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Executive Orders

EXECUTIVE ORDER EWE 85-88

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 298,842.14	La. Agricultural Finance Authority	Pop Pat, Inc.
\$ 300,000.00	Calcasieu Parish Public Trust Authority	LeBato & Cooley Ltd.

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder 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 6th day of December, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-89

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 3,500,000	Livingston Parish Police Jury	Bernard & Burk Group, Inc.

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder 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 18th day of December, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-91

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code

of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$5,000,000	Louisiana Public Facilities Authority	Cornerstone Energy Corporation

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder 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 23rd day of December, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-92

WHEREAS, certain executive orders have been issued granting allocations from the aggregate principal amount of certain tax exempt private activity bonds which can be issued in 1985; and

WHEREAS, a number of these allocations have not been used or have not been used in their entirety and must be returned to the state pool:

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

1. Executive Order Number EWE 85-51 is hereby amended to delete the allocation of \$2,710,000 to the LPFA for the Spring and Travis Partnership Project.

2. Executive Order Number EWE 85-53 is hereby amended to delete the allocation of \$8,500,000 to the LPFA for the East Jefferson Parking Garage Limited Partnership Project.

3. Executive Order Number EWE 85-65 is hereby amended to delete the allocation of \$3,700,000 to the LPFA for the Slidell Nursing Home Partnership. Said order is further amended to reduce the allocation to the LPFA for the Affiliated Foods, Inc. Project from \$9,000,000 to \$7,300,000.

4. Executive Order Number EWE 85-69 is hereby amended to reduce the allocation to the Industrial District #3 of West Baton Rouge Parish for the Dow Chemical Company Project from \$11,500,000 to \$9,895,884.

5. Executive Order Number EWE 85-70 is hereby amended to reduce the allocation to the Parish of Ascension for the BASF Wyandotte Corporation from \$16,000,000 to \$15,000,000.

6. Executive Order Number EWE 85-71 is hereby amended to delete the allocation of \$3,000,000 to the LPFA for the Fayard-Theriot Joint Ventures Project.

7. Executive Order Number EWE 85-72 is hereby amended to reduce the allocation to the LPFA for the Medical Clinic Properties Co. Project from \$1,631,000 to \$1,630,166.67.

8. Executive Order Number EWE 85-73 is hereby amended to delete the allocations to the LPFA as follows:

- a. Allocation of \$3,000,000 for the Dupuy Storage and Forwarding Corporation Project.
- b. Allocation of \$3,800,000 for the Louisiana Plastics, Inc. Project.
- c. Allocation of \$600,000 for The Georgia Partnership Project.
- d. Allocation of \$3,500,000 for the ZAT Partnership Project.

Said executive order is further amended to reduce the allocation to the LPFA for the Sartor, Ferguson and Lolley Project from \$500,000 to \$400,000.

9. Executive Order Number EWE 85-74 is hereby amended to delete the allocation of \$600,000 to the LPFA for the Bricksome Place Partnership Project.

10. Executive Order Number EWE 85-76 is hereby amended to delete the allocation of \$6,000,000 to the LPFA for the Gulf International Seafood Partnership Project.

11. Executive Order Number EWE 85-77 is hereby amended to delete the allocation of \$46,000,000 to the LPFA for the Loop, Inc. Project.

12. Executive Order Number EWE 85-81 is hereby amended to delete the allocations to the LPFA as follows:

- a. Allocation of \$10,000,000 for the Gulf Coast Hotel Corporation.
- b. Allocation of \$3,500,000 for the Berol Chemicals, Inc. Project.
- c. Allocation of \$5,600,000 for the Essen Mall Partnership, Ltd. Project.
- d. Allocation of \$7,000,000 for the Aquaventure Institute of America, Inc. Project.
- e. Allocation of \$6,000,000 for the Pegasus Communications Network Corporation Project.
- f. Allocation of \$750,000 for the Louisiana Plastics, Inc. Project.
- g. Allocation of \$7,000,000 for the John B. Lepore Project.
- h. Allocation of \$3,700,000 for the J & H Investment Properties, Inc. Project.

i. Allocation of \$10,000,000 for the Lafayette Centre-Frem F. Boustany Project.

Said executive order is further amended to reduce the allocation to LPFA for the Acadiana Medical Ventures, Ltd. Project from \$2,000,000 to \$1,200,000.

13. Executive Order Number EWE 85-84 is hereby amended to delete the allocation of \$221,490 to LAFA for the Charles Thomason Project. Said executive order is further amended to delete the allocation of \$250,000 to LAFA for the David D. Thomason Project.

SECTION 6. This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder 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 23rd day of December, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-93

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of certain private activity bonds the interest on which is exempt from Federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "Bonds"), which may be issued by any state of the United States during each calendar year;

WHEREAS, the aggregate principal amount of Bonds which may be issued in the State of Louisiana (the "State") during any calendar year is restricted by the Tax Reform Act to a dollar amount per person based on the most recently published estimate of population obtained from the U. S. Department of Commerce - Bureau of Census, prior to January 1 of the subject year (the "Ceiling");

WHEREAS, Section 621 of the Tax Reform Act provides a method of allocating the Ceiling which would distribute one-half of the Ceiling to statewide issuers of Bonds and one-half to other issuers of Bonds based on population;

WHEREAS, the formula for allocating the Ceiling included in the Tax Reform Act would provide excessive allocations to certain issuers of Bonds and insufficient allocations to other issuers of Bonds, thus causing an inefficient use of the Ceiling which could decrease industrial, agricultural, commercial and economic growth in the State and adversely affect the development of environmental protection facilities;

WHEREAS, the Tax Reform Act provides that the governor of any state may proclaim a different formula for allocating the Ceiling among governmental units in such state having authority to issue Bonds;

WHEREAS, Proposed and Temporary (T.D. 7981) IRS Regulations on State Volume Caps for Private Activity Bonds provide for assignment of allocations by governmental units (such as the State) to issuers;

WHEREAS, the Governor of the State of Louisiana desires to (i) exercise his authority under the Tax Reform Act to modify the allocation of the Ceiling by allocating the entire Ceiling to the state, (ii) then assign the allocation to issuers in the state on behalf of the state, (iii) set forth the procedure for obtaining an allocation of Bonds under the volume limitations, and (iv) provide for central record keeping in connection with the allocations of the Ceiling.

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

ARTICLE I DEFINITIONS

SECTION 1.1 All terms defined in the preamble hereof shall have the same meanings in this executive order.

SECTION 1.2 In addition, the following terms shall have the following meanings:

Certificate of No Consideration for Allocation means the certificate required by Section 621 of the Tax Reform Act.

Issuer or issuers means any entity or entities now or hereafter authorized to issue Bonds under the Constitution or laws of the state.

Local issuers means all issuers other than those having statewide jurisdiction to issue Bonds.

Multi-parish issuers means issuers having authority to issue Bonds in more than one parish in the state, but without statewide jurisdiction.

Statewide jurisdiction means authority to issue Bonds to finance projects located anywhere within the geographic limits of the State of Louisiana and not limited to any particular area of the state.

ARTICLE II ALLOCATION AND ASSIGNMENT

The Ceiling for each calendar year is hereby allocated entirely to the state. On behalf of the state, the undersigned hereby assigns the Ceiling for each calendar year, beginning in 1986, in the manner and under the terms, conditions and restrictions set out in this executive order.

ARTICLE III ASSIGNMENT TO STATE ALLOCATION POOL

SECTION 3.1 There is hereby assigned to a pool to be designated "State Allocation Pool" 60 percent of the Ceiling, which pool shall be administered as hereinafter provided.

SECTION 3.2 For the period commencing January 1 through September 14 of each year, the State Allocation Pool shall be allocated to those projects whose operations and lines of business offer now or in the foreseeable future the most favorable economic return to the state or an area within the state. Only issuers having statewide jurisdiction may apply for allocations from the State Allocation Pool as provided herein. Fifty percent of the Ceiling (50ths of the State Allocation Pool) shall be reserved for applications submitted by the Louisiana Public Facilities Authority ("LPFA"). In the event the LPFA utilizes all of the 50 percent of the Ceiling so reserved, the LPFA shall be entitled to make application for allocations from the remaining funds in the State Allocation Pool. Each allocation from the State Allocation Pool shall be evidenced by executive order supplemental hereto and a copy of each such executive order shall be filed with the State Bond Commission Staff (the "SBC Staff").

ARTICLE IV ASSIGNMENT TO LOCAL ALLOCATION POOL

SECTION 4.1 In order to provide for the special needs of local units of government, the remaining 40 percent of the Ceiling is hereby assigned to local issuers. The portion of the Ceiling assigned to local issuers in this Section is hereinafter referred to as the "Local Allocation Pool."

SECTION 4.2 It is the intention of this executive order to allow issuers in heavily populated areas to issue a sufficient amount of Bonds to meet their minimal needs without adversely affecting the ability of issuers in small population areas to also issue bonds for their purposes. Therefore, there is hereby created within the Local Allocation Pool, a dedicated pool for each parish having a population greater than 250,000, based upon the most recent Preliminary Population Estimates for Louisiana Parishes, pre-

pared by the Research Division, College of Administration and Business, Louisiana Tech University, Ruston, Louisiana or in the event Louisiana Tech University has not prepared an estimate subsequent to July 1, 1983 then on a similar estimate satisfactory to the SBC Staff (the "Parish Population Estimate"). Each such dedicated pool shall contain a portion of the Local Allocation Pool equal to one-third of the dollar amount of Bonds per person permitted to be issued within the state under then current laws multiplied by the population of the respective parish based upon the population set forth in the Parish Population Estimate (all such pools shall collectively be referred to as the "Dedicated Pools," and individually as a "Dedicated Pool").

SECTION 4.3 For the period commencing January 1 through August 31 of each year, only issuers having jurisdiction solely within the boundaries of a parish for which a Dedicated Pool was formed under Section 4.2 hereof shall be entitled to apply for an allocation from the respective Dedicated Pool. (For example, only issuers having jurisdiction solely within the respective parish, such as the parish governing authority, incorporated municipalities, city and parish industrial development boards and other issuers authorized to issue Bonds solely within the parish would be entitled to apply for an allocation from the respective Dedicated Pool, but an issuer with jurisdiction beyond the boundaries of a parish such as a multi-parish issuer would not be entitled to receive an allocation from any Dedicated Pool).

SECTION 4.4 There is hereby further created within the Local Allocation Pool a special pool for the benefit of port commissions and port, harbor and terminal districts and multi-parish issuers (the "Special Issuer Pool"). The Special Issuer Pool shall contain 10 percent of the Ceiling. Each allocation from the Special Issuer Pool shall be granted by the governor and shall be evidenced by executive order supplemental hereto and a copy of each such executive order shall be filed with the SBC Staff.

SECTION 4.5 For the period commencing January 1 through August 31 of each year, only port commissions and port, harbor and terminal districts and multi-parish issuers shall be entitled to apply for an allocation from the Special Issuer Pool.

SECTION 4.6 For the period commencing January 1 through September 14 of each year, all local issuers shall be entitled to apply for an allocation of Bonds from the Local Allocation Pool; provided, however, that local issuers entitled to receive an allocation from a Dedicated Pool or Special Issuer Pool must first use the Dedicated Pool or Special Issuer Pool until the total amount within the Dedicated Pool or Special Issuer Pool has been allocated.

ARTICLE V CONSOLIDATION OF POOLS

SECTION 5.1 On September 1 of each year the Dedicated Pools and the Special Issuer Pool shall be consolidated with the Local Allocation Pool and thereafter all local issuers shall be entitled to obtain an allocation from the consolidated Local Allocation Pool, which allocations shall be granted in chronological order of receipt of the application for an allocation referred to in Section 6.4 hereof without regard to whether the application requested an allocation from a Dedicated Pool, the Special Issuer Pool or the Local Allocation Pool.

