester hours of college credit may be substituted for one year general experience. (Thirty semester hours - 45 quarter hours - one year).
- 3. Substitution of education for experience is limited to a maximum of 50 percent of the experience requirement.
- 4. Education applied to experience requirements cannot also be applied to education requirements.

C. For Formal Education:

- 1. High school: High school diploma - GED or other equivalent - twelve years. A grade equivalent can be substituted for a formal high school diploma and be counted as twelve years of education.
- 2. Training Credits (T.C.) for specialized operator training courses, seminars, college or university sponsored courses, approved technical conferences, etc.: six classroom hours of operator courses shall equal one T.C. and 45 T.C. shall equal one year of education.

**LOUISIANA COMMITTEE OF CERTIFICATION  
FACILITY CLASSIFICATION**

FACILITY CLASSIFICATION SYSTEM WATER & WASTEWATER (SEWERAGE) FACILITIES				
TYPE OF FACILITIES	POPULATION SERVED			
	500 to 1,000	1,001 to 5,000	5,001 to 25,000	25,001 & above
WATER PRODUCTION	1-P	2-P	3-P	4-P
WATER DISTRIBUTION	1-D	2-D	3-D	4-D
WATER TREATMENT	1-T	2-T	3-T	4-T
WASTEWATER TREATMENT	1-W	2-W	3-W	4-W
WASTEWATER COLLECTION	1-C	2-C	3-C	4-C

Water production certifications are required on all facilities which use groundwater as a source of raw water which do not alter the physical, chemical or bacteriological quality of the water.

Water distribution certifications are required on all portions of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of the consumer.

Water treatment certifications are required on all facilities which use surface water and/or groundwater as a source of raw water that involve simple complex treatment and/or which in some way alters the physical, chemical or bacteriological quality of the water.

Wastewater treatment certifications are required on all facilities which provide for the treatment of wastewater and the reduction and/or handling of sludge removed from such wastewater.

Wastewater collection certifications are required on all components of a sewerage system except for the sewage treatment plant.

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary**

The Bureau of Medical Services Financing is adopting the following rule which was published as a notice of intent in the *Louisiana Register*, Vol. 14, No. 8, dated August 20, 1988.

**RULE**

When a change in ownership of a Long Term Care Facil-

ity occurs, a minimum of ten percent of the final vendor payment to the old legal entity is withheld pending the fulfillment of the following requirements:

Completion of a limited scope audit of the facility, with findings and any recommendations of a qualified accountant of the old legal entity's choice submitted to the Division of Medical Assistance; the facility's compliance with the recommendations of the limited scope audit with the following exception:

If the new legal entity disputes the finding of the limited scope audit, said entity may engage an independent auditor and submit any findings and recommendations to the Division of Medical Assistance for review. In such instances, the independent auditor must certify his independence and submit a written opinion to the Division of Medical Assistance. Compliance with the findings and recommendations of the independent auditor shall be required.

Submission of an acceptable cost report covering the period to the date of ownership change.

Once these requirements are met, the portion of the payment withheld shall be released.

**EXCEPTION:** New owners may provide the Division of Medical Assistance with a notarized document attesting that they shall be responsible for compliance with the limited scope audit findings submitted by the old legal entity. When this notarized statement and the cost report are received, the portion of the payment withheld shall be released.

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary**

The Bureau of Medical Services Financing is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 8, dated August 20, 1988.

**RULE**

The rights of Title XIX (Medicaid) recipients in Long Term Care Facilities (SNF, ICF-I, ICF-II, and ICF-MR) shall include, but not be limited to all rights afforded under P.L. 100-203 effective November 1, 1988.

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary**

The Bureau of Medical Services Financing is adopting the following rule.

**RULE**

The Medical Assistance Program shall limit coverage of

drugs to the below listed categories:

Hypotensive Agents  
Cardiac Glycosides  
Vasodilating Agents  
Diuretics  
Other Cardiovascular Drugs  
Anti-Coagulants  
Coagulants  
Antineoplastic Agents  
Other Blood Formation & Coagulants  
Androgens  
Estrogens  
Thyroid & Antithyroid  
Insulins  
Anti-Diabetic Agents  
Oral Contraceptives  
Contraceptive Supplies  
Other Contraceptives  
Other Hormones  
Adrenals  
Non-Narcotic Analgesics  
Antipyretics  
Narcotics  
Anticonvulsants  
Sedatives & Hypnotics (Phenobarbital)  
Tranquilizers (Major)  
Antidepressants  
Stimulants  
Uricosuric Agents  
Other Psychotherapeutic/Neurological Agents  
Erythromycins  
Penicillins  
Streptomycins  
Tetracyclines  
Ampicillins  
Sulfonamides  
Urinary Germicides  
Antituberculars  
Plasmodicides  
Anti-Inflammatory Agents  
Anti-Fungal Antibiotics  
Antiparasitics  
Miotics  
Mydriatics  
Anti-Infectives (EENT)  
Anti-Inflammatory Agents (EENT)  
Parasympatholytics  
Anti-Diarrhea Agents  
Other Gastrointestinal Drugs (Tagamet, Zantac, Carafate,  
Pepcid and Axcide)  
Parasympathomimetic Agents  
Fungicides  
Antipuritics & Local Anesthetics  
Antiasthmatics  
Other Pulmonary Agents  
Alkalinizing Replacing Solutions  
Replacement Solutions  
Irrigating Solutions  
Electrolytes  
Unclassified  
Biologicals, Indwelling Catheters, Trays & Combination,

Indwelling Catheters & Trays

Cephalosporins

Should additional funding become available, the following categories of drugs will be added to the closed formulary:

Anti-Anemic Drugs

Antihyperlipidemics

Enzymes, Digestants and Lipotropics

Topical Antibiotics

Skeletal Muscle Relaxants

Specific drug products authorized for reimbursement under each therapeutic category shall be listed by generic name and strength/unit. This list of drug products shall be displayed by drug name, strength/unit and dosage form in the appropriate Title XIX provider manuals. The strength/unit of a drug was determined by the availability and frequency of use in the Medical Assistance Program of that drug in a particular strength/unit.

The dosage form of a drug as listed is an identification of the dosage of a drug in a particular strength/unit.

The cost reimbursable in the Medical Assistance Program for any drug listed in the closed formulary shall not exceed the lower of:

1. The Louisiana Maximum Allowable Cost (LMAC);

2. The Federal Maximum Upper Limit for Multiple Source

Drugs; or

3. The Estimated Acquisition Cost (EAC) of the product dispensed.

Under the closed formulary, provision is made for a physician override within the parameters of the formulary. Reimbursement to providers under Title XIX shall be strictly limited to drug products authorized by the agency.

The agency shall establish a Louisiana Medicaid Drug Formulary Committee composed of the following members to review and recommend drugs for addition or deletion from the restricted formulary. One member shall be from the LSU School of Medicine; one member shall be from the Tulane School of Medicine; one member shall be from the Northeast School of Pharmacy; one member shall be from the Xavier School of Pharmacy; one member shall be a physician who is enrolled and practicing as a Title XIX provider, selected by the State Medical Society; and one member shall be a pharmacist who is either a Title XIX pharmacy provider or employee, selected by the State Pharmaceutical Association, and two non-voting members selected by the Pharmaceutical Manufacturers Association.

Based upon the recommendations by the Formulary Advisory Committee, authorization for reimbursement of drug products within each therapeutic category covered under Title XIX may be granted or revoked following provider notification. Bidding of single source drugs within a therapeutic classification and limiting reimbursement to the successful bidder may be utilized based upon recommendation by the Formulary Advisory Committee. Based upon the recommendations of the Committee, Title XIX coverage of therapeutic categories of drugs may be expanded or reduced through Rulemaking procedures in accordance with R.S. 43:953 et seq.

David L. Ramsey  
Secretary

**RULE**

**Department of Transportation and Development  
Weights and Standards**

This rule modifies the exceptions to the Bridge Formula outlined in Act 686 of 1987. It is promulgated in accordance with Section 2 of Act 686 of 1987, in order to comply with the mandate of the Federal Highway Administration.

**Title 73  
WEIGHTS, MEASURES AND STANDARDS  
Part I. Weights and Standards**

**Chapter 5. Secretary's Policy and Procedure Memorandum No. 47**

**Subchapter D. Legal Limitations**

**§521. Weight**

- A. - F. ...
- G. Bridge Formula

1. The Bridge Formula set forth in 23 USCA 127 and in R.S. 32:386 applies to all vehicles except:

- a. type six axle configuration (five axle combination with one single axle and two sets of tandem axles) carrying one of the commodities listed in Subparagraph d;
- b. type eight axle configuration (six axle combination with one single axle, one tandem axle, and one tridem axle) carrying one of the commodities listed in Subparagraph d;
- c. type ten axle configuration (double-bottom) carrying one of the commodities listed in Subparagraph d;
- d. the above types of vehicles must be carrying the following commodities in their bulk or natural state: forest products, sand, gravel, agricultural products or lumber.

2. Also exempt from provisions of the Bridge Formula for a period to extend to September 1, 1989, are certain five axle vehicles comprised of tank trailers, dump trailers and ocean transport containers.

3. The following vehicles will have a phase-in period of five years (to commence upon promulgation of this rule) within which to comply with the axle spacing prescribed by the Bridge Formula:

- a. Three-axle vehicles which carry the following commodities in bulk or natural state: forest products, sand, gravel, agricultural products, lumber, loose or mixed concrete (including asphaltic or Portland cement), or bulk liquid commodities.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:386.

**HISTORICAL NOTE:** Adopted by the Department of Transportation and Development, Weights and Standards, LR 14: (October 1988).

Neil L. Wagoner, P.E.  
Secretary

**RULE**

**Department of Wildlife and Fisheries  
Office of Coastal and Marine Resources**

**Title 76  
WILDLIFE AND FISHERIES  
Part VII. Fish and Other Aquatic Life**

**Chapter 5. Oysters**

**§509. Outside Area Atchafalaya - Vermilion Bay Oyster Seed Ground**

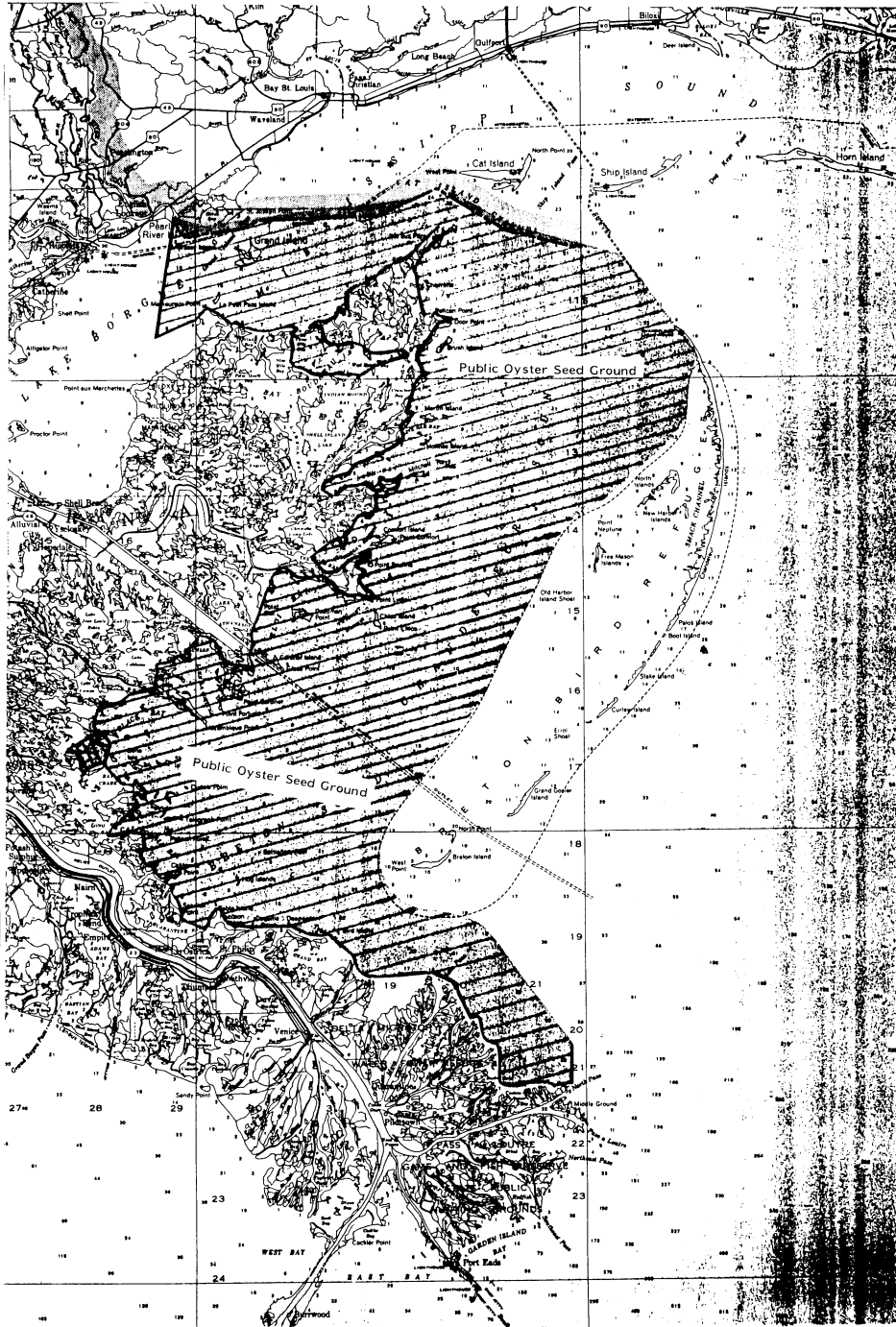
The outside area Atchafalaya-Vermilion Bay Oyster Seed Ground is described as that portion of state waterbottoms beginning at a point known as South Point on the Southeast portion of Marsh Island (y-298,750.40) (X-1,863,189.50), thence S 74° 10' 18" E 52785.6 feet to a platform (y-284,352.82) (X-1,913,973.65), thence S 68° 18' 41" E 75, 154.9 feet to Eugene Island (y-256, 578.31) (X-1, 983,808.02), thence S 35° 17' 41" E 17,453.6 feet to Point Au Fer (y-242, 332.84) (X-1, 993, 892.44), thence south 35° 00' W approximately 3 miles to the Louisiana State Territorial Limitation, thence westerly along the State Territorial Limitation to a point south of Marsh Island thence north approximately 3 miles to a point on Marsh Island (y-295,200.0) (X-1, 845,950.0), thence easterly along the shoreline of Marsh Island to South Point being the point of beginning.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:434.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources, LR 14: (October 1988).