SECTION 5.2 On September 15 of each year the Local Allocation Pool (including the Dedicated Pool and the Special Issuer Pool) and the State Allocation Pool shall be consolidated and combined into one pool to be designated the "State Pool." Commencing September 15 of each year and extending through December 31 of each year all issuers will be eligible to obtain an allocation from the State Pool, subject to the following:

(a) preference and priority shall be given to local issuers for use of 40 percent of the remaining Ceiling; and

(b) preference and priority shall be given to issuers with statewide jurisdiction for use of 60 percent of the remaining Ceiling.

Upon a determination by the governor that the preferences and priorities set forth in this Section will not effectively further the economic and environmental interests of the state, the governor may modify the percentages of preference and priority herein set forth to allow the most efficient use of the total remaining Ceiling. The governor shall be responsible for granting all allocations from the State Pool, and each allocation from the State Pool shall be evidenced by an executive order issued by the governor.

ARTICLE VI APPLICATION AND PROCEDURE FOR ALLOCATIONS

SECTION 6.1 On the first business day of each year, the SBC Staff shall determine the total volume of Bonds that may be issued by the State of Louisiana during that year, according to the most recently published population estimate by the U.S. Department of Commerce - Bureau of Census and the applicable dollar amount per person under the Tax Reform Act or any applicable laws, rulings, regulations or other governmental orders whatsoever.

SECTION 6.2 The SBC Staff shall as soon as practicable, but in no event later than January 15, publish a notice in the *Daily Journal of Commerce* and the official journal of the state or their successor publications, specifying the amount of the Ceiling.

SECTION 6.3 The allocation of the Ceiling from the appropriate pools created hereby will be considered on the basis of the chronological order of receipt from an issuer of the application set forth in Section 6.4 of this executive order.

SECTION 6.4 An issuer which proposes to issue Bonds for a specific project or purpose must make application for an allocation of a portion of the Ceiling for the particular project or purpose by submitting an application to the SBC Staff, which contains the following information:

(a) the name and address of the issuer of the Bonds and the pool from which an allocation is requested;

(b) the name and location (by mailing address or other definitive description) of the project or purpose for which an allocation from the Ceiling is requested;

(c) the name and mailing address of (i) the initial owner or operator of the project, (ii) an appropriate person from whom information regarding the project can be obtained, and (iii) the person to whom notification of the allocation should be made;

(d) the date of adoption by the issuer of an inducement resolution adopted for the purpose of taking "official action", as required by the Treasury regulations relating to Section 103 of the Internal Revenue Code of 1954, as amended (the "Code"), if the issue of Bonds for which the allocation of the Ceiling is requested requires the taking of "official action" under the Code;

(e) the amount of the Ceiling which the issuer is requesting be allocated for the project or purpose of the application;

(f) either (i) a bond purchase agreement or other written commitment to purchase the Bonds for which an allocation is requested, executed by one or more purchasers, setting forth in detail the principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds; (ii) in the case of a public offering of the Bonds for which the allocation from the Ceiling is requested, a binding Bond purchase or underwriting agreement obligating the underwriter or underwriters to sell or purchase the Bonds within 60 days of the receipt of an allocation hereunder, setting forth in detail the proposed principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds, or (iii) a \$7,500 escrow deposit which will be forfeited in the event the Bonds for which an allocation is granted are not delivered within

the allocation period (The \$7,500 deposit shall be returned to the party depositing the same without interest upon the substitution of the items described in (i) or (ii) above or delivery of the Bonds within the allocation period (including any extension). In the event that such Bonds are not delivered within the allocation period the deposit shall be forfeited and deposited in the State Treasury, unless the failure to deliver such Bonds is the result of the State Bond Commission denying approval of such Bonds in which case the deposit shall be returned to the party depositing same without interest.); and

(g) a letter from bond counsel to the effect that the Bonds for which an allocation is requested are subject to the Ceiling.

SECTION 6.5 Upon receipt of the completed application required by Section 6.4 hereof for allocations from the Local Allocation Pool or a Dedicated Pool, the SBC Staff shall, within ten days of the receipt thereof, notify the person designated in the application of the allocation of the Ceiling to be applied to the project or purpose requested in the issuer's application.

SECTION 6.6 Immediately upon receipt of a completed application described in Section 6.4 hereof for an allocation of a portion of the Ceiling from the Local Allocation Pool or a Dedicated Pool for a particular project or purpose which requires the issuance of \$20,000,000 or less of Bonds, the SBC Staff shall automatically grant an allocation of Bonds up to that amount limited only to the availability of Bonds under the appropriate allocation pool. In the event that an issuer submits an application for an allocation from the Local Allocation Pool or a Dedicated Pool of more than \$20,000,000 in Bonds, the SBC Staff shall immediately allocate to that issuer \$20,000,000, provided there is a sufficient amount available under the appropriate allocation pool, and shall retain the application for consideration of the allocation of additional amounts of Bonds on the next following November 1.

SECTION 6.7 Upon receipt of a completed application described in Section 6.4 hereof for an allocation of a portion of the Ceiling from the State Allocation Pool, the Special Issuer Pool or the State Pool for a particular project or purpose, the SBC Staff shall immediately forward such application to the governor. Upon consideration by the governor and determination by the governor that a project is eligible for an allocation, the governor may allocate up to \$20,000,000 of Bonds for such project or purpose from the appropriate pool. If an issuer submits an application for an allocation from the State Allocation Pool, the Special Issuer Pool or the State Pool requesting an allocation of more than \$20,000,000 in Bonds, the SBC Staff shall retain the application for reconsideration by the governor on the next following November 1 for an additional amount of allocation. Applications submitted after November 1 of any year shall immediately be considered and acted upon by the governor in their entirety and without limiting any grants pursuant thereto to \$20,000,000 in Bonds.

SECTION 6.8 Any allocation from the Ceiling from any pool will remain valid through the earlier of (i) 60 days from the date the notice of the allocation is mailed to the person designated, (ii) December 31 of the year in which the allocation was made or (iii) the date upon which the State Bond Commission denies approval of the Bonds which have received an allocation; unless, in the case of (i) above, the issuer requests an extension of time for the allocation to remain valid in which event the allocation will be extended one time to the earlier of 30 days from the date of the expiration of the 60 day period, December 31 of the year in which the allocation was made, or the date upon which the State Bond Commission denies approval of the Bonds which have received an allocation.

SECTION 6.9 On November 1 of each year the SBC Staff shall determine the remaining amount of the Ceiling for that year and shall submit to the governor for consideration all applications

for allocations of Bonds in excess of \$20,000,000 for which the SBC Staff has received in writing during the period commencing October 15 of each year through October 31 of that year a notification of the applicants continued desire to receive an increased allocation. The governor may grant, until the Ceiling is exhausted, additional allocations limited to \$20,000,000 per project unless the governor determines that a project satisfies a particularly important state or local need, in which event the governor may allocate additional amounts limited only to the amount of the Ceiling remaining. Each additional allocation shall be evidenced by an executive order and a copy of each executive order shall be filed with the SBC Staff.

SECTION 6.10 In the event the allocation of the Ceiling for a particular project or purpose expires as provided in Section 6.8 of this executive order, the issuer may resubmit its application for an allocation of a portion of the Ceiling for such project or purpose, and the application of the issuer relating to such project or purpose will be reviewed in chronological order of receipt, but no preference or priority will be given to the issuer as a result of its prior application for such project or purpose.

SECTION 6.11 In order to make maximum use of the Ceiling, to promote economic growth and the development of environmental protection facilities in the State of Louisiana, and to treat all interests fairly, it is the intent of this executive order that the SBC Staff shall not exercise any discretion in the allocation of Bonds from the Local Allocation Pool or a Dedicated Pool. The SBC Staff shall handle and dispose of each application in the chronological order of receipt. If an application is received for an allocation from a Dedicated Pool that has insufficient volume remaining to satisfy such request, the SBC Staff shall, if the issuer so requests, allocate to such issuer the amount available within the Dedicated Pool and to the extent there are amounts remaining in the Local Allocation Pool, shall allocate the additional amounts to such issuer from the Local Allocation Pool, subject to the dollar amount limitations set forth in Section 6.6 hereof. In the event that an application is made for an allocation from the Special Issuer Pool and there is an insufficient volume remaining for such request, the governor may allocate the amount remaining in the Special Issuer Pool and to the extent there are amounts remaining in the Local Allocation Pool, the governor may direct the SBC Staff to allocate additional amounts from the Local Allocation Pool, subject to the dollar limitations set forth in Section 6.6 hereof. If an application is received for an allocation from the Local Allocation Pool and the Local Allocation Pool has insufficient volume remaining to satisfy such request, the SBC Staff shall notify the issuer requesting the allocation and if the issuer so requests, shall allocate to such issuer the amount available within the Local Allocation Pool. If the issuer further requests, the remaining portion of the issuer's request (up to a total initial allocation of \$20,000,000 for such project or purpose) shall be reconsidered upon consolidation of the Local Allocation Pool, the Special Issuer Pool and the Dedicated Pools described in Article V hereof based on the date of the original filing of the application requesting an allocation.

SECTION 6.12 The SBC Staff shall maintain accurate records of all allocations and all Bonds delivered. All issuers of Bonds which have received an allocation must notify the SBC Staff of the delivery of Bonds within five days after the delivery of such Bonds and shall specify the total principal amount of Bonds issued. The SBC Staff shall provide to any person so requesting every two weeks and any other time requested; (i) a list of the amount of unallocated Ceiling remaining on the date such request is made (ii) a list of allocations (naming the issuer and amount of allocation) which have been made by the SBC Staff or the governor and the date of each allocation and any extension, (iii) a list of applications being held by the SBC Staff which have requested more

than \$20,000,000 of Bonds and (iv) a list of Bonds which have been given an allocation and have been delivered.

SECTION 6.13 The director of the State Bond Commission, or a person on the SBC Staff designated by him, shall be the person authorized to sign the Certificate of No Consideration for Allocation required by Section 621 of the Tax Reform Act, with respect to each allocation from the Local Allocation Pool or a Dedicated Pool, and the governor shall sign such certificate with respect to each allocation from the State Allocation Pool, the Special Issuer Pool and the State Pool.

SECTION 6.14 If at any time the remaining amount of the Ceiling in the Local Allocation Pool or a Dedicated Pool is insufficient to meet the request for allocation of two or more applications which were received in completed form by the SBC Staff on the same day, then the allocation shall be considered based on the chronological order of adoption of an inducement or other resolution by the respective issuer for the project or purpose for which an allocation is requested, and if the inducement or other resolution of such applications were adopted on the same day the allocation for those projects induced on the same day shall be made on a *pro-rata* basis.

SECTION 6.15 If the Ceiling exceeds the aggregate amount of Bonds issued during any year by all issuers, the governor may allocate such excess to issuers for use as a carryforward for one or more carryforward projects, as defined in Section 621 of the Tax Reform Act, through the issuance of an executive order for all carryforward projects which have submitted a completed application to the SBC Staff and a request to be treated as a carryforward project. The SBC Staff shall notify the issuers which are allocated a portion of the Ceiling for a carryforward project at least five days prior to the last date an election to carryforward a portion of the Ceiling may be made.

SECTION 6.16 This executive order only relates to "private activity bonds" as defined in the Tax Reform Act. No issuer shall apply for or be entitled to an allocation from the Ceiling for bonds which do not constitute "private activity bonds" as defined in the Tax Reform Act.

SECTION 6.17 The responsibility for granting allocations from the Local Allocation Pool and Dedicated Pools is hereby delegated solely to the SBC Staff and shall be exercised by the SBC Staff independent of any of its other duties and responsibilities with respect to the State Bond Commission.