**§511. Public Oyster Seed Grounds East of the Mississippi River**

The Public Oyster Seed Grounds East of the Mississippi River are described as that portion of state waterbottoms hatched on the map below.



AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources, LR 14: (October 1988).

Virginia Van Sickle  
Secretary

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Fur and Refuge Division manages approximately

500,000 acres of wetlands in the coastal zone that includes both refuges and wildlife management areas. In compliance with the Deeds of Donation only certain activities are permitted on the refuges. To promote and encourage wildlife habitat utilization by both wildlife species and user groups, rules and regulations are required governing the uses. Adjustments made to the resolutions approved by the Louisiana Wildlife and Fisheries Commission appear in the record throughout many years. In order to simplify and clarify the existing rules and regulations for publication in the Administrative Code, Title 76, the Louisiana Wildlife and Fisheries Commission is readopting each set dealing with all refuges and wildlife management areas.

Virginia Van Sickle  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Marketing

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:556.5, notice is hereby given that the Louisiana Crawfish Promotion and Research Board intends to adopt rules and regulations for the collection of crawfish bag assessments.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part V. Advertising, Marketing and Processing

#### Chapter 23. Louisiana Crawfish Promotion and Research Board

#### §2301. Definitions

*Board* means the Louisiana Crawfish Promotion and Research Board.

*Crawfish Farmer* means a person who cultivates crawfish in ponds.

*Crawfish Harvester* means a person who harvests wild crawfish without participating in the growing of the crawfish.

*Person* means any individual, corporation, partnership, association or other legal entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:556.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Louisiana Crawfish Promotion and Research Board, LR 14.

#### §2303. Designation of Crawfish Bags

A. Bags used to package live crawfish should meet the following specifications:

1. The bags should be made of woven polypropylene;
2. The mesh size of the bags should be no smaller than  $\frac{1}{16}$  inch and no larger than  $\frac{1}{4}$  inch;
3. The inside dimensions of the finished bags should be no larger than 18 inches wide and 30 inches long;
4. The bags should hold up to 45 pounds of crawfish.

B. Bags meeting all of the specifications in A, above, shall be designated and defined as "crawfish bags."

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:556.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Louisiana Crawfish Promotion and Research Board, LR 14.

#### §2305. Assessments on Crawfish Bags

A. Pursuant to Louisiana Revised Statute 3:556.7 (C), there is levied and imposed an assessment on each crawfish bag

in the amount of .01 for each bag holding less than 25 pounds of crawfish and .02 for each bag holding 25 pounds of crawfish or more.

B. The assessment shall ultimately be paid by the crawfish farmers and crawfish harvesters who purchase the bags.

C. Pursuant to Louisiana Revised Statute 3:556.9 (A), the assessments provided for above shall be collected at the first point of sale in Louisiana. The person selling the crawfish bags shall collect the assessments provided for herein.

D. The written application for an exemption from the assessments shall be on a form provided by the board, and the application for exemption form shall be filed annually with the board no later than April 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:556.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Louisiana Crawfish Promotion and Research Board, LR 14.

Interested parties may submit written comments on the proposed rules through 4:30 p.m., October 4, 1988, to Roy Johnson, Director, Market Development, La. Dept. of Agriculture and Forestry, Box 44182, Capitol Station, Baton Rouge, LA 70804.

Bob Odom  
Commissioner

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

#### Rule Title: Crawfish Promotion and Research Board

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no additional expenditures involved in implementing these regulations.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

During FY/88, The Louisiana Crawfish Promotion and Research Board collected \$33,981.33 in bag assessments. If this regulation had been in place, the board estimates that \$44,500 would have been collected in crawfish bag assessments.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The board estimates no additional cost to persons or non-government groups except by those firms that have been subverting state law. The crawfish industry as a whole will benefit by more funds being available for promotion and research.

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

Standardizing the definition of crawfish bags will eliminate the unfair advantage that some firms have taken by not collecting the state mandated assessment.

Richard Allen  
Assistant Commissioner

John R. Rombach  
Legislative Fiscal Officer



## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Marketing State Market Commission Fruits and Vegetables

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:543, the Department of Agriculture and Forestry, State Market Commission, is hereby giving notice of its intention to adopt the amendments detailed below. All comments should be forwarded to Frank Millican, Office of Marketing, Box 44184, Baton Rouge, LA 70804. Comments will be accepted in writing through November 4, 1988.

Amend LAC 7:V.1717 should be amended to read as follows:

#### Chapter 17. Market Commission – Fruits and Vegetables Subchapter A. Fruits and Vegetables Rules and Regulations

##### §1717. Sweet Potato Regulations

In addition to regulations stipulated in LAC 7:1703, the following regulation is prescribed governing the marketing and/or sale of sweet potatoes in Louisiana.

A. The U.S. Standards for U.S. Number 1 and 2 Grades of sweet potatoes as stipulated by the U.S. Department of Agriculture, shall be adopted as official state grades except that not more than 10 percent tolerance will be allowed for each grade.

B. The grade Louisiana Commercial is hereby established, the standards of which are not less than those of U.S. Number 2, except that not more than 10 percent tolerance for grade defects will be allowed.

C. The grade Louisiana Jumbo is hereby established, the standards of which are the same as U.S. Number 2, except that not more than 10 percent tolerance will be allowed and the minimum weight shall not be less than 16 ounces. There are no maximum weight requirements.

D. It shall be unlawful for any person, firm, or corporation to sell, offer for sale, ship, or move any sweet potatoes into the channels of fresh trade except U.S. Number 1, U.S. Number 2, Louisiana Commercial, and Louisiana Jumbo grades.

E. A grade inspection may be requested for sweet potatoes being moved into channels of fresh trade. If an applicant requests a grade inspection, an inspection will be performed and a certificate shall be issued by the Louisiana Department of Agriculture and Forestry. The Louisiana Department of Agriculture and Forestry shall charge \$25 per hour for inspectors on-site time for the performing of grade inspections and the issuing of grade certificates.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:405.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture, Market Commission, LR 11:249 (March 1985), amended by the Department of Agriculture and Forestry, Market Commission, LR 14:

Bob Odom  
Commissioner

## Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Sweet Potato Certification Fee

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation cost or savings to state or local governmental units.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections will be approximately \$15,000 as a result of charging for grade certification.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be an increase in cost to the sweet potato industry of approximately \$15,000.

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

There will be no effect on competition or employment.

Richard Allen  
Assistant Commissioner

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

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

The Board of Ethics for Elected Officials, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure pursuant to R.S. 18:1511.A, proposes to adopt the following rules concerning fees to be paid by political committees.

#### Fees For Political Committees

1. In accordance with R.S. 18:1491.E, the Supervisory Committee hereby imposes a fee of \$100 to be remitted with each statement of organization required to be filed by a political committee.

2. The \$100 fee shall be due only once per calendar year per committee. In the event that an amended statement of organization is filed by a political committee, no additional fee is required to be paid.

3. All fees paid in compliance with this section shall be by check drawn upon the designated depository of the political committee.

4. Certificates of registration will be issued to political committees only after a sufficient time has elapsed to insure that the check used to pay the required fee has been paid by the bank upon which it is drawn.

Interested persons may submit written comments until 4:45 p.m., October 31, 1988, to R. Gray Sexton, Executive Secretary, Board of Ethics for Elected Officials, 7434 Perkins Road, Suite B, Baton Rouge, LA 70808-4379. Inquiries concerning this proposed action may be made to Maris LeBlanc McCrory at the same address or at (504) 765-2308.

R. Gray Sexton  
Executive Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no anticipated implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that revenue collections will increase by \$26,500 in FY 88-89, \$34,200 in FY 89-90 and \$53,600 in FY 90-91.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Political committees will be affected by the requirement to pay this \$100 annual fee.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no anticipated effects on competition and employment.

Peter G. Wright  
Deputy General Counsel I

John R. Rombach  
Chief Fiscal Officer

**NOTICE OF INTENT**

**Department of Culture, Recreation and Tourism  
Office of Cultural Development  
Division of the Arts**

In accordance with R. S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Division of the Arts, Office of Cultural Development, Department of Culture, Recreation and Tourism intends to revise and amend the Guide to Arts Programs, the division's rule governing the administration of arts grants (Louisiana Administrative Code, Title 25, Cultural Resources, Chapter 3, Section 301 et seq.).

The proposed amendments are available for examination at the office of the Division of the Arts, 900 Riverside North, Fourth Floor, Baton Rouge, LA. Interested parties may comment on the proposed revised and amended rule in writing until 4:30 p.m., November 4, 1988, at the following address: Division of the Arts, Box 44247, Capitol Station, Baton Rouge LA 70804.

A public hearing will be held at 10 a.m., November 7, 1988, at the Division of the Arts, 900 Riverside North, Fourth Floor, Baton Rouge, LA.

Derek E. Gordon  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Guide to Arts Programs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no estimated implementation costs to state or local government units.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no estimated effect on competition and employment.

Derek Gordon  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Board of Architectural Examiners**

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners gives notice that it intends to amend Chapter 5 (Applications for Examination), Chapter 7 (Requirements for Registration and Examination), and Chapter 9 (Registration Procedure) in their entirety so that said chapters will henceforth provide:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part I. Architects**

**Chapter 5. Applications for Examination**

**§501. Making Application for Architectural Registration Examination**

A. A person desiring to take the Architectural Registration Examination ("ARE") should contact the National Council of Architectural Registration Boards ("NCARB") and request that NCARB file with the board on or before a date determined by the board a complete and approved intern development program record for final review and approval by the board. The applicant shall also furnish the board a photograph and pay directly to the board the fee for taking the examination.

B. The intern development program record, photograph, and the fee for taking the examination must be received by the board on or before the date determined by the board. If the record, photograph, and fee are not received by said date, the applicant will not be allowed to take the examination that year.

C. The applicant has full, complete, and sole responsibility for timely requesting from NCARB the filing of the record with the board, for furnishing to NCARB all necessary information, and for paying to NCARB all required fees. The applicant should be aware that NCARB requires a certain period of time to complete and file the record.