SECTION 6.18 This executive order shall be effective on the date of execution hereof by the governor, but shall not be implemented until January 1, 1986.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the city of Baton Rouge, Louisiana, this 23rd day of December, in year of our Lord One Thousand Nine Hundred and Eighty Five.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85 - 94

WHEREAS, The Governor of the State of Louisiana on December 23, 1985, executed Executive Order Number EWE 85-93 setting forth the method for allocation of certain private activity

bonds (the "Bonds") subject to a volume limitation pursuant to Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act"); and

WHEREAS, Executive Order Number EWE 85-93 provides that applications for allocations of the volume limitations on Bonds set forth in the Tax Reform Act (the "Ceiling") will be limited to a maximum allocation of \$20,000,000 until November 1, of each year; and

WHEREAS, the governor desires to make special provisions for applications requesting allocations for Bonds to be used to finance sewerage or waste water treatment facilities;

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

SECTION 1: All applications for allocations from the Ceiling for Bonds in excess of \$20,000,000 submitted to the SBC Staff (as defined in Executive Order No. EWE 85-93), the process of which are to be used to finance sewerage or waste water treatment facilities, shall immediately be submitted to the governor for consideration.

SECTION 2: Notwithstanding the provisions of Executive Order Number EWE 85-93, if the governor determines that a vital public purpose will be served by the issuance of Bonds in excess of \$20,000,000 to finance sewerage or waste water treatment facilities, the governor may grant an allocation from the Ceiling for each such facility or direct the SBC Staff to grant an allocation from the Ceiling for each such facility up to a maximum of \$50,000,000 prior to November 1 of each year.

SECTION 3: This executive order shall be effective on the date of execution hereof by the governor but shall not be implemented until January 1, 1986.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 26th day of December, in the year of our Lord One Thousand Nine Hundred and Eighty Five.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86 - 1

WHEREAS, Executive Order EWE 85-41 was issued to direct the National Guard to assist in protective actions against the Southern Pine Beetle; and

WHEREAS, it has been brought to my attention that the National Guard's services are no longer needed;

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby rescind and recall Executive Order EWE 85-41.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 3rd day of January A.D., 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Animal Health Services Diseases of Animals Pet Turtles

In accordance with the emergency provisions of the Louisiana Administrative Procedure Act [R.S. 49:953(B)] and the authority granted under R.S. 56:638.1, the commissioner of agriculture adopted the emergency rules detailed below in order to protect the Louisiana turtle industry. Louisiana turtle farmers have shipped Salmonella contaminated turtles to Italy, and such turtles may pose a public health threat to the people of Italy since this disease can be transmitted to humans. Unless Louisiana can insure that the turtles it exports are Salmonella free, then there is a possibility that foreign countries will ban our exportation of over \$2,000,000 worth of Louisiana grown turtles to their countries. Such a ban would cause immediate, imminent peril to the entire Louisiana turtle industry.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 123. Pet Turtles

§12301. Definitions

Antibiotic means any bactericide or other organic substance which can kill bacteria such as Salmonella and Arizona spp.

Certified turtle farmer means any individual, firm, corporation or entity engaged in the collection, hatching, sale or distribution of turtles using the Siebeling Method and inspected by the Louisiana Department of Agriculture.

Certificate of inspection means a document that is signed by a licensed veterinarian which verifies species, dates of laboratory testing, turtle lot number and utilization of the Siebeling Method.

Department means the Louisiana Department of Agriculture.

Garasol is an antibiotic (Gentamicin sulfate dissolved in water to give a concentration of 1,000 ppm or a concentration as approved by the Food and Drug Administration (FDA)).

Health certificate is a document issued by a licensed veterinarian to turtle farmers verifying a certificate of inspection. The health certificate shall be required before eggs or turtles are shipped or transported and before they are moved from a certified turtle farm into intrastate or interstate commerce.

Laboratory means a laboratory which has been certified by the Federal Food and Drug Administration (FDA) or other national accrediting agencies to perform microbiological and/or residue testing of organic or inorganic samples.

Siebeling Method means a process by which turtle eggs are cleaned, their surfaces disinfected and a bactericide forced through the pores of the shells without violating the natural, structural integrity of the shell, thereby rendering bacterial free embryos.

§12302. General Provisions

A. State employed veterinarians shall inspect the washing, incubation and hatching of all turtle operations at least four times a year. The inspections shall be made to insure the following:

1. The Siebeling Method of egg collection and sanitization is being conducted properly and is in accordance with the following procedures, to wit:

a. The Siebeling Egg Treatment Method consists of two

major components: (1) egg sanitization and (2) either treatment by the Pressure-Differential Procedure or a treatment by the Temperature-Differential Procedure.

i. Methods of Egg Sanitization:

This is a very critical component. In order for the gentamicin to work effectively, the egg shell surface must be thoroughly cleaned. All dirt must be removed.

(a) Egg washing machine.

(b) The immersion of eggs in a warm Clorox solution.

(1) Wash eggs with warm water spray—top, bottom and side of egg tray.

(2) Add two to four teaspoons of Clorox to each gallon of water. Water should be at 95°-100°F.

(3) Immerse eggs in Clorox solution for five to ten minutes, then remove them. Do not reuse Clorox solution. It must be discarded.

(4) Eggs are now ready to be treated by either the Temperature-Differential or Pressure-Differential Treatment Methods.

ii. Treatment by Pressure-Differential Procedure:

Eggs must be washed thoroughly using either an egg washing machine or washed in warm Clorox solution prior to the initiation of this procedure.

(a) Add garasol dip solution to dip tank.

(b) Close cover. Increase vacuum to 10-25 inches of Mercury and vacuum for at least five minutes.

(c) Release vacuum slowly over a period of 45 to 60 seconds.

(d) Let eggs soak 10 minutes before removing them from garasol dip solution.

(e) Remove eggs and proceed with hatching procedures.

iii. Treatment by Temperature-Differential Procedure:

Eggs must be washed thoroughly using either an egg washing machine or be washed in warm Clorox solution prior to the initiation of these procedures.

(a) It is important that dip solution be cold (40° – 50°F) and sanitized eggs be warm 90°F.

(b) After the eggs have been properly sanitized, the eggs must be warmed to at least 90°F in an incubator or other heating device. This helps remove excess fluid from the egg surface and the interior of the egg.

(c) Remove eggs and proceed with hatching procedures.

iv. Maintenance of Dip Solution:

(a) Garasol dip solution can be stored in glass, plastic or stainless steel containers at 40° – 45°F (4°C).

(b) The garasol dip solution can also be frozen.

2. All equipment used in the Siebeling Method is clean and working properly.

3. Records of purchase and disposal of garasol shall be maintained by the certified turtle farmers.

4. Proper records on the use of the Siebeling Method must be maintained and consists of the following information:

a. turtle lot number and date of treatment;

b. number of eggs treated in lot;

c. garasol lot number(s) and expiration date(s);

d. concentration of garasol used in lot number;

e. last boiling or filtering date of garasol;

f. destination and purpose of shipment;

g. date of laboratory report of turtles tested for Salmonella;

h. person recording data;

i. verification of Louisiana Department of Agriculture inspection.

5. All turtles or eggs leaving the farm must be accompanied by a health certificate prepared by a licensed veterinarian

stating that the turtles and/or eggs originated from a state certified turtle farm.

6. Veterinarians representing the department will make quarterly inspections of turtle facilities.

7. Local practicing veterinarians will be the primary source of official health certificates.

8. Water samples from the pond may be taken periodically and sent to a laboratory for pH, bacterial identification and the concentration or presence of antibiotics and pesticides. The laboratory analyses shall be paid by the certified turtle farmer.

§12303. Penalties

For failure to implement the "Siebeling Method" of treatment in conducting his business, the offender shall be fined \$250 and shall be further enjoined from operation of such business, and no further sales shall be allowed, until said method is implemented. For a mistake made in the application of the "Siebeling Method," no fine shall be assessed. The farmer's operation shall be enjoined, and no further sales shall be allowed, until an adequate correction of the method of application is made.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Food Stamp Program.

Summary

The Office of Family Security was notified by the United States Department of Agriculture, Food and Nutrition Service (USDA, FNS) that the voluntary quit amendments to the final rule issued in the *Federal Register* of October 3, 1984, Vol. 49, No. 193, contain a technical error. The Office of Family Security is hereby amending its rule published in the *Louisiana Register*, Vol 11, No. 1 of January 20, 1985 to correct this error. It is necessary to adopt this emergency rule so that food stamp applicant households whose primary wage earner quit a job without good cause will not be unjustly penalized by being disqualified for 90 days starting from the date of the application rather than from the date of the quit. It is also necessary to avoid possible sanctions by USDA.

Emergency Rule

Effective December 16, 1985, in the case of an applicant household, if the voluntary quit was without good cause, the household's application shall be denied and sanction imposed for 90 days starting from the date of the quit.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

The Medical Assistance Program currently exempts neonatal/pediatric intensive care unit, burn unit and transplant services from the target rate limitation applicable to inpatient hospital services. Reimbursement of NICU/PICU/transplant services is based on allowable costs (routine and ancillary) in accordance with Medicare principles of reimbursement. Reimbursement of burn unit services is the lesser of costs or a per diem limitation based on routine costs only. All other inpatient hospital services are subject to a cost per discharge limitation.

Effective for cost reporting periods beginning October 1, 1985, reimbursement for these carved out services shall be capped with a per diem limitation based on each hospital's first TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) cost reporting period.

Current budgetary limitations require that the following change be implemented in order that current levels of services in certain other departmental programs may be maintained. This rule is a modification of the original limit of three times the hospital's target rate published as an emergency rule in the August 20, 1985 *Louisiana Register* (Vol. 11, No. 8, pp. 754-755) and notice of intent in the September 20, 1985 *Louisiana Register* (Vol. 11, No. 9, p. 898) which was withdrawn due to advisement by the Health Care Financing Administration (HCFA) of its intent to disapprove the change. It was agreed with HCFA, the Joint Legislative Subcommittee on Oversight and providers that a modification of the limit would be submitted.

Rule

Effective for cost reporting periods beginning October 1, 1985, the Medical Assistance Program shall amend the reimbursement methodology for inpatient hospital services to limit the allowable costs for neonatal/pediatric intensive care unit, burn unit and transplant services to a per diem limitation for discharges reflecting carve out unit (NICU/PICU/burn/transplant) services. The per diem limitation shall be calculated based on costs (routine and ancillary) related to such discharges for each hospital's first cost reporting period under the cost per discharge limitation (fiscal year endings 9/30/83 through 8/31/84). The base period cost per day shall be trended forward using the target rate percentage established by the Health Care Financing Administration for reimbursement of inpatient hospital services. The same inflation factor (target rate percentage) shall also be applied to the limitation for subsequent fiscal years.

The provisions for requests for adjustments to the limitation based on changes in case mix or extraordinary circumstances currently applicable to the overall target rate shall also apply to the per diem limitation for carve out unit discharges. The overall target rate per discharge shall be adjusted to reflect any additional costs carved out as a result of this rule.

Regulatory Exception

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

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

DECLARATION OF EMERGENCY

Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

The Department of the Treasury, Board of Trustees of the

State Employees Group Benefits Program, on December 19, 1985, found that there existed an imminent peril to the public health, safety, and welfare which required the emergency amendment of its rules as follows:

Upon unanimous vote of the Board of Trustees, its rule stating that the lifetime maximum amount of accident and health coverage is increased from \$500,000 to \$750,000.

This emergency action is effective upon adoption by the board on December 19, 1985.

James D. McElveen
Executive Director

Rules

RULE

Department of Civil Service Board of Ethics for Elected Officials

The Board of Ethics for Elected Officials has amended the form used for annual financial disclosure required to be filed by the governor and gubernatorial candidates in accordance with R.S. 42:1124. The following form reflects those amendments formally adopted by the board at its meeting of January 7, 1986.

PERSONAL FINANCIAL DISCLOSURE FORM

FULL NAME	SPOUSE'S FULL NAME
RESIDENCE ADDRESS	
SPOUSE'S OCCUPATION (if any)	
SPOUSE'S PRINCIPAL BUSINESS ADDRESS (if any)	

This report covers calendar year _____ Check if Amended Report _____

NOTE: Where amounts are required herein, indicate such amounts by use of one of the following categories:

- I - less than \$5,000;
- II - \$5,000 to \$24,999;
- III - \$25,000 to \$49,999;
- IV - \$50,000 to \$99,999;
- V - \$100,000 to \$199,999;
- VI - \$200,000 or more.