D. Upon request, an examination informational packet is available from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), LR 12:760 (November 1986), amended by Department of Economic Development, Board of Architectural Examiners, LR 14:

### **§503. Failure to Take ARE**

If an applicant fails to take the ARE at the time for which he has applied, two-thirds of his examination fee will be returned. Such applicant who desires to take the ARE thereafter is not required to file a new application but is required to pay the board the full examination fee and furnish the board a new photograph on or before the date set by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 14:

### **§507. Training credits for Applicants not Holding a Professional Degree**

Experience used to meet the educational equivalency requirements set forth in R.S. 37:146(D)(2) can not be used to satisfy the practical architectural work experience requirements set forth in R.S. 37:146(D)(3). Although training credits can be earned prior to satisfactory completion of the educational equivalency requirements set forth in R.S. 37:146(D)(2) at such times permitted by NCARB in its Circular of Information No. 1, experience used in earning such credits can not also be used to satisfy the training requirements of R.S. 37:146(D)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development; Board of Architectural Examiners, LR 14:

### **§509. Making Application for Computer Administered Version of the ARE**

To obtain information regarding the computer administered version of the ARE ("C/ARE"), a candidate should write the board. The applicant will then receive instructions on the procedure to follow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 14:

## **Chapter 7. The Examination**

### **§701. Examinations Required**

The Architectural Register Examinations ("ARE") as prepared by the NCARB, and the computer administered version thereof ("C/ARE"), are adopted by this board as the examinations required to obtain registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:147, R.S. 37:148, and R.S. 37:157.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965,

amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), repealed and adopted by the Department of Economic Development, Board of Architectural Examiners, LR 14:

### **§703. Review of Examination and Answers of the Candidate; Reversing Grades**

A candidate will not be permitted to review his/her examination or answers thereto. The board will not reverse the grade received by a candidate from NCARB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145-146.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, repromulgated LR 4:334 (September 1978), LR 10:738 (October 1984), repealed and adopted LR 14:

### **§705. Proctoring the Architectural Registration Examination**

As a courtesy to licensing boards in other states, the board will proctor candidates taking the ARE but only upon request made by another state licensing board prior to March 1 of the year in which the examination is to be taken and only for a candidate:

1. that is residing and working in Louisiana for a period of six months prior to March 1 of the year in which the examination is to be taken and

2. that has satisfied the same initial examination eligibility requirements as Louisiana, including:

- a. the satisfactory completion of an internship of practical working experience as defined by NCARB and as outlined by the intern development program administration of NCARB and

- b. the holding of a first professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board. The board shall charge \$50 for this service which fee must be paid at the time of the request by the other licensing board for proctoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145, R.S. 37:147; R.S. 37:148 and R.S. 37:149.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, repromulgated LR 4:334 (September 1978), LR 10:738 (October 1984), repealed and adopted LR 14:

## **Chapter 9. Registration Procedure**

### **§901. Registration Information**

To obtain information regarding registration to practice architecture in Louisiana an individual, a corporation which satisfies the requirements of the Professional Architectural Corporations Law, and an architectural-engineering corporation which satisfies the requirements of the Architectural-Engineering Corporation Law, shall write the board indicating whether the applicant seeks to be registered as an architect, a professional architectural corporation, or an architectural-engineering corporation. The applicant will then receive instructions on the procedure to follow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic De-

velopment, Board of Architectural Examiners, LR 14:

**§903. Individuals Registered in Other States**

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the submission to the board of an NCARB (blue cover) certificate.

B. Upon finding the NCARB (blue cover) certificate in order and upon payment of the registration fee, the board will register said individual and issue a license to said individual to practice architecture in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:148-149.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 14:

**§905. Certificates**

A. Upon granting registration and issuance of a license to practice architecture, a copy of the licensing law and the rules of the board shall be forwarded to the registrant.

B. Only individuals, professional architectural corporations, and architectural-engineering corporations who have met the statutory registration requirements through established board rules shall receive certificates of registration.

C. Each holder of a certificate shall maintain the certificate in his principal office or place of business in this state.

D. A replacement certificate will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper request and submits an acceptable explanation of the loss or destruction of the original certificate, and the registrant pays a fee to be set by the board.

E. Registrants 65 years of age or older, who have retired from active practice may request emeritus status. The annual renewal fee for approved emeritus registrants will be \$5. Revocation and reinstatement rules will otherwise apply to emeritus registrants, just as they do to all other registrants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:148.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 14:

Interested persons may submit written comments on these proposed rules to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 8017 Jefferson Highway, Suite B-2, Baton Rouge, LA 70809.

Mary "Teeny" Simmons  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Applications for Examination; The  
Examination; and Registration Procedure**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no implementation costs/savings to the state or local government units since these proposed rules merely clarify the current procedure by which an applicant applies for the ARE, answer questions which have arisen as to whether experience used to meet the educational equivalency requirements can be used to satisfy work experience requirements, approve the computer administered version of the ARE ("C/ARE") as an examination acceptable for obtaining registration, provide that a candidate shall not be permitted to review his/her examinations or answers thereto, set forth procedures for and the criteria by which the board will proctor candidates taking the ARE, and clarify current rule providing that the exclusive means for registration in Louisiana of individuals licensed in other states is by NCARB (blue cover) certificate.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections of state or local governmental units for the reasons set forth above.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. Adoption of C/ARE will allow a candidate additional opportunities to pass the examination, since the ARE is currently given only once per year. Board currently accepts NCARB (blue cover) certificates as the exclusive means for registration in Louisiana of individuals licensed in other states. Except for the adoption of C/ARE and the provision that candidates shall not be permitted to review his/her examination or answers thereto, the proposed rules reduce to writing the current policies of the board.

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

No effect on competition and employment is anticipated.

Mary "Teeny" Simmons  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Office of Financial Institutions**

Pursuant to the authority granted to the Commissioner of Financial Institutions by R.S. 6:121(B)(1) and (C), the Commissioner proposes to adopt a permanent rule making the depositor preference rule, as contained in Chapter 3, Part II, of Title 6 of the Louisiana Revised Statutes, applicable to all financial institutions chartered by the state and whose deposits are insured by an agency of the federal government.

The proposed rule will not have any fiscal impact on this agency, as shown by the accompanying statement furnished by the Legislative Fiscal Office. The economic impact on closed institutions' depositors is inestimable.

The persons who have responsibility for responding to inquiries about the intended action are: Joseph C. Chase, Deputy Commissioner of Financial Institutions, and Henry N. Harris,

Chief Examiner of Savings and Loans. The mailing address of those persons is 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA 70809, and their telephone number is 504-925-4660.

Institutions entitled to written notification, as provided by R.S. 6:121(C) will be notified of the content of the rule, as well as the date and time scheduled for the public hearing.

The public hearing required by the Administrative Procedure Act, R.S. 49:950, et seq., will be held on Monday, November 7, 1988, commencing at 9:00 a.m. The hearing will be held at 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA, between the hours of 9:00 a.m. and 4:30 p.m. The rule will take effect December 20, 1988.

The proposed rule may be examined at the offices of the Commissioner of Financial Institutions, located at the address stated in the preceding paragraph between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, anytime after publication of this notice. A copy of the rule and this notice may be obtained at the above referred to address at a cost of one dollar.

The text of the proposed rule is as follows:

**Distribution of Assets**

A. All claims against the assets of a state-chartered financial institution whose deposits are insured by an agency of the federal government, proved to the receiver's satisfaction, or approved by the receivership court, shall be paid in the following order:

- (1) Administration expenses of the liquidation.
- (2) Claims given priority under other provisions of state or federal law.
- (3) Deposit obligations.
- (4) Other general liabilities.
- (5) Debt subordinated to the claims of depositors and general creditors.
- (6) Equity capital securities.

B. No interest on any claim shall be paid until all claims within the same class have received the full principal amount of the claim.

Persons or entities wishing to provide information, views, or comments relative to the proposed rule are invited to submit their information, views, or comments in writing no later than November 7, 1988, to: Fred C. Dent, Commissioner of Financial Institutions, 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA 70809.

Fred C. Dent  
Commissioner

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

**Rule Title: Financial Institutions Depositor Preference Rule**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no anticipated implementation costs/savings to state or local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collection of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Depositors of a failed savings and loan or credit union will be given priority in the distribution of the assets of the failed institution which has been liquidated. Presently, depositors of banks have the protection of the "depositor preference rule" when a bank has been placed in conservatorship and its assets liquidated and distributed to persons holding claims to those assets.

By adopting a depositor preference rule, which will have application to all state-chartered and federally insured depository institutions, persons will have equal protection as to their deposits regardless of which type of depository institution they select for their banking needs.

Three state-chartered, federally insured savings and loan associations have been placed in conservatorship since January 1, 1987. In each case, the failed institution was acquired by an existing, viable savings and loan, and deposit insurance was not interrupted because the acquiring savings and loan assumed all deposit liabilities of the failed institution.

As an inducement for them to assume the deposit liabilities, FSLIC provided the necessary financial assistance for the acquiring institution. As a consequence, no depositor sustained any loss as a result of the savings and loan failure in any of three cases. The total deposits of the three failed institutions was \$522,000,000.

The depositor preference rule is to guard against the contingency that a failed savings and loan or credit union will not be purchased by an existing institution, either with or without assistance from the federal deposit insuring agency. In that event, the assets of the failed institution would be liquidated by the insuring agency, designated as liquidator by the court, and distributed to the persons in the order of preference stated in the proposed rule, which is identical to R.S. 6:395, a part of the Louisiana Banking Law.

In the absence of the depositor preference rule, all types of creditors and suppliers of goods and services would be entitled to be paid in preference to depositors and shareholders of the failed institution. It is not possible to project the economic benefit which will be conferred on depositors in the event a failed institution would be liquidated because the amount of deposits "at risk" is usually not determined until after the receivership has commenced.

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

There is no anticipated effect on competition and employment.

Fred C. Dent  
Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Office of Financial Institutions**

Pursuant to the authority granted to the Commissioner of

Financial Institutions by R.S. 6:1121, et seq., the commissioner intends to promulgate a rule under Chapter 19 comprising Sections 4941-4947 concerning licensure of mortgage lenders and mortgage brokers.

The proposed rule authorizes the licensing of mortgage lenders and mortgage brokers within the State of Louisiana. The proposal provides a procedure to be followed to apply for such licenses, the fees attended thereto, exemptions which are granted to certain applicants, and for definitions.

**Title 10**  
**BANKS AND SAVINGS AND LOANS**  
**Part I. Banks**

**Chapter 19: Related Organizations and Services**

**§1941. Term and Continuation of License**

A. Each license shall be issued for a term of one year, and shall expire on December 31 of the year in which said license was issued.

B. Each license may be extended for an additional term of one year upon the payment of a renewal fee of \$100 prior to the date of expiration.

C. The delay granted in Section 1123 of Title 6 to persons engaged in business as a mortgage lender or a mortgage broker on January 1, 1988, in applying for licensure shall also apply to persons engaged in such business or businesses between January 1, 1988 and July 1, 1988, who must apply for licensure under the foregoing rule.

**§1943. Definitions**

A. *Licensee* - means a mortgage lender and/or mortgage broker licensed under the provisions of R.S. 6:1121, et seq.

B. *Place of business* - means the principal or main office from which a licensee will be making or brokering mortgage loans. Said office shall be designated within the parish or municipality where it is situated as a commercial location. No licensee shall operate out of a private residence, which shall include private homes, apartments, condominiums, or any other structure normally used as a residence.

C. *Person* - means a natural person, partnership or corporation organized under the laws of any state or the laws of the United States of America.

**§1945. Multiple Offices Within the State**

If a license is required for a mortgage lender or mortgage broker that has multiple office locations, all such offices can be included under a single license by including in the application for such license, the address and the location of each office operated by the same person applying for such license.

**§1947. Exemptions**

A. The exemptions set forth in Subsection 3 of Section 1124 of Title 6, shall also apply to any mortgage lender as defined in this Chapter which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Department of Housing and Urban Development, or the Government National Mortgage Association as an approved seller and servicer or issuer; provided, however, upon the request by the commissioner, such mortgage lender shall submit evidence of its continued licensing, supervision or auditing by one of these entities.

B. Any mortgage lender relying upon an exemption un-

der the foregoing rule shall file with the commissioner an Annual Registration Statement in a form prescribed by the commissioner, which form shall include the information required by Subsections B (1), (2), (3), or (4), of Section 1125 of Title 6, and shall set forth the exemption claimed under Section 1124 of Title 6 and in this rule. The commissioner shall determine the availability of the exemption claimed. The commissioner may not disallow an exemption that is validly claimed.

C. If a person who is otherwise exempt under Subsection 9 of Section 1124 of Title 6, directly or indirectly, receives compensation or expects to receive compensation for negotiating, placing or finding mortgage loans for another person, they shall be considered a mortgage broker and subject to the licensing requirements of this Chapter.

**§1949. Record Keeping and Retention**

A. Every lender or broker required to be licensed under this Chapter shall maintain in its offices such books, accounts and records as the commissioner may reasonably require in order to determine whether such lender or broker is complying with the provisions of this Chapter and rules and regulations adopted in furtherance thereof. Such books, accounts and records shall be maintained apart and separate from any other business in which the lender or broker is involved.

B. Each mortgage lender required to be licensed under this Chapter shall retain for at least three years after final payment is made on any mortgage loan or the mortgage loan is sold, which ever first occurs, copies of the note, settlement statement, truth-in-lending disclosure and such other papers or records relating to the loan as may be required by rule or regulation. Each mortgage broker required to be licensed under this Chapter shall retain for at least three years after a mortgage loan is made the original contract for his compensation, a copy of the settlement statement, and an account of fees received in connection with the loan and such other papers or records as may be required by rule or regulation.