Use as many pages of each section of the form as are required. Machine copies of the form's pages may be used. Complete all sections (if not applicable, so indicate). Please type or print.

AFFIDAVIT

I do hereby certify, after having been first duly sworn, that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge, information and belief.

PERSON FILING REPORT

Sworn to and subscribed before me this _____ day of _____, 19____.

NOTARY PUBLIC

A. POSITIONS

The name, address of, position in, and amount of interest in each business in which you or your spouse (either individually or collectively) were a director, officer, partner, member, or trustee during the calendar year. (NOTE: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

INDIVIDUAL, SPOUSE, OR BOTH	FULL NAME AND ADDRESS OF BUSINESS	POSITION	AMOUNT
____ INDIVIDUAL ____ SPOUSE ____ BOTH			
____ INDIVIDUAL ____ SPOUSE ____ BOTH			
____ INDIVIDUAL ____ SPOUSE ____ BOTH			
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____ INDIVIDUAL ____ SPOUSE ____ BOTH			
____ INDIVIDUAL ____ SPOUSE ____ BOTH			

B. BUSINESS INTERESTS

The name, address, and amount of interest in each business with which your sole relationship during the calendar year was as an owner of an interest in excess of 10% held by you or your spouse (either individually or collectively). (NOTE: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

INDIVIDUAL, SPOUSE, OR BOTH	FULL NAME AND ADDRESS OF BUSINESS	AMOUNT
____ INDIVIDUAL ____ SPOUSE ____ BOTH		
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____ INDIVIDUAL ____ SPOUSE ____ BOTH		
____ INDIVIDUAL ____ SPOUSE ____ BOTH		

C. INCOME

The name, address, type, and amount of each source of income in excess of \$1,000 received by you or your spouse (either individually or collectively) during the calendar year. "Income" means any income from whatever source derived, including but not limited to the following types: compensation for services, including fees, salaries, commissions, and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from interest in an estate or trust. For income from compensation, give a very brief description of the services rendered. For income from mental health, medical health, or legal services, if the disclosure of the source of the income would reveal the identity of a patient or client, then either mental health, medical health, or legal services should be given as the source.

INDIVIDUAL, SPOUSE, OR BOTH	NAME AND ADDRESS OF SOURCE OF INCOME	TYPE	AMOUNT	DESCRIPTION OF SERVICES
INDIVIDUAL SPOUSE BOTH				
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D. REAL ESTATE HOLDINGS

The address and a short description (i.e., size, use of land) of each parcel of real property having a fair market value in excess of \$2,000 in which you or your spouse (either individually or collectively) had an interest during the calendar year.

INDIVIDUAL, SPOUSE, OR BOTH	ADDRESS OF REAL PROPERTY	DESCRIPTION
INDIVIDUAL SPOUSE BOTH		
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E. TRANSACTIONS

A brief description, the date, and amount of each purchase, sale, exchange, donation, or gift, other acquisition or disposition, in excess of \$1,000, by you or your spouse (either individually or collectively) during the calendar year in any real property, and of any stocks, bonds, commodities futures, or other forms of securities, including but not limited to, any option to acquire and/or dispose of any stocks, bonds, commodities futures, other forms of securities, negotiable instruments, movable or immovable property, or any other interest.

INDIVIDUAL, SPOUSE, OR BOTH	DESCRIPTION	DATE	AMOUNT
INDIVIDUAL SPOUSE BOTH			
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F. LIABILITIES

The name, address, and amount of each liability in excess of \$10,000 owed to any creditor by you or your spouse (either individually or collectively) during the calendar year. (NOTE: Exclude any loan secured by a personal motor vehicle, household furniture, or appliances if such loan does not exceed the purchase price of the item that secures it.)

INDIVIDUAL, SPOUSE, OR BOTH	FULL NAME AND ADDRESS OF CREDITOR	AMOUNT
INDIVIDUAL SPOUSE BOTH		
INDIVIDUAL SPOUSE BOTH		
INDIVIDUAL SPOUSE BOTH		
INDIVIDUAL SPOUSE BOTH		
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Peter G. Wright
Attorney

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby amends the following rules.

LAC 35:I.1711. Medication; Reporting to Stewards

[Previously LAC 11-6:53.6]

No medication shall be administered to a horse to be entered or entered to race except as may be provided in LAC 35:I.1501 et seq. If it is necessary to do so, it must be reported to the stewards by the trainer and the horse shall be scratched, if entered, as ineligible to run.

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

LAC 35:I.1727. Drug which Affects Performance; Guarding Horse

[Previously LAC 11-6:53.14]

No person shall administer, or cause or knowingly permit to be administered, or connive at the administration of, any drug not permitted by LAC 35:I.1501 et seq. to any horse to be entered or entered for a race. Every owner, trainer or groom must guard, or cause to be guarded, each horse owned, trained or attended by him in such manner as to prevent any person or persons from administering to the horse, by any method, any drug, not permitted by LAC 35:I.1501 et seq.

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

Albert M. Stall
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby adopts the following rule.

LAC 35:I.1722 No Medication in Two-Year Olds

Previously LAC 11-6:53, in part

Notwithstanding anything in any rule of racing, medication shall not be prescribed, dispensed or administered to a two-year old horse to be raced or racing, or when there is racing planned for a two-year old horse, in the State of Louisiana.

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

Albert M. Stall
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby amends the following rule.

LAC 35:III.5725. Horsemen's Bookkeeper

[Previously LAC 11-6:23.17]

Each association conducting a race meeting shall provide a separate office to be used by the horsemen's bookkeeper who shall keep a separate bank account to be known as the "horsemen's bookkeeper account."

Except for the fee of a jockey (the deposit of which shall be made as provided for in LAC 46:XLI.725, on the Monday of each

week following the week or any part thereof in which races are run at a licensed race meeting, at all times the horsemen's bookkeeper account shall contain sufficient funds to cover all monies due horsemen relative to purses (offered by an association on its official program), stakes, rewards, claims and other deposits. Withdrawals from said account shall be only for the purposes set forth herein and no other, except by written order of the stewards. The horsemen's bookkeeper account shall be subject to audit by the commission at all times.

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

Albert M. Stall
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby adopts the following rule.

LAC 35:XI.9945. Cancelled Claiming Race

[Previously LAC 11-6:45.23]

Should a claiming race be called off or cancelled for any reason, any claim lodged for any horse in said claiming race shall be null and void.

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

Albert M. Stall
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby amends the following rule.

**Chapter 109. Super Six
§10901. Super Six**

A. The Super Six pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

B. A Super Six pari-mutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association and the said ticket shall constitute an acceptance of the Super Six provisions and rules.

C. A Super Six may be given a distinctive name by the association conducting the meeting, subject to approval of the commission.

D. The Super Six pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a Super Six ticket shall designate the winning horse in each of the six races comprising the Super Six.

E. Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Super Six shall race as a single wagering interest for the purpose of the Super Six pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win

in that race for the Super Six calculation and the selection shall not be deemed a scratch.

F. The Super Six pari-mutuel pool shall be calculated as follows.

1. The net amount in the pari-mutuel pool referred to in this Section is defined as the pari-mutuel pool created by Super Six wagering on that particular day and does not include any amounts carried over from previous days betting as provided by in Subsection F4, below.

2. Fifty 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 F4, 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. Fifty 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. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the Super Six, the net pari-mutuel pool shall be distributed as follows.

a. Fifty percent of the net amount in the part-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 F2.

b. Fifty 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. Should no distribution be made pursuant to Subsection F1 on the last day of the association meeting, then that portion of the distributable pool and all monies accumulated therein shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the Super Six for that day or night; the provisions of Subsections I and J have no application on said last day.

G. In the event a Super Six ticket designates a selection in any one or more of the races comprising the Super Six and that selection is scratched, excused or determined by the stewards to be a non-starter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and payoffs. In the event the amount wagered in the win pool on two or more favorites is identical, the favorite with the lowest number on the program will be designated as the actual favorite.

H. In the event of a dead heat for win between two or more horses in any Super Six race, all such horses in the dead heat for win shall be considered as winning horses in that race for the purpose of calculating the pool.

I. No Super Six shall be refunded except when all of the races comprising the Super Six are cancelled or declared as "no contest." The refund shall apply only to the Super Six pool established on that racing card. Any net pool carryover accrued from a previous Super Six feature shall be further carried over to the next scheduled Super Six feature operated by the association.

J. In the event that any number of races less than six comprising the Super Six are completed, 100 percent of the net pool for the Super Six shall be distributed among holders of pari-mutuel tickets that designate the most winners in the completed races. No carryover from a previous day shall be added to the Super Six

pool in which less than six races have been completed. Any net pool carryover accrued from a previous Super Six feature shall be further carried over to the next scheduled Super Six pool operated by the association.

K. No pari-mutuel ticket for the Super Six pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the six races comprising the Super Six, except for such refunds on Super Six tickets as required by this regulation, and no person shall disclose the number of tickets sold in the Super Six pool or the number or amount of tickets selecting winners of Super Six races until such time as the stewards have determined the last race comprising the Super Six each day to be official.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, L.R. 6:542 (September, 1980).

The Office of the Racing Commission will be open from 9 a.m. to 4 p.m., and interested parties may contact either Tom Trenchard or Alan LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through June 4, 1985 to 320 North Carrollton Avenue, second floor, Suite 2-B, New Orleans, LA 70119.

Albert M. Stall
Chairman

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby amends the following rule.

LAC 46:XLI.725. Jockey Fee Schedule

Prior to the start of each race conducted by an association licensed by the commission, sufficient money shall be on deposit with the horsemen's bookkeeper in an amount equal to pay the losing mount fee of a jockey for that race. In the absence of a special agreement, the fee of a jockey shall be as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$400 & under	\$27	\$19	\$17	\$16
500	30	20	17	16
600	36	22	17	16
700-900	10% of win purse	25	22	20
1,000-1,400	10% of win purse	30	25	22
1,500-1,900	10% of win purse	35	30	28
2,000-3,400	10% of win purse	45	35	33
3,500-4,900	10% of win purse	55	45	35
5,000-9,900	10% of win purse	65	50	40
10,000-14,900	10% of win purse	75	60	45
15,000-24,900	10% of win purse	100	75	50
25,000-49,900	10% of win purse	150	100	60
50,000-99,900	10% of win purse	225	150	75
100,000 & up	10% of win purse	400	250	100

Failure, refusal and/or neglect of a trainer to timely deposit or have deposited the aforesaid jockey fee for a horse entered to race, on or before the time specified herein, shall be a violation of this section. Each such violation shall be punishable by a fine of not less than \$200 and the failure to pay such fine within 48 hours of imposition thereof shall be a grounds for suspension. Additionally, an amount equal to the jockey fee actually earned by the jockey in accordance with the aforesaid schedule shall be paid to the jockey earning same within 48 hours of the imposition of the aforesaid fine, and failure to pay said jockey fee within the time specified herein shall be an additional grounds for suspension.

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

Albert M. Stall
Chairman

RULE

Department of Culture, Recreation and Tourism Office of Tourism

GUIDELINES FOR ACT 455 MATCHING FUNDS PROGRAM

Purpose: The Act 455 Matching Funds Program is designed to support and enhance the advertising and promotional endeavors of the Louisiana tourism industry.

Eligibility: Organization Eligibility—Any organization that is legally domiciled in Louisiana and qualifies because:

1. It is a non-profit organization in possession of a determination letter from the Internal Revenue Service (IRS) declaring the organization exempt from federal income tax under Section 501(C) of the Internal Revenue Code. Applicant organizations are required to submit a copy of their IRS determination letter with their application if not filed with the Office of Tourism since July 1, 1985.

2. It is an agency of local, parish or state government, such as municipal governmental units and parish police juries.

3. It is an applicant that can show proof of having matching funds dedicated. Such documentation shall be attached to the application.

Project Eligibility—An organization's project is eligible if:

1. The project's purpose is to advertise and promote tourism in Louisiana.

2. The tourism project takes place between July 1 of the year the application is submitted and June 30 of the next calendar year.