**§1951. Bond and Disclosure Requirements**

Applicants for licensure as a mortgage broker shall comply with all of the provisions of R.S. 51:1911, 51:1912, 51:1913 and 51:1914.

**§1953. Approval of License by Commissioner; Filing and Recording Requirements**

Upon approval of an application under this Chapter, the commissioner shall only issue a license upon receipt of a certified copy of the surety bond and disclosure statement required and filed in accordance with the provisions of R.S. 51:1911, et seq, as set out above.

A public hearing has been scheduled on November 7, 1988 at 8 a.m. at 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA. Comments will be accepted at the public hearing or interested parties may request copies of the proposed rule, submit written comments or make written inquiries concerning the proposed rule until 4:45 p.m., November 7, 1988 at the following address: Fred C. Dent, Commissioner, Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095. Commissioner Fred C. Dent is the person responsible for responding to inquiries concerning the proposed rule.

Fred C. Dent  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Mortgage Lender and Broker Act**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)			
	FY 88-89	FY 89-90	FY 90-91
	\$600	\$400	\$200

Costs consist of printing applications, related forms and certificates of authority. They also include renewal forms.

Proposed rule does not anticipate any examination process. Only supervisory action contemplated will be a direct result of consumer complaints. Fees generated from applications and renewals are expected to cover all costs of such supervisory action when required.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)			
	FY 88-89	FY 89-90	FY 90-91
Self-Generated Funds	\$7,500	\$8,700	\$5,000

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Only costs incurred will be legal, application, and filing fees. Fees are \$100 for mortgage broker license, \$100 for mortgage lender and \$200 for dual licensing. A premium cost is anticipated for surety bond required by Treasurer's office as per LSA R.S. 51:1910, et seq., for persons seeking a mortgage broker license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competing lenders and brokers will be able to utilize the authority and powers granted by rule to favorably impact the state and local economy by increasing employment and providing a means of injecting funds into the private sector to create home purchases and mortgaging which will widen the property tax base.

Fred C. Dent  
Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Office of Financial Institutions**

Pursuant to the authority granted to the commissioner of Financial Institutions by R.S. 6:451, the commissioner intends to promulgate a rule under Chapter 19 comprising Sections 1971-1974 concerning the issuance of a certificate of authority for Limited Function Financial Institutions.

This rule authorizes the issuance of certificates of authority to Limited Function Financial Institutions operating within the state of Louisiana. The proposal provides a procedure to be followed to apply for such license, assessment of fees attendant thereto, examination procedure, and other related matters.

**Title 10  
BANKS AND SAVINGS AND LOANS  
Part I. Banks**

**Chapter 19: Related Organizations and Services  
Limited Function Financial Institutions**

**§1971. Applications; Filing, Processing, and Approval**

A. Only those corporations which organize under the provisions of R.S. 6:451 shall be "limited function financial institutions" under the laws of this state.

B. One or more natural persons, the majority of whom must be domiciled in this state, desiring to incorporate and operate a limited function financial institution shall file with the commissioner an application for a certificate of authority to operate a limited function financial institution upon such form as the commissioner may from time to time proscribe. At the time of the filing of the application the commissioner shall collect a filing fee in the amount of \$2,000.

C. This filing fee shall be assessed for investigating and processing each application for a certificate of authority as a limited function financial institution.

D. Pursuant to the power granted the commissioner in R.S. 6:126, every limited function financial institution subject to the jurisdiction of the Office of Financial Institutions shall be assessed an annual renewal fee in the amount of \$1,000.

E. When an application for a certificate of authority has been filed with the commissioner, he shall conduct an investigation to determine whether the public interest will be served by permitting the organization of the proposed limited function financial institution. In making his investigation, the commissioner shall determine whether the character, financial responsibility and general fitness of the persons named in the applications as proposed incorporators, proposed directors, proposed stockholders and proposed executive officers are such as to command the confidence of the community in which such limited function financial institution is proposed to be located.

F. The commissioner shall also examine the need for additional limited function financial institutions facility in the community where the limited function financial institution is to be located and the ability of the community to support such additional facilities. If the applicant is a supervised lender under the authority granted in R.S. 9:3510, et seq. it shall provide to the Office of Financial Institutions in its application a certificate of good standing evidencing same. The commissioner may consider such other facts and circumstances bearing on the proposed limited function financial institution and its relation to the community as he may deem relevant.

**§1973. Certificate of Authority; Issuance, Refusal, and Renewal**

A. The commissioner shall issue a certificate of authority to transact business as a limited function financial institution only upon the fulfillment of the requirements of this Chapter.

B. If the commissioner finds that the public interest will not be served by permitting the organization of the proposed limited function financial institution, that there is no need for additional facilities in the community where the limited function financial institution is to be located, or that there is a lack of ability within that community to support additional facilities, he shall refuse to issue the certificate of authority.

C. A certificate of authority shall expire on December 31 in the year of its issuance. An annual renewal fee as indicated in Section 1971(D) shall be assessed for renewal of said certificate of authority for additional periods of one year.

D. There shall be no pro-rata rebate of any application or renewal fee to licensee upon cancellation by it or upon revoca-

tion by the commissioner of a certificate of authority.

**§1975. Certificate of Authority; Powers and Authority; Prohibitions**

A. In addition to the general corporate powers conferred in R.S. 6:451 and the powers conferred by other provisions of the laws of this state, a state-chartered limited function financial institution shall have the following additional powers and those incidental to the exercise of these powers:

1. a. The sole banking activity that the licensee shall engage in is the accepting of the deposits from corporations of which at least 25 percent of the voting stock and 25 percent of the total equity interest is owned by licensee's parent corporation.

b. The authority granted by this license shall be in addition to and not supersede the authority of licensee as the holder of a supervised lenders license.

c. Each deposit shall be evidenced by a certificate of deposit, which shall be numbered in sequence.

2. The licensee shall at all times remain the wholly-owned subsidiary of its parent corporation.

3. a. Each certificate of deposit issued by licensee shall have printed on its face in bold-type the following:

"THE DEPOSIT EVIDENCED BY THIS CERTIFICATE IS  
NOT INSURED BY ANY AGENCY OF THE UNITED  
STATES OF AMERICA OR STATE OF LOUISIANA  
OR BY A PRIVATE INSURER."

b. No certificate of deposit shall be issued by licensee in the amount of less than \$100,000.

c. The minimum term for each certificate of deposit shall be 30 days and shall not be construed as a demand deposit.

d. Each certificate of deposit shall be issued at an interest rate stated on its face.

4. The licensee shall annually furnish to the Office of Financial Institutions its December 31 year-end financial statements which shall have been audited by an independent certified public accountant, to be filed no later than March 30 of the following year.

5. The licensee shall be subject to examination by the Office of Financial Institutions in the same manner as state banks. The cost for any such examination shall be borne by the licensee and shall be assessed at the cost incurred by the Office of Financial Institutions in performing the examination at the rate of \$500 or \$30 per hour whichever is greater.

6. The licensee shall annually furnish on December 31 to the Office of Financial Institutions a complete listing of all deposit activity which has taken place during the previous 12 months, to be filed no later than March 30 of the following year, which shall include:

a. the amount of each deposit and the identifying number of the certificate issued therefore;

b. the name and address of the maker of each deposit;

c. the issue and maturity dates of each deposit;

d. the interest rate of each deposit;

e. the name of any entity to whom a certificate of deposit is pledged, mortgaged or otherwise encumbered;

f. any other special condition of the deposit.

7. The licensee at all times shall maintain a ratio of total stockholders equity to deposits of at least 10 percent.

8. The licensee shall notify the Office of Financial Institutions in writing within 24 hours of its failure to honor a withdrawal request of a depositor at maturity of a deposit.

9. A limited function financial institution shall not be authorized to operate a branch within the state.

B. The licensee shall not be exempt from the securities laws of the State of Louisiana and the United States of America and shall maintain compliance with any such applicable law.

**§1977. Records and Funds**

The books and records of the limited function financial institution shall be kept separate and distinct from those of the parent or other subsidiaries and funds of the parent or other subsidiaries shall not be commingled with those of the limited function financial institution.

A public hearing has been scheduled on November 7, 1988 at 8 a.m. at 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA. Comments will be accepted at the public hearing or interested parties may request copies of the proposed rule, submit written comments or make written inquiries concerning the proposed rule until 4:45 p.m., November 7, 1988 at the following address: Fred C. Dent, Commissioner, Office of Financial Institutions, Box 94095 Baton Rouge, LA 70804-9095. Commissioner Fred C. Dent is the person responsible for responding to inquiries concerning the proposed rule.

Fred C. Dent  
Commissioner

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

**Rule Title: Limited Function Financial Institutions**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)			
	FY 88-89	FY 89-90	FY 90-91
	\$50	\$30	\$30

Costs consist of printing applications and related documents.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)			
	FY 88-89	FY 89-90	FY 90-91
Self-Generated Funds	\$10,000	\$13,500	\$18,000

Revenue increases will consist of application fees, annual renewal and examination fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)			
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Only costs resulting from promulgation of this rule will be legal, accounting and secretarial fees for services attendant to preparing application. These fees should be nominal due to the relative simplicity of the application process. Annual renewal and examination fees will be included as a cost of operations each year after licensing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)			
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Effects on competition will be minimal because Limited Function Financial Institutions are designed as an internal corporate capital raising mechanism. It provides additional investment opportunities to the licensee, its parent and subsidiaries. No significant employment increases are anticipated since licensee's will be operated by existing employees.

Lynda A. Drake  
Chief Examiner

John R. Rombach  
Legislative Fiscal Officer



**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35  
HORSE RACING  
Part XV. Off-Track Wagering**

**Chapter 125. Licensing  
§12521. Application Form (ADOPT)**

An application form ("Application for Off-Track Wagering Facility") shall be completed for each facility by its applicant or applicants and shall be submitted to the commission for approval. Omission and/or falsification of information on the application form may be grounds for denial of the application form. Such application shall be totally completed or will not be considered.

The application form may be seen in its entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, November 4, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur  
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change would benefit the commission by requiring potential new OTB facility owners to submit a properly completed OTB application to the commission. This application, when correctly completed, assures the potential new owner(s) of compliance with the rules of racing and the Louisiana Statutes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Alan J. LeVasseur  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education  
8(g) Calendar of Activities**

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following Calendar of Activities for the Louisiana Quality Education Support Fund 8(g) as an amendment to the 8(g) Policy and Procedure Manual:

**CALENDAR OF ACTIVITIES**

Louisiana Quality Education Support Fund - 8(g)

- AUGUST . . . . . Advertise public hearing to be held in September
- SEPTEMBER . . . . . Hold public hearing
- OCTOBER . . . . . Meeting of 8(g) Advisory Council to recommend priorities
- NOVEMBER . . . . . Board establishes 8(g) Program and Budget
- DECEMBER . . . . . Publish Notice of Intent of 8(g) Program and Budget in *Louisiana Register*  
Issue request for projects
- JANUARY . . . . . - -
- FEBRUARY . . . . . Deadline to receive competitive projects  
Report 8(g) Program and Budget to Governor and Legislature
- MARCH . . . . . SDE review of eligibility of competitive projects
- APRIL . . . . . Implement evaluation by 8(g) Evaluation Committee  
Due Process hearing on appeals by ineligible applicants
- MAY . . . . . Deadline for completion of work by 8(g) Evaluation Committee  
Board will make grant awards for next FY
- JUNE . . . . . Notification of disposition of projects
- JULY . . . . . Official notification of grant awards

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., January 8, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amendment to the 8(g) Policy  
and Procedure Manual**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs or savings to state or local governmental units associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no effects on revenue collections of state or local governmental units associated with this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits to directly affected persons or non-governmental units associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment associated with this rule.

Em Tampke  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**  
Revised Competitive Food Policy

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved as an amendment to Bulletin 1196, School Food Services Program Policies of Operation, the proposed revised competitive food policy as recommended by the Department of Education:

Reimbursement for the Lunch, Special Milk, or Breakfast Program may be withheld from schools if concessions, canteens, snack bars, and vending machines are operated on a profit basis before the end of the last lunch period.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., December 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amendment to Bulletin 1196,  
Revised, Changing Competitive Foods Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs will be limited to the printing and mailing costs necessary to notify 109 School Food Authorities of the rule revisions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenues to local school food service programs will be affected only if school principals choose to violate the rule and operate concessions prior to the end of the last lunch period. Since school principals are permitted to sell food items to students after the end of the last lunch period and since sale of non-food items is not affected, there should be no effect on their capacity to generate monies for individual

school use.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Wilmer S. Cody  
Superintendent of Education

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**  
Louisiana Child Care Food Program

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the rules and regulations for the operation of the federally funded Louisiana Child Care Food Program, as recommended by the department. Copies of the rules and regulations may be seen in their entirety at the Office of the State Board of Elementary and Secondary Education, located in Room 104 of the Education Building, at 626 N. Fourth Street, Baton Rouge, LA or in the Office of the Louisiana Register.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., December 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Child Care Food Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs to the State to implement these regulations include:

Printing/Distribution (40-50 Sponsors per year @ \$.65-\$.75) \$26.00 - \$37.50  
Notice of Action and Decision Costs Sent by Certified Mail \$2.00 each letter

\* Service made personally (cost dependent on distance from Baton Rouge) Undetermined

\* It should be noted that service of Request for Appeal would be a cost to be borne by the local sponsor of the Child Care Food Program. These persons may wish to personally bring their Request for Appeal to the State Agency rather than sending by certified mail.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF

STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The regulations will have no effect on revenue collections of state or local governmental units.