Matching Requirements: All grants are to be matched on a dollar-for-dollar cash basis. No in-kind services may be used for matching purposes.

Evaluation Criteria: All applications submitted under this program will be evaluated by the criteria listed here:

1. Extent to which the project meets the objectives and strategies of the master plan developed by the Louisiana Office of Tourism.

2. Extent to which there is a defined tourism development.

3. Degree of outreach to expand public awareness and involvement in tourism.

4. The degree of planning reflecting broad based participation by the members of the organization and the community in the development and design of the proposed project as evidenced in the application.

5. The extent to which the project is designed to attract visitors to the area or attraction.

6. Potential benefits to the Louisiana tourism industry.

7. Potential benefits to the applicant organization.

8. Clarity of what is to be accomplished.

9. Effectiveness of proposed plan for implementing project.

10. Means of evaluating effectiveness in terms of stated objectives.

11. Extent to which there is a defined need for financial support.

12. Appropriateness of proposed budget.

13. Ability of applicant organization to administer potential grant based on quality and completeness of application.

14. Past record of administrative cooperation and com-

pliance with requirements and guidelines of the Act 455 Matching Funds Program.

15. The degree to which the project combines attractions, regions, and organizations.

16. The extent to which unique marketing approaches are applied.

How to Apply: Applications [original plus six copies], together with a copy of the IRS determination letter and document showing proof of matching funds must be submitted to:

1. economic development districts (EDD's) in which the project is located, or

2. Office of Tourism (P.O. Box 94291, Baton Rouge, LA 70804-9291, Attention: Act 455 Program) if the project overlaps EDD boundaries (i.e., statewide organizations or regional groups crossing EDD boundaries, commonly referred to as "non-EDD's").

Application Deadline: FEBRUARY 15 OF EACH YEAR.

All applications submitted under this program must be received by the close of business on February 15 of each year. Should February 15 fall on a weekend or legal holiday, applications must be received by the close of business on the following workday. Late applications will be ineligible and returned to the applicant.

Grant Award Notification: Notification of grant awards will be made no later than July 15 of each year. Grants will take effect upon receipt of the fully executed grant agreement by the Office of Tourism.

Payment Process: Grants will be reimbursed on a 50 percent basis in accordance with the payment procedure outlined in the grant agreement.

Reporting Requirements: During the duration of grant projects, grant recipients must submit quarterly progress reports to the Office of Tourism on October 1, January 1, and April 1 of the fiscal year. One final report must be submitted to the Office of Tourism no later than 30 days after the project is completed.

Review Process: Applications for financial assistance under the Act 455 Matching Funds Program go through an extensive review process. Applications are submitted to either the economic development district (EDD) office in which the proposed project will take place, or directly to the Office of Tourism if the project will overlap EDD boundaries. Applications received by EDD's are reviewed by the EDD's before they are forwarded to the Office of Tourism. All applications are screened for eligibility by the Office of Tourism. Eligible applications are then reviewed by the Act 455 Matching Funds Committee of the Louisiana Tourism Development Commission. The Act 455 Matching Funds Committee may entertain oral presentations by EDD's and non-EDD applicants as part of their review process. Upon completion of their review, the Act 455 Matching Funds Committee submits its funding recommendations to the Louisiana Tourism Development Commission. The full commission then convenes in one of its full public meetings to review and make recommendations to the secretary of the Department of Culture, Recreation and Tourism on the administration and award of Act 455 matching funds in accordance with Act 688 of 1983 [R.S. 51:1257B(1)]. All applicants are then notified in writing of the final grant awards.

Robert A. Dudden, CPM
Deputy Assistant Secretary

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on October 20, 1985 and under the authority contained in Louisiana

State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51.z

The board adopted several amendments to Bulletin 741, both public and nonpublic standards as necessitated by the 1985 Legislature. (See page 984 of October 1985 issue of the *Louisiana Register* for complete text of amendments.)

James V. Soileau
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 on October 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 3.01.80.(c)

The board adopted the recommendations of the Department of Education and changed the textbook adoption time frame for local systems from a 12-month period to a time frame beginning with February 1 and ending with May 31.

James V. Soileau
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 on October 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 3.01.80.(d)

The board adopted the Department of Education's recommendations to allow textbook publishers to cancel, substitute, and add textbook materials only during the period from February 1 to March 1 inclusive.

James V. Soileau
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 on October 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 7.03.13

PROCEDURE FOR THE SUSPENSION AND EXPULSION OF VOCATIONAL TECHNICAL STUDENTS

1. General Statement—A director, or his designated representative may suspend or expel a student for violation of school rules or for conduct that is disruptive of the educational process.

The disciplinary action shall be taken in accordance with the procedure provided for in this Section.

2. Suspension—A student in a vocational technical school may be suspended for up to ten days by the director or his designee without the necessity of a formal due process hearing. Prior to the suspension, however, the student shall be advised by the director or his designee of the particular conduct of which he is accused as well as the basis for the accusation. The student shall be given an opportunity at that time to explain his version of the events to the director or his designee. After giving the student this chance to respond to the charges against him, the director or his designee may investigate further or if he is satisfied that he has sufficient information, the director or his designee may take appropriate disciplinary action not to exceed a ten-day suspension.

A student whose presence in or about a school poses a continued danger to any person or property or which poses an ongoing threat of disruption to the academic process may be immediately removed from the school premises without the benefit of the procedure described hereinabove; however, this procedure shall be followed as soon after removal as is practicable.

The director or his designee should document the disciplinary action taken, the reasons therefore, and the explanation given by the student by preparing a written memorandum for the school's files.

3. Expulsion—No student shall be expelled for disciplinary reasons or suspended for more than ten days without being offered the opportunity for a due process hearing on the charges made against the student. If a director learns of charges against a student which, if proved true, might necessitate expulsion the director shall offer the student an opportunity to participate in a hearing on the charges. The student may be suspended from appearing on the school premises until the time of the due process hearing; however, every effort should be made to provide for a prompt scheduling of the due process hearing.

At the due process hearing, the student may bring such witnesses as he desires to testify on his behalf of any matter pertinent to the allegations against him, he may introduce pertinent evidence, he may cross-examine any witnesses against him, and he may have representation by legal counsel or such other person as he desires to act on his behalf.

Upon completion of the due process hearing, the director or his designee shall make a determination as to the disciplinary action to be taken as soon as possible and shall so inform the student of the action to be taken and the reasons why disciplinary action is being taken.

No hearing shall be required for terminating a student's enrollment for failure to meet the school's attendance requirements.

James V. Soileau
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 on October 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 3.01.10

The board adopted the World Geography Curriculum Guide as submitted by the State Department of Education.

James V. Soileau
Executive Director

RULE

Office of the Governor Architects Selection Board

In accordance with R.S. 38:2311.E, and pursuant to the notice of intent published November 20, 1985, the Louisiana Architects Selection Board adopts the amendment to Article XI(2) of the rules of the Louisiana Architects Selection Board to read as follows:

ARTICLE XI APPLICATION

Section 1. . . .

Section 2. The Louisiana Architects Selection Board adopts the use of the Standard Form LA-1 as the format for submitting a firm's experiences to the board. The board will accept only those applications submitted on the current edition of the LA-1 Form, with no more than two attached additional 8½ × 11 sheets of paper. Any submittals not following this format will be discarded. In this Form LA-1, principal shall be defined as follows: "Principal: a licensed architect who has the right and authority to exercise control over the project; who shares in profits, losses, and responsibility for incurred liabilities." The board has the right to require proof of compliance with the above definition.

Section 3. . . .

Section 4. . . .

Section 5. . . .

Prentiss Seymour
Chairman

RULE

Office of the Governor Division of Administration

The Division of Administration, in accordance with the provisions of R.S. 49:950 et seq. (the Administrative Procedure Act), Policy and Procedure Memorandum Number 1, R.S. 39:4 and R.S. 39:7 and pursuant to the notice of intent published in the *Louisiana Register* on October 20, 1985, hereby repeals the following Policy and Procedure Memoranda:

Numbers 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 39, 41, 41a, 42, 44, 45, 46, 47, 48, 48a, 50, 54, 55, 56, 57, 58, 59, 60, and 62.

The aforementioned Policy and Procedure Memoranda were published in the *Louisiana Register* as follows:

Volume I, Number 2, (February 20, 1975), Pages 80-140; Volume I, Number 3, (March 20, 1975), Page 63; Volume I, Number 6, (June 20, 1975), Pages 263-266; Volume I, Number 11, (November 20, 1975), Pages 471-473.

Stephanie L. Alexander
Commissioner of Administration

RULE

Office of the Governor Division of Administration Office of Telecommunications Management

Chapter 1. Definitions

§101. Definitions

Within the context of these rules these terms shall be defined as follows:

Access line—a telephone line connected to a specific sys-

tem to either establish or receive calls to or from a particular service area.

Account number—An eight-digit number used for telecommunications billing purposes which is comprised of the FACS three-digit code and five-digit cost center code.

Agency—Any or all boards, commissions, departments, agencies, offices, officers or other instrumentalities, or any or all of these, within the executive branch of state government and any and all entities approved by the commissioner of administration to utilize state telecommunications systems.

Call—A successful attempt to establish a connection between two parties.

Call transfer—A feature which enables a station user to independently transfer an incoming exchange, toll or LINC network call to another station within the same system by dialing the number of the station to which the call is to be transferred.

Central office—A building or part of a building that houses telephone equipment to provide service to users in a particular area. More than one central office may be located in the same building.

Channel—A path for the transmission of electromagnetic signals.

Circuit—The physical connection of channels, conductors and equipment in such a way to provide discrete communications between two given points.

Common carrier—A government regulated private company that furnishes the general public with telecommunications services and facilities, for example, a telephone or telegraph company.

Competitive sealed bidding—A method of procurement which strictly follows the requirements set forth in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950 except for such variations as are specifically established in Part IX of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950.

Credit card—A service provided by the telecommunications common carriers through the Office of Telecommunications Management. This service enables the cardholder to place long distance calls in order to conduct state business through the public telephone toll network when he is not at his official domicile or does not have access to a state network telephone. Charges will be billed at telephone company rates.

Data—Any representation, such as characters, to which meaning may be assigned.

DID (Direct inward dialing)—A telecommunications system switching feature which permits incoming calls to reach stations directly without attendant assistance.

Digit—One of the symbols 0, or 1 through 9, used in telephony to describe the impulse sequence produced by the telephone aid.

Electronic transmission facility—Any transmission medium, switch, instrument, inside wiring system, or other facility which is used, in whole or in part, to provide any transmission except two-way radio. Such facilities shall not include terminal equipment, modems, front end processors, acoustic couplers, remote job entry equipment, and distributed data processing equipment.

Equipment support contract—A contract which covers a single, specific class or classes of telecommunications equipment and all features associated with that class, through which state agencies may purchase or lease the item of hardware specified by issuing a release order under the terms of the contract without the necessity of further competitive bidding.

FACS (Financial Accountability and Control System)—A financial management system to provide for responsible reporting, accounting, and budgetary control of the revenues and expenditures of state agencies.

Key telephone system—An arrangement of telephones, wiring and other necessary equipment which provides a means of answering one or more lines by one or more stations and a means of transferring calls to another station. The types of key system telephones may include call directors; panel mounted modules; ten line key units; sets with externally mounted keys; or sets with no associated key equipment, when such sets are part of a key telephone assembly.

LINC (Louisiana Intercity Network for Communications)—A network comprised of special types of private line channels connecting consolidated and individual telecommunications systems of state agencies.

Line—A path for electrical transmission between a terminal and central switching equipment.

Long distance—A service consisting of placing telephone calls to intrastate or interstate toll points. Calls can either be directly dialed or placed through an operator.

Mileage charges—The additional charges to lines located in a different building and beyond a serving area of a common carrier including charges for dedicated point-to-point communication facilities.