These rules permit to State Agency to withhold funds from Sponsors for noncompliance with regulations. Such monies must be returned to the United States Department of Agriculture (USDA) thus resulting in a reduction in the Federal grant to the State Agency by a similar amount.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Costs to sponsors who fail to follow these regulations are dependent on the extent of noncompliance. Monies that must be returned to the state agency are calculated during the audit and review processes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

If a sponsor goes out of business as a result of noncompliance with the regulations, persons working with that sponsor could become unemployed.

Wilmer S. Cody  
Superintendent of Education

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Policy on Suspension, Revocation or Denial  
of a Louisiana Teaching Certificate

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following policy on the suspension, denial or revocation of a Louisiana teaching certificate of an individual who presents to the Department of Education, fraudulent documentation pertaining to their certification:

Suspension of Teaching Certificate

1. A Louisiana teaching certificate may be denied, suspended, or revoked if a teacher presents fraudulent documentation pertaining to his/her certificate to the Board of Elementary and Secondary Education or the Department of Education.

Upon receiving notice that a teacher has submitted fraudulent documentation pertaining to his/her teaching certificate, the State Department of Education, Bureau of Higher Education and Teacher Certification shall investigate the matter. Upon confirmation of the information investigated, the Bureau of Teacher Certification shall notify the teacher, by certified mail, that a recommendation is being made to the BESE to deny, suspend, or revoke his/her certificate.

2. The Teacher Certification Committee shall make a recommendation to the full board, based upon information received from the Bureau of Teacher Certification, whether the teaching certificate should be denied, suspended, or revoked. The decision of the board shall be transmitted to the local school board and the teacher affected.

3. An individual whose teaching certificate is denied, suspended, or revoked under the provisions of the policy will be

notified of their right to appeal, within 30 days of receipt of the notice of denial, suspension, or revocation to the Board of Elementary and Secondary Education. The decision of the board to deny, suspend, or revoke a teaching certificate shall remain in effect pending all appeals.

4. A teacher whose certificate has been revoked under the provisions of this part may only apply for reinstatement three years or later after the effective date of the revocation of his or her certificate. The Due Process Committee of the board may conduct a hearing to determine if the former teacher has rehabilitated himself sufficiently to warrant reinstatement of the teaching certificate.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., December 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

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

**Rule Title: Policy on the Suspension, Denial, Revocation  
of a Louisiana Teaching Certificate**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No implementation cost to the Department of Education is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits associated with this policy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on employment and competition among certified teachers.

Wilmer S. Cody  
Superintendent of Education

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations proposes to adopt a 4.13 percent increase in the Aid to Families With Dependent Children's (AFDC) Program.

Revised Statute 46.447 of the 1978 Legislature requires

that the Office of Eligibility Determinations establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1, to reflect the cost of living increase as reported in the Department of Labor's Consumer Price Index.

**PROPOSED RULE**

The current need standards are shown below along with the new AFDC and GA Need Standards based on a 4.13 percent increase in the cost of living:

Size of Household	Current Need Standard	Increased Need Standard	Current Need Standard	Increased Need Standard
1	\$ 217	\$ 225	\$ 236	\$ 245
2	406	422	454	472
3	576	599	632	658
4	718	747	777	809
5	854	889	918	955
6	982	1022	1046	1089
7	1109	1154	1169	1217
8	1232	1282	1294	1347
9	1350	1405	1413	1471
10	1471	1531	1532	1595
11	1601	1667	1663	1731
12	1731	1802	1796	1870
13	1873	1950	1926	2005
14	2010	2093	2061	2146
15	2148	2236	2201	2291
16	2285	2379	2348	2444
17	2426	2526	2463	2564
18	2563	2668	2619	2727

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

**GA NEED STANDARD**

This is not applicable since the GA program was discontinued as of July 1, 1986.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review from the local Office of Eligibility Determinations.

A public hearing on the proposed rule will be held November 7, 1988, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: AFDC Need Standard**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no additional cost in AFDC as this proposed

increase in the Need Standard is not projected to affect eligibility of applicants or have any effect on existing grants. No new staff or additional administrative costs will be required, other than \$100 in printing costs which will be covered by the existing budget.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no costs or economic benefits.

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

There is no effect on competition and employment.

Howard L. Prejean  
Deputy Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, proposes to adopt the following rule in the Food Stamp Program.

This rule is mandated by the Drought Relief Act which amended the Food Stamp Program's procedures effective for applications received as of September 1, 1988 or for allotments issued for the month of September. This was published as an emergency rule in the September, 1988 issue of the *Louisiana Register*.

**Rule**

Two provisions of the Drought Relief Act changed the Food Stamp Program's procedures pertaining to the determination of eligibility and benefit levels for migrant or seasonal farmworkers. This is effective for applications received as of September 1, 1988 or allotments issued for the month of September, 1988.

**1. Prorations of Initial Month's Benefits (C-652)**

The first provision affects the proration of benefits after a break in participation in the Food Stamp Program. This provision requires that migrant and seasonal farmworkers receive the full allotment for a month of application when the household has participated in the program within 30 days prior to the date of application. Thus, unless the households' break in participation exceeds 30 days, the migrant or seasonal farmworker household is eligible for a full month's allotment, rather than a prorated allotment, in the month of application. A local ATP card shall be issued for the full allotment.

**2. Income exclusion for Emergency PA or GA Assistance Payments**

The second provision provides an income exclusion for any emergency PA or GA assistance payment which is provided to a third party on behalf of the migrant or seasonal farmworker household (i.e., vendor payments) while the household is in the job stream. This assistance may include, but is not limited to, emergency vendor payments for housing or transportation.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review from the local Office of Eligibility Determinations.

A public hearing on the proposed rule will be held November 7, 1988, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Migrant and Seasonal Farmworkers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The cost in FY 88/89 is \$100 (\$50 state and \$50 federal) Food Stamp Coupons are 100% federally funded.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Migrants and seasonal farmworkers might receive increased food stamp coupons.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition and employment.

Howard L. Prejean                      John R. Rombach  
Deputy Assistant Secretary        Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, proposes to adopt the following rule in the Refugee Cash Assistance Program.

This action was mandated by federal regulations published in the *Federal Register*, Vol. 53, No. 164, Wednesday, August 24, 1988, pages 32222-32225. This rule hereby amends the rule entitled "Cuban/Haitian Program Limitation", published in the *Louisiana Register*, Vol. 8, No. 4, April 20, 1982, page 189. It was published as an emergency rule in the September 20, 1988 issue of the *Louisiana Register*.

**RULE**

Effective October 1, 1988, the period of eligibility for the Refugee Cash Assistance (RCA) Program changes from an 18-month period beginning with the first month a refugee entered the United States to a 12-month period beginning with such first month.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review from the local Office of Eligibility Determinations.

A public hearing on the proposed rule will be held November 7, 1988, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: RCA Period of Eligibility**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that expenditures in the Refugee Assistance Program will be reduced by \$26,730 in FY 1988/89. This program is entirely federally funded.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that the state will receive \$26,730 less in federal Refugee Assistance funds in FY 1988/89 as a result of this change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Approximately 60 persons currently receiving Refugee Cash Assistance will lose six months eligibility as the period of eligibility is reduced from 18 to 12 months.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition and employment.

Howard L. Prejean                      John R. Rombach  
Deputy Assistant Secretary        Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Public Health**

In accordance with the provisions of the Administrative

Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health proposes to amend subsection 19:043 of Chapter XIX of the state Sanitary Code, as follows:

Sanitary Code  
State of Louisiana  
Chapter XIX

Hospitals, Ambulatory Surgical Centers, Renal Dialysis Centers  
Subsection 19:043

Cystoscopy-type room and out-patient ophthalmological surgery room, minimum of 250 sq. ft. (23.23 sq. m.)

This action regarding the amendment of subsection 19:043 is necessitated to allow the same space requirement of at least 250 square feet for out-patient ophthalmological surgery rooms as for cystoscopy-type rooms. Both cystoscopy-type rooms and out-patient ophthalmological surgery rooms require fewer square feet of space than operating rooms because fewer personnel and fewer and/or smaller monitoring devices and machines are used than in operating rooms.

Interested persons may submit written comments or questions to: Louis Trachtman, M.D., Acting State Health Officer, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160.

David L. Ramsey  
Secretary

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

##### **Rule Title: Sanitary Code Change - Hospitals, Ambulatory Surgical Centers, Renal Dialysis Centers**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that there are no implementation costs or savings associated with this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that there is no effect on revenue collections associated with this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is estimated that there are no costs and/or economic benefits to directly affected persons or non-governmental groups associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there is no effect on competition and employment associated with this rule.

Joseph D. Kimbrell  
Deputy Assistant Secretary-Programs

John R. Rombach  
Legislative Fiscal Officer

## **NOTICE OF INTENT**

### **Department of Health and Hospitals Office of Public Health**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health proposes to repeal subsection 3:005 of Chapter III of the state Sanitary Code, as follows:

Sanitary Code  
State of Louisiana  
Chapter III

The Control of Rabies

Subsection 3:005 is hereby repealed in its entirety.

This action regarding the repeal of subsection 3:005 is necessitated because the subsection is considered overlapping and duplicative of other governmental efforts to regulate the keeping of wild animals by people in Louisiana. Many local ordinances, the state Department of Wildlife and Fisheries and the United States Department of Agriculture all have regulatory authority.

Interested persons may submit written comments or questions to: Louis Trachtman, M.D., Acting State Health Officer, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160.

David L. Ramsey  
Secretary

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

##### **Rule Title: Sanitary Code Change - The Control of Rabies**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that there are no implementation costs or savings associated with this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that there is no effect on revenue collections associated with this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is estimated that there are no costs and/or economic benefits to directly affected persons or non-governmental groups associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there is no effect on competition and employment associated with this rule.

Joseph D. Kimbrell  
Deputy Assistant Secretary-Programs

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Hospitals Office of Public Health

In accordance with the Administrative Procedure Act, as amended, the Department of Health and Hospitals, Office of Public Health intends to amend the income eligibility criteria for participation in the federally funded Special Supplemental Nutrition Program for Women, Infants and Children (WIC), from 140 percent poverty level to 185 percent of poverty level as authorized in 7 CFR.7(c)(1). The Office of Public Health also intends to amend the definition of "family" to agree with the definition used by the Family Planning Program of the agency. These changes will allow the WIC Program to expand its caseload by including more high priority pregnant women and infants as participants. Due to a recent revision of the WIC funding formula, states that serve more patients in these categories will receive increased funding.

#### Title 48

#### PUBLIC HEALTH-GENERAL

#### Part V. Preventive Health Services

#### Subpart 15. Supplemental Food Services for Women, Infants and Children (WIC)

#### Chapter 41. General Provisions

##### §4103. Definitions

*Family* — includes persons related by blood, marriage or legal adoption living together as one economic unit.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR Part 246, and 42 USC 1786.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:

#### Chapter 43. Patient Eligibility and Certification

##### §4303. Eligibility Criteria

A. ...

B. Income Criteria and Income Eligibility Determination

1. Income criteria for the program is established at 185 percent of the poverty level as issued annually by the U.S. Department of Health and Human Services. This has an effective date of July 1, 1988.

2. In determining income eligibility of an applicant, the local health unit applies the definition of family used by the Family Planning program of the agency. The new definition of family includes persons related by blood, marriage or legal adoption living together as one economic unit. The health unit shall consider the average of all the money or benefits, (except food stamps, federal in-kind housing, and payments received under job training programs and student financial assistance as specific tuition, equipment, and supplies and transportation), received by a family during the past 12 months or the family's current monthly rate of income, whichever favors the applicant.

C. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR Part 246, and 42 USC 1786.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:

Interested persons may submit written comments to Joseph D. Kimbrell, Deputy Assistant Secretary - Programs, DHH-OPH, Box 60630, New Orleans, LA 70160.

David L. Ramsey  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: WIC Eligibility Requirements

##### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs to either state or local governments required by this change in eligibility criteria. Caseloads will increase but will be absorbed by existing staff and no additional funding is requested.

##### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Due to a recent change in the U.S. Department of Agriculture's funding formula for the WIC Program there will be an increase in federal funds made available to the State WIC Programs which concentrate more on the high priority categories of pregnant women and infants. The increase in income eligibility will allow the Louisiana WIC program to serve more of these high priority cases. The magnitude of this increase is unknown at this time. Without this change, it is likely that the state would not be able to spend all its available WIC funds in federal fiscal year 1989. The state was unable to spend approximately \$1.6 million in federal fiscal year 1988.

##### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs to any affected person or non-governmental units. The benefits of the proposed rule change will occur to those persons who under the current income guidelines are unable to participate in the WIC program. These persons will now be able to receive nutrition education and a variety of nutritious foods to supplement their diets. It is estimated that there will be 203,000 potential eligibles at the 185 percent of poverty level, compared to approximately 97,000 potential eligibles at the 140 percent poverty level.

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

There are no estimated effects on competition and employment.

Joseph D. Kimbrell  
Deputy Assistant Secretary-Program

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Hospitals Office of the Secretary

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule in the Bureau of Medical Services.

The Bureau of Medical Services is proposing to change reimbursement for inpatient psychiatric services from a retrospective cost based methodology to a prospective methodology. The proposed prospective statewide rate will be applicable for services provided to individuals under 21 or over 65 years of age in institutions for mental diseases; or for services provided by a distinct part psychiatric unit within an acute general care hospital. Reimbursement under the proposed prospective statewide rate has been determined to be reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards. Under this rule distinct part psychiatric units within general hospitals will be required to enroll as separate providers. This change is in accordance with 42 CFR 447.250 - 265, 440.140, and 440.160. This rule shall become effective for services provided on or after January 1, 1989.

#### RULE

Reimbursement for inpatient services provided by an institution for mental diseases (IMD) to individuals under 21 or over 65 years of age; or services provided to Medicaid eligibles in a psychiatric unit within an acute general care hospital, shall be a prospective statewide per diem rate. The rate shall be based on the statewide weighted average cost per day, using cost reporting periods ending in state fiscal year 86/87 as a base period; and trended forward by the Health Care Financing Administration's (HCFA) target rate percentage for hospitals excluded from Medicare's Prospective Payment System (PPS). Rates for subsequent cost reporting periods shall be determined by increasing the previous year's per diem rate by HCFA's target rate percentage for non-PPS hospitals for the applicable year. Distinct part psychiatric units (as defined by Medicare) within general hospitals shall be required to enroll as providers of inpatient psychiatric services.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Division of Medical Assistance, Box 94065, Baton Rouge LA, 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on November 7, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

**Rule Title: Inpatient Psychiatric Service Reimbursement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule will result in a savings to the state of \$334,148 in FY 88/89; \$608,460 in subsequent fiscal years. The impact from adoption of disproportionate share hospital costs is not addressed. Such impact will be addressed under the proposed rulemaking for adoption of disproportionate share hospital costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule will result in a decrease in federal funding of \$820,476 in FY 88/89 and \$1,494,754 in subsequent fiscal years.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This rule will reduce total reimbursement for inpatient psychiatric services by: \$1,154,624 in FY 88/89; and \$2,103,214 in subsequent fiscal years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no known effect on competition and employment.

J. Christopher Pilley  
Acting Director

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Office of the Secretary

The Department of Health and Hospitals proposes to adopt the following rule in the Medical Assistance Program.

Currently the Department of Health and Hospitals requires medical transportation providers to have a minimum liability insurance coverage of \$50,000 per person and \$125,000 per accident. A recent civil suit against the state on behalf of recipients who were injured in an accident while being transported in a medical transportation provider's vehicle indicates the need for medical transportation providers to have increased coverage. Therefore it is proposed that the minimum liability insurance coverage for medical transportation providers be increased to \$100,000 per person and \$300,000 per accident or a \$300,000 combined service limits policy. The liability policy shall cover, (1) any autos, (2) hired autos, (3) non-owned autos. This change will be effective January 1, 1989, for all new medical transportation providers and by the next annual update for currently participating providers.

#### RULE

Medical transportation providers shall have a minimum liability insurance coverage of \$100,000 per person and \$300,000 per accident or a \$300,000 combined service limits policy. The liability policy shall cover, (1) any autos, (2) hired autos, (3) non-owned autos.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Division of Medical Assistance, Box 94065, Baton Rouge, LA 70804-



4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Eligibility Determinations.

A public hearing on this proposed rule will be held on November 7, 1988, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

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

David L. Ramsey  
Secretary

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

#### **Rule Title: Increase in Minimum Liability Insurance for Medical Transportation Providers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no cost or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections for state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be an increased cost to medical transportation providers in the form of increased premiums. The cost cannot be estimated as there are too many variables such as fleet size and difference in rates between insurance companies. Also, some medical transportation providers already meet these requirements.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition or employment.

J. Christopher Pilley  
Acting Director

John R. Rombach  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Office of the Secretary**

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule in the Bureau of Medical Services.

The Bureau of Medical Services Program is proposing to include podiatrists as other practitioners under reimbursement

for physician services. Under this rule, podiatrists will be limited to providing only those services which they are licensed to perform under state law and covered under Louisiana Title XIX reimbursement as physician services in accordance with 42 CFR 440.50. Podiatrists as well as eligible recipients seeking treatment from podiatrists shall be subject to the same service requirements and limitations as other practitioners included in physician services reimbursement. This rule shall become effective for services provided on or after January 1, 1989.

### **RULE**

Podiatrists shall be limited to performing only those Health Care Procedural Codes (HCPC) they are licensed to perform under state law which are currently covered under Louisiana's Title XIX program as physician services as defined in 42 CFR 440.50. Podiatrists and recipients (seeking treatment from podiatrists) shall be subject to the same service requirements and limitations as other practitioners included in physician services reimbursement. Podiatrists shall be reimbursed under the same methodology used to reimburse physician providers. Reimbursement is limited to podiatrists who are licensed by the state and who engage in the practice of their profession in accordance with all rules and regulations set forth by the Louisiana State Board of Podiatrists. To be reimbursed for services, a provider must have on file with the Bureau of Medical Services, a valid provider enrollment form. Providers of services must submit a properly executed claim form for each individual recipient treated.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Division of Medical Assistance, Box 94065, Baton Rouge LA, 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 7, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Physician Services – Inclusion of Podiatrists**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no projected impact resulting from this proposed rule. This rule is not expected to result in any increase in service expenditures. Administrative costs associated with this proposed rule for providing copies of this change in policy to providers and other interested persons is estimated at \$100.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no projected impact on revenues resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This rule will help maintain the quality of care now received by recipients. This rule will have no effect on provider reimbursement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

J. Christopher Pilley  
Acting Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Hospitals Office of the Secretary

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule in the Bureau of Medical Services.

Currently, recipients eligible for Title XIX (Medicaid) services under Refugee Medical Assistance are limited to an 18-month period of eligibility beginning with the first month the refugee entered the United States. Federal regulations published in the *Federal Register*, Vol. 53, No. 164, Wednesday, August 24, 1988, pages 32222-32225 reduce the 18-month period of eligibility to 12 months. Under this rule the maximum eligibility period mandated by federal regulation is being implemented. This rule was adopted as an emergency rule effective October 1, 1988 as mandated by federal regulation. The emergency rule was published in the *Louisiana Register*, Vol. 14, No. 9, September 20, 1988.

#### RULE

The period of eligibility for Refugee Medical Assistance shall be limited to 12 months beginning with the first month the eligible refugee entered the United States.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Bureau of Medical Services, Box 94065, Baton Rouge LA, 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on November 7, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Bureau of Medical Services Refugee Eligibility

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will result in a savings to the state of: \$10,183 in FY 88/89; and \$15,275 in subsequent

fiscal years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will reduce federal matching funds by: \$25,017 in FY 88/89; and \$37,525 in subsequent fiscal years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Implementation of this rule will increase recipient liability for medical treatment by: \$35,200 in FY 88/89; and \$52,800 in subsequent fiscal years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

J. Christopher Pilley  
Acting Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Hospitals Office of the Secretary

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule in the Bureau of Medical Services

Currently, recipients suffering from AIDS are treated primarily in an inpatient hospital setting. Long Term Care Services are not generally available to these patients because of the higher level of care requirements necessary for adequate treatment. The Bureau of Medical Services is proposing to implement an additional level of Skilled Nursing Care to reduce the need for prolonged inpatient hospital care and assure availability of appropriate long term care services. This proposed rule adopts the SNF/ID level of care, establishes reimbursement for such services, and sets forth the standards for provider participation in Title XIX reimbursement. This rule shall become effective January 1, 1989.

#### RULE

Skilled Nursing Facility/Infectious Disease services shall be covered under the State's Title XIX Medical Assistance Program in accordance with all applicable federal and state rules and regulations. Participating provider reimbursement shall be limited to 90 percent of the current rate paid for inpatient hospitalization treatment of AIDS at the State's Charity Hospital in New Orleans. Reimbursement shall be based upon allowable costs to be determined in accordance with HIM-15 standards. A prospective rate shall be established for these facilities after they have achieved occupancy levels of at least 85 percent. Newly enrolled facilities shall be required to submit a proposed budget displaying anticipated costs at 20 percent occupancy, 40 percent occupancy, 60 percent occupancy and 85 percent occupancy. Such budget information shall be subjected to agency review and approval. The initial per diem will be set at the proposed maximum payment level until the facility achieves 20 percent occupancy. This landmark will trigger a downward adjustment in the per-

diem to reflect the approved budget at the 20 percent occupancy level. Similar adjustments shall be made as the facility reaches the 40 percent, 60 percent, and 85 percent occupancy levels. At the end of the first year of operation, the facility shall file a standard long term care facility cost report that shall be subject to audit and cost settlement. All participating facilities will be expected to work closely with the agency to insure that services are provided at the most cost effective rate.

SNF/ID Facilities certified for participation shall adhere to all agency standards for payment applicable to Skilled Nursing Facilities. In addition, SNF/ID facility dieticians shall be required to monitor client lab values to determine nutritional status and recommend dietary treatment as necessary, to the physician.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Bureau of Medical Services, Box 94065, Baton Rouge LA, 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on November 7, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

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

##### **Rule Title: Bureau of Medical Services SNF/ID Services**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of this rule will result in a savings to the State of: \$370,023 in FY 88/89; and \$894,428 in subsequent fiscal years. Savings from downward adjustment of rates corresponding to increases in occupancy rates in subsequent fiscal years cannot be determined.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of this rule will reduce federal matching funds by: \$909,007 in FY 88/89; and \$2,197,268 in subsequent fiscal years.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Implementation of this rule will decrease expenditures for provision of medical services to eligible recipients by: \$1,279,030 in FY 88/89; and \$3,091,696 in subsequent fiscal years.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no known effect on competition and employment.

J. Christopher Pilley  
Acting Director

John R. Rombach  
Legislative Fiscal Officer

## **NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to implement a program to provide health care services to indigent pregnant women and to children born after September 30, 1983 until they reach their eighth birthday. Medicaid coverage may be granted to persons in these population groups who have net family incomes which do not exceed 100 percent of the poverty level, effective January 1, 1989.

This program is intended to increase access to prenatal care for Louisiana's poor women who typically receive less care than recommended by medical standards, and, therefore, to reduce the incidence of infant mortality and morbidity. It is also intended to increase access to health care, particularly preventive care, for poor children.

The program includes a mechanism for granting presumptive eligibility for 45 days to pregnant women so that they can begin to receive ambulatory prenatal care while the application for full eligibility is being processed. After a woman is fully certified, she is covered for all pregnancy-related services until 60 days after delivery. Children are covered for the full range of Medicaid services.

This new program will require changes to the Title XIX State Plan (pending approval of the Health Care Financing Administration). Policy for the new program will be contained in Chapter 19, the Medical Assistance Policy Manual.

The authorization for this program is provided by the Sixth Omnibus Budget Reconciliation Act of 1986, the Medicare Catastrophic Coverage Act of 1988 and by HCR 29.

A public hearing will be held on Friday, November 4, 1988 at 10 a.m., in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA 70804. Interested persons may submit written comments until November 15, 1988 at the following address: J. Christopher Pilley, Acting Director, Bureau of Health Services Financing, 755 Riverside North, Room 321, Baton Rouge, LA 70801.

David L. Ramsey  
Secretary

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: SOBRA Implementation**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

DHH estimates that approximately 11,543 pregnant women and, by fiscal year 1991, 80,801 children aged 0 to 8 will participate in this program to provide health care coverage to pregnant women and children who live in households with incomes up to 100 percent of the federal poverty level. Implementation of the program is planned for January 1, 1989.

It is estimated that \$28,553,754 in state and federal Medicaid benefits and administrative costs will be paid out in 1988/89; \$99,387,785 in 1989/90; and \$112,132,190 in 1990/91. Further, the program, commonly known as SO-

BRA, may save \$10 million in State General Funds in state fiscal year 1989, \$19 million in state fiscal year 1990, and \$21 million in state fiscal year 1991. This figure is based on the estimate that 98 percent of the pregnant women and children are currently being provided care in the state charity hospitals with 100 percent state funding. These state funds will be replaced with over 70 percent federal funds and 30 percent state funds when these women and children are certified for Medicaid.

The above savings estimates assume that 73.5 percent of pregnant women and 35 percent of children who become SOBRA-eligible and who currently receive treatment in state facilities will continue to do so. Any decline in these projected retention rates will cause a corresponding decline in the estimated savings.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

According to DHH estimates, the implementation of this program will bring approximately \$20 million in Title XIX federal revenue into the state in state fiscal year 1989, \$70 million in state fiscal year 1990 and \$80 million in state fiscal year 1991.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

A considerable increase in revenue is anticipated for private sector health care providers as a result of the implementation of SOBRA. According to DHH estimates, 26.5 percent of SOBRA certified women and 65 percent of SOBRA certified children would obtain care in the private sector and this care would provide \$38.0 million in new revenue in the first full year of implementation.

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

Since SOBRA represents an extension of Medicaid eligibility, there will be an increase in the number of patients receiving Medicaid sponsored care in the private sector. DHH estimates an additional 4,100 pregnant women and 32,156 children annually will move from the charity hospital system to private care. It is anticipated that this will increase competition and employment but the degree to which this is true is unknown.

David L. Ramsey  
Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Maintenance**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt this fee schedule that will apply to Driveway Permits issued by the department's Right-of-Way Permit Section, all in accordance with the provisions of R.S. 48:461.3.

Driveway Permits - per permit \$50

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days

from the date of publication of this notice of intent to: P. J. Frederick, DOTD Construction Engineer Administrator, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Driveway Permit Fee**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The implementation activities associated with the proposed driveway permit system can be performed by present staff at no additional cost to the department.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The department estimates that 2,500 driveway permits will be issued each year generating \$125,000 in self-generated revenues annually.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Individuals and businesses seeking additional driveway access to roads and highways on the state system will be required to pay a one-time fee of \$50 per driveway permit requested.

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

The proposed rule will have no estimated effect on competition and employment.

Neil L. Wagoner  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Traffic and Planning**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt this fee schedule that will apply to Outdoor Advertising Permits issued by the department's Traffic and Planning Section, all in accordance with the provisions of R.S. 48:344, 381.

Sign Size (Sq. Ft.)	Effective 7/1/89	
	Initial Permit	Annual Renewal Fee
300 +	\$125.00 Sign Face	\$25.00 Sign Face
101-300	62.50 Sign Face	12.50 Sign Face
0-100	37.50 Sign Face	7.50 Sign Face
	(No Charge)	

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Mitchell Lopez, Traffic and Planning Supervisor, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner  
Secretary

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

**Rule Title: Change in Outdoor Advertising Sign Fee  
Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule change will have no implementation costs to state or local government units. Initial and annual fees are now assessed by the department.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
DOTD estimates that under the proposed rule change, the department would collect an additional \$33,500 annually for the administration of the Highway Beautification Program.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The owners of billboards affected by the Highway Beautification Program would bear cost of the increased permit fees.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule change would have no estimated effect on competition and employment.

Neil L. Wagoner  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors conducted by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504, (A)(3), (B)(5) and R.S. 48:265.

Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors	
Meter Calibration: 1 - 3 Meters	\$275
Each additional meter (At one location within State)	\$50
Truck Calibration - Per Truck (At one location within State)	\$275

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner  
Secretary

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

**Rule Title: DOTD Fee Schedule for Bulk Meter  
Calibrations for Airport Fuel Vendors and Wholesale  
Fuel Distributors**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No cost increase is anticipated if number of calibrations provided does not exceed 30 per year. DOTD Materials and Testing Section's Motor Fuels Unit presently does meter calibrations for 5-6 airport fuel serving companies and 6-10 bulk trucks per year as a free service and this does not disturb our normal work load.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Revenues for the state will increase by \$10,000 if 30 calibrations are performed in a year. DOTD presently charges nothing for the meter calibrating services it performs. Bulk meters calibrated on site at \$275 for 1-3 meters. Additional meters would be calibrated at the rate of \$50 each. Tank compartment calibration would be done for \$275 per truck.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
By charging a fee for this service wholesalers and distributors would not be getting a free service and private calibrating services are losing fee paying customers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Since bulk calibration services are few, only three or four companies would possibly be affected. Presently the number of calibrations the Motor Fuels Laboratory performs is not considered important. Perhaps a larger volume of business using our service would be considered detrimental to the companies' income.

Neil L. Wagoner  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Department of Transportation and Development Evaluation of New Products conducted by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504(A)(3), (B)(5), and R.S. 48:265.

Proposed Fee Schedule for Evaluation  
of New Products (Non-QPL)

**NOTICE OF INTENT**

**Department of Transportation and Development  
Weights and Measures**

MATERIAL		LABORATORY EVALUATION COST	FIELD EVALUATION COST
Chemical Unit-Coatings	High Range	\$825	\$3150
	Low Range	\$575	\$1625
	Average	\$700	\$2375
Curing Compounds		\$150	
*Other Products			

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Evaluation of Products for the Department of Transportation and Development's Qualified Products List issued by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504 (A)(3), (B)(5), and R.S. 48: 265.

The Proposed Fee Schedule for Evaluation of Products for DOTD's Qualified Products List may be seen in its entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner  
Secretary

Neil L. Wagoner  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Fee for QPL Qualification**

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: DOTD Fee Schedule for Evaluation of New  
Products (Non-QPL)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule proposes fees for the evaluation testing, and will have no implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that the requirement of materials manufacturers and suppliers pay for the testing involved in evaluating their products would generate \$10,000 per fiscal year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The rule would be a disadvantage to materials manufacturers and suppliers since they will be required to pay a fee before the department decides whether or not they will be able to sell the product for use by the department.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition may be impaired since some materials manufacturers and suppliers may elect not to submit materials for evaluation due to the cost.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that the proposed fees will produce \$38,500 per year in additional revenue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
It is anticipated that the cost incurred by the affected companies will be passed on through increased bid prices (although percentage increase will be negligible). The companies' revenue will not be affected by the rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This rule may have a slight impact on competition. No reduction in employment is expected.

Neil L. Wagoner  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Weights and Measures**

In accordance with the applicable provisions of the Ad-

Neil L. Wagoner  
Secretary

David W. Hood  
Legislative Fiscal Analyst

ministrative Procedure Act, R.S 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the proposed fee schedule that will apply to manuals produced by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504(A)(3), (B)(5), and R.S. 48:265.

		With Tax
Testing Procedures Manual (2 volume set)	\$40.40	\$40.40
Field Testing Procedures Manual	20.00	20.20
Qualified Products List Manual	20.00	20.20
Materials Sampling Manual	20.00	20.20

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner  
Secretary

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

**Rule Title: DOTD Revised Fee Schedule for Manuals  
Produced by Materials Section**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No implementation costs are involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Revenue collections for the sale of DOTD manuals will increase by approximately \$700 for F.Y. 1988-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The estimated costs are negligible to any directly affected person or entity.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This will have no effect on competition or employment.

Neil L. Wagoner  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Project Related Inspections conducted by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504 (A)(3), (B)(5) and R.S. 48:265.

**Proposed Fee Schedule for Project  
Related Inspections**

- Item 1 - Weight certification of all haul trucks used on DOTD projects.  
\$50 per certification - one time fee (unless altered)  
All existing certifications to be grandfathered for one year.
- Item 2 - Certification of all Portland Cement Concrete and Asphaltic Concrete (Hot Mix) plants.  
\$250 per plant - biannual fee  
Applies for new and recertified plants
- Item 3 - Portland Cement Concrete Truck Performance Certification.  
\$25 per truck - biannual fee  
Applies for new and recertified trucks
- Item 4 - Certification of Asphaltic Concrete (Hot Mix) Laydown Equipment: Included are rollers, tack distributor trucks, power units, etc.  
\$25 per unit - biannual fee  
Applies for new and recertified equipment.
- Item 5 - Pit borings for Source Approval for Embankment used on DOTD Construction Projects.  
\$10 per linear foot bored and tested
- Item 6 - Design Cylinders for Portland Cement Concrete for Project Information  
\$5 per cylinder tested for compressive strength

NOTE: All testing and inspections will be performed by one of nine district laboratories.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner  
Secretary

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

**Rule Title: Fee Schedule for Project Related Inspections  
(Schedule 3)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No implementation costs are involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that the proposed fees will generate approximately \$240,000 in additional revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
These fees will be passed on to contractors, material suppliers, and truck owners. We feel that these expenses will have very little effect on receipts or income to these groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There would be no impact on competition or employment in the public or private sector.

Neil L. Wagoner  
Secretary

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend Article 3, Section II (D)(1) of its Plan Document of Benefits as follows:

Add the word "planned" between the words "the" and "date." "(1) at least 14 days prior to the planned date of admission; or"

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on December 9, 1988 at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Admission Dates

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs or savings to state or local governmental units as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on the revenue collections of state or local governmental units as a result of this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This rule change will not impact the costs and/or economic benefits to the directly affected person, the plan member of the State Employees Group Benefits Program or to any non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition and employment will not be affected by this rule change.

James D. McElveen  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group

Benefits Program intends to amend Article 1, Section III (K)(3) of its Plan Document of Benefits as follows:

3. For those covered persons who have elected to continue coverage pursuant to Section III, C through J, only newly acquired dependents may be added during the period of continued coverage subject to the provisions of Article 1, Section II, C and E.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on December 9, 1988, at the following address: Dr. James McElveen, Executive Director, State Employees Group Benefit Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: #1 COBRA dependents

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs or savings to state or local governmental units as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Revenue collections of state or local governmental units will not be affected by this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
As a result of this rule change, the directly affected persons, plan members of the State Employees Group Benefits Program, will receive the benefit of medical insurance coverage for a newly acquired dependent. Plan members with single or 2-party coverage will receive an increase in the insurance premium as a result of the additional dependent. Plan members who already have family coverage will not experience a premium rate increase.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This rule change will not affect competition or employment.

James D. McElveen  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

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

Pursuant to the authority granted under Louisiana Revised Statutes, Title 56, Section 22, the Louisiana Wildlife and Fisheries Commission hereby advertises its intent to prohibit the



use of gill and trammel nets in Black Lake and Clear Lake in Natchitoches and Red River Parishes. The proposed ban will extend from January 1, 1989 to December 31, 1990.

Interested persons may submit written comments on the proposed rule to the following address: Bennie J. Fontenot, Jr., Chief, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

Virginia Van Sickle  
Secretary

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

**Rule Title: Net Ban in Black Lake and Clear Lake**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using the existing staff. Natchitoches and Red River Parish Enforcement Agents are presently employed to patrol Black Lake and Clear Lake as part of their routine duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule will have no impact on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This proposed rule will have no cost and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule will have no impact on competition and employment in the public and private sectors.

Bennie J. Fontenot, Jr.  
Chief, Inland Fish Div.

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission hereby publishes their intent to set the 1988/89 oyster season for one-half hour before sunrise September 7, 1988.

Under R.S. 56:433, the Public Oyster Grounds under the managerial control of the department should open on the first Wednesday following Labor Day and this season should run through April 1 of the following year. There are, however, different provisions (R.S. 56:435.1) for the public tonging reefs in the Calcasieu/Sabine Lake areas. Under R.S. 56:433 and 434, however, there are provisions for managerial decisions allowing for variation in season and areas dependent upon the oyster supply. After completion of the annual survey of the oyster

grounds in June, the commission is now prepared to propose the 1988/89 oyster season.

Virginia Van Sickle  
Secretary

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

**Rule Title: 88/89 Oyster Season on Public Grounds**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no cost to implement this season as it will be handled along with other duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule change will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This proposed rule change will have no cost effects; but will increase the short-term economic benefits to oyster fishermen and processors. This short-term cyclical increase is a normal experience for this industry.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Approximately 2,000 individuals are influenced by the oyster season. This proposed rule change allows proper biological management which may improve employment opportunities but should have no effect on competition.