Mobile telephone service—Any telephone service designed for use in vehicles which transmits via a radio connection to the public telephone network, including land, air-to-ground, maritime, and other specialized vehicles.

Network—A system consisting of a number of terminal points which are able to access one another through a series of telecommunications lines and switching arrangements.

Official domicile—The city in which the office is located, except where the domicile is fixed by law or the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the agency head, provided that in all cases such designation must be in the best interest of the agency and not for convenience of the person.

Operating expenses—All expenses with the exception of salaries, professional services, and capital outlay incurred in a fiscal year.

OPX (Off premise extension)—Direct line connection from a telephone switchboard or PBX which terminates in a telephone instrument at a different premise or different city than that of the switch.

PBX (Private branch exchange system)—A type of telephone system which allows for intercommunications between stations on the system without connecting those calls to public lines, allows for direct incoming calls from public lines, and allows for connecting outgoing calls to public lines.

Private line—A channel or circuit provided to furnish communication only between two or more telephones directly connected to each other.

Procurement—The selling, buying, purchasing, renting, leasing, or otherwise obtaining of telecommunications equipment, systems, or related services, as well as all activities engaged in, resulting in, or expected to result in the selling, buying, purchasing, renting, leasing, or otherwise obtaining of telecommunications equipment, systems, or related services by the state or its agencies.

State employee—Employees below the level of state officer.

State officer—State elected officials and/or department head as defined by Title 36 of the Louisiana Revised Statutes (secretary, deputy secretary, undersecretary, assistant secretary, and the equivalent positions in higher education, and in the office of elected officials).

Switching center—An equipment location where termination of multiple circuits interconnect and traffic is transferred between circuits.

Telecommunications coordinator—A representative selected by the agency head who is assigned the responsibility for and authority to determine and control telecommunications requirements for his agency and coordinate those requirements with the Office of Telecommunications Management.

Telecommunications equipment, systems, and related services—The equipment and means to provide electronic transmission facilities; telephone systems; facsimile systems; radio paging services; mobile telephone services; intercom and electromechanical paging systems; and any and all systems based on emerging and future telecommunication technologies relative to these items.

Telecommunications system lease contract—A contract between a supplier of telecommunications systems, including equipment and related services, and the Division of Administration, Office of Telecommunications Management, through which telecommunications systems, including equipment and related services, may be leased for a term which shall not exceed 60 months.

Telephone—An apparatus for converting speech energy to electrical waves, transmitting the electrical energy to a distant point and reconvert to audible sounds.

Terminal—Any device that can send and/or receive information over a telecommunications channel.

Tie lines—A private line telecommunications channel provided by communications common carriers for interconnecting two or more points.

Transfer—The conveyance of control from one mode to another by instructions or signals, or the conveyance of data from one place to another.

Trunk—A telecommunications channel between switching centers or central offices.

WATS (Wide Area Telephone Service)—A special arrangement to permit long distance calling on a full-time or part-time basis at a specified monthly rate to specifically designated areas of the state or nation. This service can either be inward WATS (area code 800 service) which would apply to incoming calls or outward WATS which would apply to outgoing calls.

Chapter 3. General Provisions

§301. Title

These rules shall be known as the administrative rules and regulations of the Office of Telecommunications Management.

§303. Authority

These rules are adopted pursuant to R.S. 39:140-143, by which the Office of Telecommunications Management is given the authority to:

A. Establish and coordinate, through either state ownership or commercial leasing, all telecommunications systems and services affecting the management and operations of the executive branch of state government. Telecommunications systems and services shall mean the equipment and means necessary to provide:

1. electronic transmission facilities;
2. telephone systems;
3. facsimile systems;
4. radio paging services;
5. mobile telephone services;
6. intercom and electro-mechanical paging systems; and
7. any and all systems based on emerging and future telecommunications technologies relating to 1 through 6 above.

B. Act as the sole centralized customer for the acquisition, billing and record keeping of all telecommunications systems or services provided to state agencies, whether obtained through lease or purchase. The ownership of such systems procured by the Office of Telecommunications Management shall vest in the respec-

tive agency, but control of the systems shall be retained by the Office of Telecommunications Management.

C. Charge respective user agencies for their proportionate cost of the installation, maintenance and operation of the telecommunications systems and services, including the operation of the office.

D. Develop coordinated telecommunications systems or services within and among all state agencies, and require, where appropriate, cooperative utilization of telecommunications equipment and services by aggregating users. Where such cooperative utilization of telecommunications systems or service would affect an agency authorized to receive information from the National Crime Information Center of the Federal Bureau of Investigation, such plans for cooperative utilization shall first be approved by the National Crime Information Center before implementation of such telecommunications systems or service can proceed.

E. Review, coordinate, approve, or disapprove all requests by state agencies for the procurement, through purchase or contract for lease, of telecommunications systems or services including telecommunications proposals, studies and telecommunications consultation contracts.

F. Establish and define telecommunications systems and services specifications and designs so as to assure compatibility of telecommunications systems and services within state government, and to assure that systems are practical and in accordance with agency budgetary limitations.

G. Provide a continuous comprehensive analysis and inventory of telecommunications costs, facilities, and systems within state government.

H. Promote, coordinate, or assist in the design and engineering of emergency telecommunications systems, including but not limited to "911" service, emergency medical services, and other emergency telecommunications services.

I. Advise and provide consultation to agencies with respect to telecommunications management planning and related matters and to provide training to users within state government in telecommunications technology and system use.

J. Develop policies, procedures and long range plans, consistent with the protection of citizens' rights to privacy and access to information, for the acquisition and use of telecommunications systems, and to base such policies on current information about state telecommunications activities in relation to the full range of emerging technologies.

§305. Purpose

The purpose of these rules is to establish overall policy, define areas of responsibility, and prescribe procedures for the provision and management of coordinated telecommunications services at minimum expenditure to support the programs of all state departments.

§307. Scope

These rules apply to all state agencies as defined in R.S. 36:3(1) and any and all entities approved by the commissioner of administration to utilize state telecommunications systems.

Chapter 5. State Agencies' Responsibilities

§501. General

All state agencies and all entities approved by the commissioner of administration to utilize state telecommunications systems must comply with the requirements and standards stated in these rules and regulations and must:

A. Adopt procedures to insure that projects and programs initiated within their agencies which will produce an effect on telecommunications services are coordinated with the Office of Telecommunications Management during the earliest stages. This coordination is necessary to insure that proper planning is done in a

cost effective manner to satisfy the future telecommunications needs and requirements of their agencies.

B. Calculate telecommunications expenditures with the aid of the Office of Telecommunications Management for the preparation of each fiscal year budget to ensure that all appropriate expenditures are included under the proper object account, either Telephone and Telegraph or Acquisitions.

C. Appoint one or more representatives to be designated as the telecommunications coordinator(s). The person(s) designated must have sufficient knowledge of the agency's function and must have authority to grant budgetary as well as administrative approval for the agency. Agencies must submit to the director of the Office of Telecommunications Management in writing the names, titles, mailing addresses and telephone numbers of their telecommunications coordinators and the geographic area for which they are responsible. Such notification must be kept current as changes in personnel occur. If an agency does not designate a telecommunications coordinator, the Office of Telecommunications Management will assume that the undersecretary or the equivalent administrative position in the offices of higher education, elected officials, or other subdivisions of state government is the telecommunications coordinator.

§503. Telecommunications Coordinator Responsibilities

The telecommunications coordinator is charged with:

A. Formulating and submitting a long range plan for his agency's use of telecommunications equipment, systems, and services. This plan is to be submitted to the Office of Telecommunications Management and the Legislative Fiscal Office by September 1 of each fiscal year.

B. Assuming responsibility for all agency requests for modifications to existing telecommunications equipment, systems, or services. This responsibility consists of but is not limited to:

1. Reviewing all communications requests within his agency to ensure compliance with the standards outlined in these rules and regulations.

2. Determining the need for and approving or disapproving requests for service and equipment which are in compliance with these standards.

3. Forwarding all approved requests for service to the Office of Telecommunications Management, on appropriate forms, to obtain final approval.

C. Coordinating with the Office of Telecommunications Management the acquisition of new telecommunications systems. Coordination consists of but is not limited to:

1. Notifying the Office of Telecommunications Management of any new projects or programs or alterations to existing projects or programs which would require the acquisition of new telecommunications systems.

2. Informing the Office of Telecommunications Management of meetings which would affect the planning for a new telecommunications system.

3. Forwarding copies of studies and plans related to the telecommunications requirements of the project to the Office of Telecommunications Management.

4. Submitting any additional information to facilitate determination of the type of telecommunications system required.

5. Providing notification to the Office of Telecommunications Management that sufficient funds have been budgeted for the new telecommunications systems.

6. Approving all equipment specifications prepared by the Office of Telecommunications Management.

7. Attending, when scheduled, pre-bid conferences to provide additional information to vendors.

D. Developing a program for ongoing review of telecommunications services and expenditures to ensure that unnecessary expenditures are eliminated and that a proper level of service is being provided.

E. Advising the Office of Telecommunications Management of any significant discrepancies in telecommunications systems or services provided by any supplier of these services.

F. Evaluating use of telecommunications services by the agency to identify the need for instruction and/or training and forwarding recommendations to the Office of Telecommunications Management, who will furnish the agency with services needed.

G. Submitting current telephone listings for the agency to be included in all public telephone directories in the state as well as the state government telephone directory.

Chapter 7. Telecommunications Equipment and Service Standards

§701. Centralized System Concept

The State of Louisiana will utilize the concept of major centralized telecommunications systems to provide services for state agencies when these systems are the most cost effective systems available.

§703. Types of Systems

A. The types of systems utilized are dependent upon emerging technologies in telecommunications.

1. The electronic switching systems allow each telephone in the system to be programmed to the requirements of the job to which the telephone is assigned. The Office of Telecommunications Management has designed basic service to include a telephone instrument with call transfer feature providing an equivalent of two lines per instrument. Optional features are available at additional monthly costs. The management of each agency will be responsible for determining the optional features needed on each telephone to meet operational requirements for respective jobs. The Office of Telecommunications Management will advise and assist agencies in meeting these operational requirements.

2. Use of single line instruments is an integral part of the centralized, shared system concept. Since the call transfer feature allows access to the equivalent of two lines per instrument, electronically switched systems will not be terminated into key telephone systems when the line is located within the service area of the electronic switch. Lines located outside the service area of the electronic switch shall not be terminated into key telephone systems which are not leased or owned by the state.

B. Any agency requiring service which is located within the service area of an existing centralized telecommunications system must be given service from the centralized system if economically justifiable.

1. Any member of the state legislature may be provided, at his designated legislative office location, an off premise extension from the nearest electronically switched system. A secretarial or a residential extension of that line may be allowed. Costs associated with these lines and extensions will be billed directly to the appropriate accounting section responsible for each legislative body. During legislative sessions, legislators may be provided a Baton Rouge off premise extension in their temporary residences.

2. Any judge of those state courts whose operating expenses are financed in part or in whole from state appropriations may be provided at his designated judicial office location, an off premise extension from the nearest electronically switched system. A secretarial or a residential extension of that line may be allowed. All costs associated with these lines will be billed directly to the appropriate accounting section responsible for each judicial entity.

3. A state officer, or a member of those state boards and commissions meeting the standards set forth in LAC 4:IX.703.B

and LAC 4:IX.703.C may be allowed at his residence or at his respective office location an off premise extension from the nearest electronically switched system. Detailed written justification for the residential line must be submitted to the Office of Telecommunications Management, and approval of the request will be granted by the commissioner of administration upon the recommendation of the Office of Telecommunications Management. All charges applicable to the residential telephone line must be billed to a state account number. It will be the responsibility of the applicable telecommunications coordinator to notify the Office of Telecommunications Management if a state officer having a residence phone leaves state service or changes position in order that the Office of Telecommunications Management may effect termination of the telephone service.

C. Non-State Agency Use of Centralized Systems

Other state related entities may be allowed to be part of a centralized communications system when all of the following criteria are met and upon recommendation of the Office of Telecommunications Management and written approval of the commissioner of administration.

1. The entities shall be either quasi-state agencies whose operating expenses are financed in part or in whole from state appropriations; corporations or agencies who provide a direct service which is of benefit to state employees; or the working press with offices in the State Capitol.

2. The entities being allowed to use the shared system will be charged the same rates as state agencies and must pay for the service within 30 days of receipt of the Office of Telecommunications Management invoice. Therefore, the entity's use of the shared system would not result in any cost to the state.

3. The use of the LINC network by the entities will not preclude any state agency from use of the network.

§705. Individual Agency Telecommunications Systems

Requests for individual agency telecommunications systems, such as PBX or key, must be approved by the Office of Telecommunications Management for utilization by those agencies outside the serving area of a centralized system. Individual systems will also be used when mileage charges or other considerations make it unacceptable to include an agency located in the serving area of a centralized system. Individual agency systems requiring intercity capability may be provided such from a centralized system.

§707. Business Service

Business line telephone service may be authorized to augment a centralized system or individual agency telecommunications systems for economical or specific organizational needs. In those cases, proper justification for the business line must be submitted in writing with the service request to the Office of Telecommunications Management for approval. All services of this type will be billed through the Office of Telecommunications Management.

§709. State Telecommunications Network

A. The Office of Telecommunications Management provides a network system which connects all centralized systems throughout the state as well as those individual agency systems having network compatibility.

B. The network system is known as the Louisiana Intercity Network for Communications (LINC).

C. LINC is comprised of special types of private line channels such as voice grade telephone access lines, intermachine trunks, WATS, dedicated tie lines, and electronic switching devices using private line channels to connect the consolidated and individual systems. These switching devices also control and direct the network for utilization of the most economical facilities over the minimum distance required and provide the necessary informa-

tion to enable the Office of Telecommunications Management to bill on an actual usage basis.

D. The design standards for LINC are as follows:

1. Direct inward dialing at all locations served by the network for calls over the network.
2. Line accountability for use of the network in order to provide billing based on actual usage.
3. Control of access to the network to limit access to the network only to those individual instruments requiring long distance service.
4. Uniform dial access to allow instruments with network access to dial an access code number and a seven-digit number when calling another state office on the network.

§711. WATS Service

Inward WATS service (area code 800 numbers), statewide or nationwide, can be leased upon submission of proper justification and service request to the Office of Telecommunications Management. Individual agency leasing of separate outward WATS lines will not be approved.

§713. Mobile Telephone Service

Detailed written justification for mobile telephones, whether leased or purchased, must be submitted to the Office of Telecommunications Management for review. Approval of the request will be granted by the commissioner of administration upon the recommendations of the Office of Telecommunications Management. All charges applicable to mobile telephones will be billed to a state account number. It will be the responsibility of the state agency to notify the Office of Telecommunications Management when the mobile telephone is no longer needed in order to effect termination of the service.

Chapter 9. Telecommunications Use

§901. General

A. All state agencies and all entities approved by the commissioner of administration to utilize state telecommunications systems are responsible for devising, implementing, and enforcing controls related to telephone usage and informing employees of such policies to preclude unnecessary charges. Agency policy concerning telephone usage should be consistent with the following considerations and should be appropriate for the particular needs of each agency.

B. State telephones are provided for the conduct of state business, therefore incoming and outgoing personal calls should not interfere with the purpose for which the telephones have been provided. The frequency and duration of incoming and outgoing personal calls should be minimized to reduce lost personnel time.

1. Personal long distance calls over the common carrier toll network shall not be made from state telephones unless arrangements are made with the long distance telephone operator at the time the call is placed and specific instructions are given to have the call billed to the caller's home telephone or to have the call billed as a collect call. In the event personal long distance calls are made, the agency may require the employee to reimburse the state for the cost of the call.

2. Personal long distance calls shall not be made over the state leased network (LINC).

C. Collect calls shall not be accepted on state telephones except in emergency situations.

D. Third number calls billed to state telephones result in unaccountable additional charges and are prohibited.

E. Credit cards should be provided only to personnel whose duties require that they frequently make long distance calls from locations other than their official domicile. Individuals assigned credit cards will be responsible for their proper use and protection. Justification for issuance of a credit card should be submitted for review to the agency's telecommunications coordinator on an an-

nual basis. Upon approval by the telecommunications coordinator, the request should be forwarded to the Office of Telecommunications Management for final issuance.

F. The use of the state's communications facilities and/or equipment by individuals other than state personnel is prohibited.

Chapter 11. Telecommunications Service Requests

§1101. General

All requests for modifications to existing telecommunications equipment, systems, or related services for state agencies must be submitted in writing to the Office of Telecommunications Management on forms developed by the Office of Telecommunications Management and must contain the approval of the agency telecommunications coordinator. Verbal requests will not be accepted except in cases of extreme emergency. Written requests explaining and confirming the reasons for the verbal request must be submitted to the Office of Telecommunications Management following such circumstances.

§1103. Processing of Requests

Requests for installation, relocation, modification or termination of service on existing systems must be submitted to the Office of Telecommunications Management as far as possible in advance of the date service is desired to allow lead time for evaluation and scheduling of work. The Office of Telecommunications Management will process requests for service with the Telecommunications Coordinator's approval on forms developed by the Office of Telecommunications Management in order of date of receipt from the agency. The following time schedule should be considered when submitting requests for service:

A. Requests for new service should be received by the Office of Telecommunications Management at least 180 days in advance in order to provide required service and to avoid the possible necessity for temporary measures which may result in additional installation and service charges to the agency.

B. Requests for relocation or modification of existing service should be received by the Office of Telecommunications Management at least 20 days in advance to provide reasonable assurance of noninterrupted service and to avoid duplicate service charges for the move.

C. Requests for termination of service should be received by the Office of Telecommunications Management at least 30 days in advance of the date service is to be discontinued. Failure to give adequate notice may result in charges to the using agency beyond the requested disconnection date. The agency will be responsible for all applicable charges if termination is not effected by the requested date because of inadequate notice.

§1105. Evaluation of Requests

All requests for service will be evaluated by the Office of Telecommunications Management and approved on the basis of cost effectiveness for the user agency in compliance with the Office of Telecommunications Management standards.

§1107. Approval of Requests

Upon evaluation and approval of the request, the Office of Telecommunications Management will take the appropriate action to perform the services requested. Installation, relocation, modification, or removal of existing telecommunications equipment cannot be performed by state employees without prior review and approval of the Office of Telecommunications Management.

Chapter 13. Telecommunications Procurement

§1301. Periodic Review of Systems

The telecommunications coordinator should periodically review telecommunications services existing in their offices and facilities and should order the removal of any unnecessary lines, stations, or special features. Upon request of the telecommunications coordinator, the Office of Telecommunications Management will

make a premise review to provide assistance in the evaluation of existing telecommunications systems and make recommendations to provide a more effective telecommunications program.

§1303. Recommendations

When a telecommunications system is considered to be inadequate, or when a system is required for a new facility, a review will be conducted by the Office of Telecommunications Management to identify all telecommunications needs and recommendations for a new system.

§1305. Price Estimates

The Office of Telecommunications Management will forward the detailed site evaluation and new system recommendations with a price estimate for the new system to the agency for review and approval. The agency will then forward the approved proposal to the Division of Administration Budget Office for verification that funds exist to implement the desired telecommunications system. When the Budget Office notifies the Office of Telecommunications Management that funding is available, the Office of Telecommunications Management will initiate procedures for the acquisition of a telecommunications system.

§1307. The Request for Proposals

The Office of Telecommunications Management will develop a request for proposals (RFP). The RFP will consist of sufficient information to allow potential vendors to determine what they believe to be the best and most cost effective methods to supply the agency's needs. The RFP will be constructed in such a way as to insure that the agency will obtain all functions required, while seeking the greatest competition available.

§1309. Processing the Request for Proposals

When the RFP has been completed, it will be forwarded to the Office of State Purchasing. The Office of State Purchasing will add pertinent dates dealing with the bid process and will solicit proposals according to accepted purchasing practices of competitive sealed bidding. Proposals will be opened by the Office of State Purchasing at the designated time and place. The Office of State Purchasing will evaluate all proposals to be certain that purchasing requirements have been met. All proposals meeting those requirements will be forwarded to the Office of Telecommunications Management.

§1311. Evaluation of the Request for Proposals

As soon as practical after proposals have been opened, the Office of Telecommunications Management will evaluate the proposals in an effort to select a vendor. Proposals will first be reviewed to insure that all administrative and technical mandatory requirements have been met. Any proposal not meeting all mandatory requirements will receive no further consideration. All remaining proposals will then be evaluated in strict conformity to the evaluation criteria stated in the RFP. The responsive proposal receiving the highest point score will be recommended for award.

§1313. Contract Covering Accepted Proposal

The winning vendor and the Office of Telecommunications Management will develop a contract which reflects both the RFP and the proposal of the vendor. The final contract will be signed by both parties within 20 days of its completion. Failure to sign the contract within the above stated time period may result in forfeiture of the appropriate bonds and consideration will then be given to the vendor with the next highest point score.

§1315. Equipment Support Contracts

Should the equipment and services needed be available through an existing equipment support contract, the Office of Telecommunications Management will consider use of those contracts. If use of those contracts is considered to be in the best interest of the state, the Office of Telecommunications Management will not request proposals, but will obtain the equipment and ser-

vices through the appropriate equipment support contracts instead.

Chapter 15. Telecommunications Charges

§1501. General

The Office of Telecommunications Management is responsible for the payment of all telecommunications costs incurred by state agencies and provides for equitable billing to state agencies for telecommunications services utilized.

§1503. Charges for Services

The Office of Telecommunications Management charges respective user agencies for their proportionate cost of the installation, maintenance, and operation of telecommunications systems and services, including business service, centralized electronically switched systems, or individual agency systems. The specific charges for each line of service provided will be published annually in a catalog of services.

§1505. Billing Procedures

A. The Office of Telecommunications Management has developed a computerized billing system to produce monthly subscriber billings.

B. The Office of Telecommunications Management uses seven billing regions which coincide with the eight regions designated as the State Planning Districts. State Planning Districts 1 and 3 are combined.

C. All telephone lines and circuits will be assigned an eight-digit account number for billing purposes. This number is comprised of the FACS three-digit agency code and five-digit cost center code. If an agency is not on the FACS system, then the Office of Telecommunications Management will determine a number equivalent to the FACS cost center code. The telecommunications coordinator is responsible for obtaining the proper code assignments from the departmental fiscal officers to ensure that correct charges are applied to the proper invoices.

D. Whenever the account number for a particular telephone line or circuit or account mailing address is to be changed, the Office of Telecommunications Management must be notified in writing through the telecommunications coordinator in order to correct billing records. Changes will become effective in the billing cycle following the date the change notification is received by the Office of Telecommunications Management. The Office of Telecommunications Management will not reissue bills or issue adjustments to agencies for charges that have occurred due to non-compliance with this notification procedure.

E. Upon receipt of the monthly invoice from the Office of Telecommunications Management the agency should review and audit the billing detail printout for possible billing and inventory discrepancies. The agency should prepare a letter noting discrepancies found and adjustments to be made, and forward the letter through the telecommunications coordinator to the Office of Telecommunications Management. The Office of Telecommunications Management will determine the accuracy of the discrepancies noted, and any applicable adjustments will be issued on the next billing cycle. The Office of Telecommunications Management will not process adjustments to invoices which are over six months old.