Claude J. Boudreaux  
Programs Manager

John R. Rombach  
Legislative Fiscal Officer

# Administrative Code Update

**ADMINISTRATIVE CODE UPDATE**

**Administrative Code Update  
July, 1988 through September, 1988**

Vol.	Title:Part.Section	Effect	Location
1	LAC 10: I.110	adopted	September, 1988 LR 14:607
2	LAC 7: XV.9537 XXVII.14728.C XXVII.14728.D XXVII.18117 XXVII.18119	amended amended amended amended	August, 1988 LR 14:527 LR 14:527 LR 14:528 LR 14:529 LR 14:529 September, 1988

Vol. Title:Part.Section	Effect	Location	Vol. Title:Part.Section	Effect	Location
XIII.8713	amended	LR 14:603	14 LAC 33:		September, 1988
XIII.8714	adopted	LR 14:603	I.3325	adopted	LR 14:620
XIII.8729	amended	LR 14:603	VII.1107	amended	LR 14:624
XIII.8741	amended	LR 14:604	IX.Chapter 13	amended	LR 14:626
XIII.8810	adopted	LR 14:604	XI.311	amended	LR 14:625
XIII.8709	amended	LR 14:605	15 LAC 33:		September, 1988
XIII.8743	amended	LR 14:605	XV.Chapter 25	amended	LR 14:622
XIII.8783	amended	LR 14:606			
XIII.8787	amended	LR 14:606			
3 LAC 46:		July, 1988			
LV.305	adopted	LR 14:440			
LXI.Chapters 1, 15	amended	LR 14:449			
LXIX.Chapter 1	adopted	LR 14:434			
		August, 1988			
XXI.Chapters 1-9	amended	LR 14:529			
XLVII.3361	amended	LR 14:533			
XLVII.3509	amended	LR 14:532			
XLVII.3533	amended	LR 14:532			
LXVI.103	amended	LR 14:542			
		September, 1988			
I.1109	adopted	LR 14:607			
4 LAC 4:		July, 1988			
V.Chapter 27	adopted	LR 14:429			
IX.901	amended	LR 14:434			
LAC 34:					
I.2901	adopted	LR 14:429			
LAC 4:		August, 1988			
VII.1313	adopted	LR 14:532			
VII.1315	adopted	LR 14:532			
LAC 4:		September, 1988			
V.1553	amended	LR 14:629			
5 LAC 76:		August, 1988			
V.307	adopted	LR 14:547			
VII.307	adopted	LR 14:547			
VII.110	adopted	LR 14:548			
		September, 1988			
V.303	adopted	LR 14:631			
6 LAC 55		July, 1988			
I.Chapter 5	amended	LR 14:441			
I.Chapter 20	adopted	LR 14:444			
7 LAC 40		July,1988			
XIII.1101	adopted	LR 14:434			
9 LAC 48:		July, 1988			
I.Chapter 125	amended	LR 14:440			
V.3703	adopted	LR 14:534			
V.8303	adopted	LR 14:534			
V.8305	adopted	LR 14:534			
12 LAC 33:		September, 1988			
III.Chapter 65	amended	LR 14:610			
13 LAC 33:		July, 1988			
V.Chapter 31	amended	LR 14:424			
V.4901	amended	LR 14:424			
V.10309	amended	LR 14:448			
		September, 1988			
V.Chapter 51	amended	LR 14:621			

# Potpourri

## POTPOURRI

### Department of Economic Development Office of Financial Institutions

Automotive Financial Services, Inc., has applied for a license as a limited function financial institution pursuant to R.S. 6:451. The primary place of business of Automotive Financial Services, Inc. is 2400 Veterans Boulevard, Suite 190, Kenner, LA 70062.

Any person wishing to comment on this application may file his or her comments in writing with the Louisiana Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095. A request for a hearing must be received by the Office of Financial Institutions by 4:45 p.m., November 1, 1988.

Those sections of the application deemed public by the Commissioner of Financial Institutions are subject to inspection by the public during the regular hours of 8:00 a.m. to 4:45 p.m., Monday through Friday, at the location of the Office of Financial Institutions, 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA.

Commissioner Fred C. Dent is the person responsible for responding to inquiries concerning the proposed application.

Fred C. Dent  
Commissioner

## POTPOURRI

### Department of Economic Development Office of Financial Institutions

Colonial Premium Finance Corporation, has applied for a license as a limited function financial institution pursuant to R.S. 6:451. The primary place of business of Colonial Premium Finance Corporation is 3828 Veterans Boulevard, Suite 201, Metairie, LA 70002.

Any person wishing to comment on this application may file his or her comments in writing with the Louisiana Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095. A request for a hearing must be received by the Office of Financial Institutions by 4:45 p.m., November 1, 1988.

Those sections of the application deemed public by the Commissioner of Financial Institutions are subject to inspection by the public during the regular hours of 8:00 a.m. to 4:45 p.m., Monday through Friday, at the location of the Office of Financial Institutions, 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA.

Commissioner Fred C. Dent is the person responsible for responding to inquiries concerning the proposed application.

Fred C. Dent  
Commissioner

## POTPOURRI

### Department of Economic Development Office of Financial Institutions

Insurance Premium Assistance Company, has applied for a license as a limited function financial institution pursuant to R.S. 6:451. The primary place of business of Insurance Premium Assistance Company is 6600 Riverside Drive, Suite 100A, Metairie, LA 70003.

Any person wishing to comment on this application may file his or her comments in writing with the Louisiana Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095. A request for a hearing must be received by the Office of Financial Institutions by 4:45 p.m., November 1, 1988.

Those sections of the application deemed public by the Commissioner of Financial Institutions are subject to inspection by the public during the regular hours of 8:00 a.m. to 4:45 p.m., Monday through Friday, at the location of the Office of Financial Institutions, 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA.

Commissioner Fred C. Dent is the person responsible for responding to inquiries concerning the proposed application.

Fred C. Dent  
Commissioner

## POTPOURRI

### Department of Health and Hospitals Board of Embalmers and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, December 10, 1988 at Delgado Community College, 615 City Park Avenue, New Orleans.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 483-4684.

Dawn Scardino  
Confidential Assistant

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Fund's hearing examiner and the Secretary of DNR will approve payment, effective November 1, 1988.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before October 31, 1988.

No objections were filed to claims proposed for payment in the September, 1988 *Louisiana Register*. However, there were two errors in the list of claims. In No. 87-88-492, the amount to be paid is \$5000, not \$6094, and in No. 87-88-418, the amount is \$1649.28.

Claim No. 87-88-488

Bradley B. Bourque of Route 6, Box 573, New Iberia, LA 70560, Social Security No. 437-76-7830. Amount: \$1,634.69

Claim No. 87-88-524

Fred J. Fandal of 315 Marigny Avenue, Mandeville, LA 70448, Social Security No. 434-72-0503. Amount: \$952.67

Claim No. 87-88-542

Norman W. Groh of 1229 Phos Phor Avenue, Metairie, LA 70005, Social Security No. 435-54-6873. Amount: \$801.15

Claim No. 87-88-537

Linton A. Duet, Jr. of 4225 East Main Street, Cut Off, LA 70345, Social Security No. 870-00-2994. Amount: \$485.32

Claim No. 87-88-555

John Martinez, Jr. of Rt. 1, Box 637-A, St. Bernard, LA 70085, Social Security No. 436-68-2099. Amount: \$2246.19

Claim No. 87-88-544

Kenneth L. Mareno of Box 21, Boothville, LA 70038, Social Security No. 433-86-8914. Amount: \$1694.10

Claim No. 87-88-508

Lawrence Stipelcovich of Stipelcovich Marine Wks, Inc., Box 272, Empire, LA 70050, Federal I.D. No. 72-0833795. Amount: \$3656.26

Claim No. 87-88-526

Leslie Fitch of 1445 Chickasaw Avenue, Metairie, LA 70005, Social Security No. 436-82-3265. Amount: \$1687

Claim No. 87-88-564

Adam J. Fitch of 5138 Shrimpers Row, Dulac, LA 70353, Social Security No. 439-72-7644. Amount: \$2437.62

Claim No. 87-88-563

Jerry V. Guerra, Sr. of Rt. 1, Box 605, St. Bernard, LA 70085, Social Security No. 434-52-7073. Amount: \$1465.25

Claim No. 87-88-568

Michael A. Parria of Troy and Trey, Inc., 4614 Shrimpers Row, Houma, LA 70363, Federal I.D. No. 72-1099210. Amount: \$3063.75

Claim No. 87-88-561

Richard N. Luscly of Route 1, Box 710, St. Bernard, LA 70085, Social Security No. 436-78-5336. Amount: \$1265.52

Claim No. 87-88-518

Cary Robin of 1003 E. St. Bernard Hwy., Lot 20, Chalmette, LA 70043, Social Security No. 438-86-4855. Amount: \$4505.63

Claim No. 87-88-577  
Ernest Wiseman of Box 306, Lafitte, LA 70067, Social Security No. 438-48-1920. Amount: \$2000.03  
Claim No. 878-88-583  
David M. Perrin of Box 549A, Lafitte, LA 70067, Social Security No. 435-78-1811. Amount: \$259.  
Claim No. 87-88-623  
Jimmy Menesses of 2501 Farmsite Road, Violet, LA 70092, Social Security No. 439-72-3391. Amount: \$2277.39  
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Lester Ansardi of Rt. 1, Box 887, St. Bernard, LA 70085, Social Security No. 438-74-7507. Amount: \$1628.39  
Claim No. 87-88-612  
Antoine Chauvin of 117 Lefort Lane, Golden Meadow, LA 70357, Social Security No. 433-43-4383. Amount: \$453.71  
Claim No. 87-88-599  
Junius J. Fitch of 4640 Shrimpers Row, Houma, LA 70363, Social Security No. 437-72-9442. Loran: 28.129.8 - 46.847.7. Amount: \$433.65  
Claim No. 87-88-601  
Eddie Delhaye of Star Rt. Box 189, Golden Meadow, LA 70357, Social Security No. 439-08-6270. Amount: \$381.35  
Claim No. 87-88-593  
Floyd Lassegne of Box 108, Grand Isle, LA 70358, Social Security No. 439-23-9928. Amount: \$1341.46  
Claim No. 87-88-490  
Patrick J. Terrebonne of Route 3, Box 984, Cut Off, LA 70345, Social Security No. 436-80-1324. Amount: \$4111.  
Claim No. 87-88-512  
Felix S. Rotolo of 1127 Angela Street, Arabi, LA 70032, Social Security No. 438-70-8812. Amount: \$766.59  
Claim No. 87-88-513  
Felix S. Rotolo of 1127 Angela Street, Arabi, LA 70032, Social Security No. 438-70-8812. Amount: \$947.30  
Claim No. 87-88-543  
Perry J. Lirette of Route 2, Box 639-3 Bayou Side Drive, Chauvin, LA 70344, Social Security No. 435-06-8053. Amount: \$668.10  
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Jimmie P. and Carl L. Leger of Voyager Marine, Inc., 710 W. Pine, Erath, LA 70533, Federal I.D. No. 72-0928277. Amount: \$1890.29  
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Joe Dyson of Box 1311, Cameron, LA 70631, Social Security No. 434-94-0434. Amount: \$5,000.  
Claim No. 87-88-570  
Ray Boudwin of 204 St. Malo, Houma, LA 70363, Social Security No. 437-38-4248. Amount: \$813.61

Raymond W. Stephens, Jr.  
Secretary

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, notice is given that 46 claims amounting to \$70,380.95 were received during the month of September, 1988. During the same month, 18 claims in the amount of \$30,485.82 were paid, and five claims were denied.

Raymond W. Stephens, Jr.  
Secretary

## POTPOURRI

### Department of Natural Resources Office of Conservation Injection and Mining Division

Docket Number UIC 88-8

The hearing to be conducted under Docket No. UIC 88-8, previously scheduled for November 2, 1988 and noticed in the *Louisiana Register* on September 20, 1988, has been rescheduled. Therefore, in accordance with the laws of the state of Louisiana, and with particular reference to the provisions of R.S. 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 6 p.m., Tuesday, November 22, 1988, in the Court Room of the Vermilion Parish Courthouse (second floor), located on Tivoli Street in Abbeville, Louisiana.

At such hearing the commissioner of conservation or his designated representative will hear testimony relative to the application of J & R Systems of Lake Arthur, Inc., Box 1188, Jennings, Louisiana 70546. The applicant intends to operate a commercial nonhazardous oilfield waste facility in Section 10, Township 12 South, Range 2 West, Vermilion Parish, Louisiana.

Prior to authorizing the use of this facility for disposal of nonhazardous oilfield waste, 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 contacting Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, or by visiting the Vermilion Parish Police Jury Office in Abbeville, Louisiana. Verbal information may be received by calling Mr. Wascom at 504/342-5515.

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., December 6, 1988, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, Re: Docket No. UIC 88-8, Commercial Disposal Facility, Vermilion Parish.

J. Patrick Batchelor  
Commissioner

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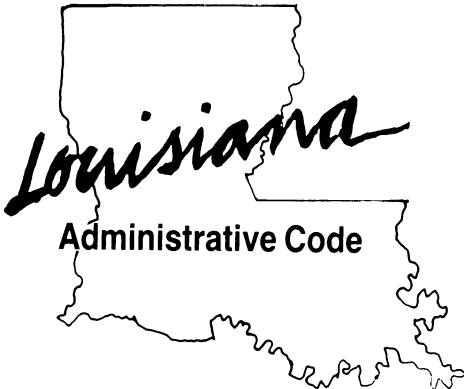
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