§1507. Payment

The agency must return one copy of the invoice summary with payment to the Office of Telecommunications Management to insure proper crediting of its account. No adjustments will be made to accounts improperly credited due to submission of incorrect information by the agency. The entire amount of each bill is due within 30 days of the receipt of the invoice. When an account becomes 60 days past due, a letter will be sent to the subscriber agency advising the agency of the past due balance; if the amount past due is over \$5,000, the agency will also be contacted

by telephone. When an account becomes 90 days past due, the agency head will be notified in writing and requested to liquidate the past due amount. When an account becomes 120 days past due, the account will be forwarded to the commissioner of administration for review and collection. If the commissioner of administration approves collection, then the Appropriations Control Office will be notified in writing and the money will be transferred from the agency involved to the Office of Telecommunications Management. To avoid delay, a designated official in the office of the commissioner of administration will be responsible for sending the documentation to the Appropriations Control Office. Because of time restrictions at the end of a fiscal year, these procedures may be waived (state agencies must remit unexpended funds to the state treasurer 90 days after the end of the fiscal year). In accordance with LAC 4:IX.1505.E, the agency will not alter the amount paid to the Office of Telecommunications Management. If the agency finds that there are billing discrepancies, it must send a letter along with the payment so that the Office of Telecommunications Management can resolve the problem. Nonpayment of charges within 90 days by non-state agencies which are allowed to share a centralized communications system constitutes sufficient reason for the Office of Telecommunications Management to notify applicable common carriers or suppliers to terminate service.

§1509. Refunds

Refund checks will not be issued by the Office of Telecommunications Management for overpayment of an account unless there is no other five-digit cost center code related to the three-digit agency code for which overpayment was made and to which the overpayment can be credited. All requests for refund checks must be submitted in writing to the Office of Telecommunications Management.

§1511. Rate Requests

All inquiries concerning telecommunications rates must be directed to the Office of Telecommunications Management and not to telecommunications common carriers or suppliers.

Chapter 17. Directory Requirements

§1701. General

The Office of Telecommunications Management will be responsible for the coordination and publication of all directory information for state telephone users.

§1703. Public Directories

A. The Office of Telecommunications Management will submit to telecommunications common carriers at designated yearly deadlines complete lists of all state government telephone numbers to be published in each existing public directory in the state.

B. The telecommunications coordinator shall contact each subdivision within his agency to determine the necessity, completeness, and accuracy of listings to be included in each existing public directory in the state. The telecommunications coordinator shall submit to the Office of Telecommunications Management in writing all listings of state government telephone numbers for his agency to be published in these public directories.

C. The Office of Telecommunications Management will determine a uniform format to be complied with by all state agencies for state government directory listings.

D. Changes to directory listings submitted in writing to the Office of Telecommunications Management between yearly updates will not incur an additional service order writing charge if the listing change is submitted at the same time that a request is submitted for installation, relocation, or termination of telecommunications services.

E. The telecommunications coordinator should submit all listing changes to the Office of Telecommunications Management as they occur throughout the year to insure that common carrier

directory assistance and state government directory assistance information is kept current.

F. Requests for advertising of state telephone numbers, such as bold type white page listings and yellow page listings, shall be submitted to, reviewed, and approved by the agency telecommunications coordinator. The telecommunications coordinator is responsible for requesting all directory advertising through the Office of Telecommunications Management. Contracts for directory advertising on any state telephone number must be reviewed by the Office of Telecommunications Management before publication.

§1705. State Government Telephone Directory

A. The Office of Telecommunications Management shall publish a state government telephone directory to provide state telephone users with telephone numbers necessary to conduct state business. State agencies will be provided copies of the state government telephone directory when published. The directory shall be composed of organizational listings of state government agencies by department, office, division, and function within state government, cross reference material, explicit dialing instructions, and other items of reference.

B. The Office of Telecommunications Management will determine a uniform format to be complied with by all state agencies for directory listings published in the state government telephone directory.

C. Changes to the state government telephone directory must be submitted in writing to the Office of Telecommunications Management by the telecommunications coordinator. No charge will be incurred for listings or changes made to the state government telephone directory.

Chapter 19. Telecommunications Training

§1901. General

The Office of Telecommunications Management will provide to all state agencies necessary training and/or instructions related to telecommunications technology and system use. All requests for training and instruction must be submitted in writing to the Office of Telecommunications Management and should be made in advance to avoid any unnecessary misuse of telecommunications systems due to employees' lack of knowledge.

§1903. Telecommunications Coordinator Training

Training designed to instruct the telecommunications coordinator on the procedural aspects of interfacing with the Office of Telecommunications Management and to familiarize him with the design and operation of various telecommunications systems will be furnished by the Office of Telecommunications Management as requested by state agencies.

§1905. State Employee Training

Instructions will be provided to state employees on the operation of various telephone systems, telephone equipment and telephone etiquette by the Office of Telecommunications Management as requested by state agencies and before conversions to new telecommunications systems occur.

Chapter 21. Telecommunications Repair

§2101. General

The level of service on any telecommunications system or device is highly dependent upon the identification and correction of maintenance problems. The prompt and accurate reporting of problems experienced will result in better service to all users. Telecommunications suppliers must be aware of failure and degradation of service in order to initiate maintenance and repair actions.

§2103. Telephone Repair Procedures

A. When trouble occurs, try to place the call twice. If the call still cannot be successfully completed, the trouble should be reported.

B. The trouble should be reported to the state problem re-

porting number in the appropriate service area of the agency involved. The agency should supply the following information: name, telephone number, location of telephone, color of telephone, the time the trouble occurred, and a brief description of the trouble encountered.

C. In case of recurring problems existing after numerous reports, or trouble reported which is not corrected properly, the user agency should contact the Office of Telecommunications Management in writing for immediate and final resolution of the problem.

Chapter 23. Waiver of Regulations

§2301. Commissioner's Authority to Waive Regulations

The commissioner of administration may waive in writing, upon the recommendation of the Office of Telecommunications Management, any provision in these rules when the best interest of the state will be served.

C. Wayne Hernandez
Director

RULE

Department of Health and Human Resources Board of Optometry

Upon motion duly made, seconded and unanimously adopted, it was resolved that, pursuant to the notice of intent published in the November 10, 1985 *Louisiana Register*, we adopt the following rule.

Title 46. Professional and Occupational Standards

Part LI. Optometrists

Chapter 7. Examinations

§701. Written Examination

1. Pursuant to the notice of intent published in the November 10, 1985 *Louisiana Register*, we adopt said rule to read as follows:

A. Beginning January 1, 1986, a graduate of an approved school or college of optometry may submit evidence of having reached the recommended levels of acceptable performance on all written parts of the National Board of Examiners in optometry and a true written copy of the score report of such national board examination to the secretary of the Louisiana State Board of Examiners in lieu of taking the written examination administered by the Louisiana State Board of Optometry Examiners; and

B. 1. Beginning with the graduating classes of 1989, every new graduate of an approved school or college of optometry making application to this board for examination and licensure shall submit evidence of having reached the recommended levels of acceptable performance on all written parts of the National Board of Examiners in Optometry and shall cause to be furnished a true written copy of the score report of such national board examinations to the secretary of the board prior to approval by the board of his application to take the clinical - practicum examination administered by the board.

2. Each applicant, after the requirements of the written examination are satisfied, will be given clinical - practicum examinations in written and/or clinical and/or practical form, said examinations to cover those subjects essential to the practice of optometry.

James Sandefur
President

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office

of Family Security, adopts the following rule in the Medical Assistance Program.

Summary

The personal care needs allowance for Medicaid recipients in skilled and ICF facilities was reduced effective August 1, 1985, to \$25 by emergency rulemaking published in the *Louisiana Register*, Vol. 11, No. 8, dated August 20, 1985, necessary to insure the availability of funds to provide medically necessary services throughout the fiscal year. Effective October 1, 1985, a subsequent, emergency rule was published in the *Louisiana Register*, Vol. 11, No. 10, dated October 20, 1985, which increased the personal care needs allowance from \$25 to \$35. This policy change was implemented at the request of the Legislative Budget Committee.

This rule establishes the personal care needs allowance for Medicaid Recipients in skilled and ICF facilities at \$35 for individuals and \$70 for couples. Under this rule, optional state supplementation payments of up to \$10 per month will be restored as allowed by 42 CFR 435.725; .733; and .832.

Rulemaking

RULE

The personal care needs allowance for Medicaid recipients in skilled and intermediate care facilities will be \$35 for individuals and \$70 for couples.

Regulatory Exception

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.

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

RULE

Department of Health and Human Resources Office of Family Security

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

Summary

The maximum countable resource limits for SSI-related Medicaid individuals and couples is being increased each year from January 1, 1986 through January 1, 1989. This increase implements a federal regulation published in the *Federal Register*, Vol. 50, No. 187, Pages 38981 - 38983, dated September 26, 1985.

This rule amends the Medical Assistance Program's SSI maximum resource limits published in the *Louisiana Register*, Vol. 10, No. 12, Pages 1034 - 1035, dated December 20, 1984.

Rulemaking

RULE

The maximum countable resource limits for an SSI-related Medicaid individual/couple are as follows for January 1, 1986 and later.

EFFECTIVE DATE	INDIVIDUAL	COUPLE
January 1, 1986	\$1,700	\$2,550
January 1, 1987	\$1,800	\$2,700
January 1, 1988	\$1,900	\$2,850
January 1, 1989	\$2,000	\$3,000

Regulatory Exception

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.

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

RULE

Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has amended the part of the Section 1122 policies and guidelines which lists criteria for qualifying for expedited review and the part which lists general criteria for Section 1122 review. The notice of intent to make these revisions was published in the November 20, 1985 edition of the *Louisiana Register*. The amendment changes:

1) Number 4 in the criteria for expedited review (p.6) to read "Renovation of an existing facility which costs between \$600,000 and \$1,000,000 and which does not result in a change in existing beds or services."

2) Number 9 in the criteria for expedited review (p.7) to read "A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning, and within the same parish) or which is a result of expropriation of the original site and in the same service area."

3) Number 12 in the criteria for Section 1122 review (p. 16) to read "Evidence of ownership or legally executed option to acquire an appropriately zoned site."

The revised pages will now read:

Page 6

Public Law 98-369 provides that the valuation of an asset after a change of ownership shall be the lesser of the allowable acquisition cost of such asset to the first owner of record on or after June 1, 1984, or the acquisition cost of such asset to the new owner. This will affect the establishment of an appropriate allowance for depreciation and interest in capital indebtedness and (if applicable) a return on equity capital with respect to an asset of a health care facility which has undergone a change of ownership.

Alternatives to Full Review Process

Under the following circumstances, DPPE may elect not to conduct a full review.

Election Not to Review

The DPPE at its option, may elect not to review a proposed capital expenditure which has been determined subject to review under Section 1122 of the Social Security Act. The option of election not to review, as permitted by the applicable statute and regulation, is designed to exempt from review a few proposed capital expenditures for which a review is not necessary. In order to be considered for a DPPE decision for an elect not to review, one of the following criteria must be met:

1. Renovations to meet Life Safety Codes.
2. Capital expenditures for emergency situations.

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An applicant proposing such an expenditure may submit a written request to DPPE for an "elect not to review." DPPE will review the information in the request, request additional information if necessary, and determine the appropriateness of the request. If DPPE elects not to review the proposal, the applicant and DHHS will be notified. If DPPE determines that a review will be conducted, the applicant will be notified and provided with the appropriate application forms.

Expedited Review

The DPPE may elect to conduct an expedited review of a proposed capital expenditure which is subject to review under Section 1122. In order to be considered for an expedited review, the project (1) must not be a discrete part of a larger capital expenditure or phased project, (2) must be related to a Section 1122

approved facility, service, or equipment, and (3) must meet one of the following criteria:

1. Replacement or modification of equipment with an expenditure in excess of \$600,000.
2. Sale of an existing facility with no change in beds or service.
3. Lease (or discontinuance of a lease) of an approved existing facility with no change in beds or services.
4. Renovation of an existing facility which costs between \$600,000 and \$1,000,000 and which does not result in a change in existing beds or services.

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5. A cost overrun on an initially approved project, not to exceed 25 percent of the originally approved cost.

6. Addition of non-medical equipment or purchase of land.

7. Addition of a new service in an existing facility which will not exceed \$600,000.

8. Incorporation, reorganization, merger, consolidation, majority stock sale or transfer, or other changes in the person owning a health care facility with Section 1122 approval.

9. A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning, and within the same parish) or which is a result of expropriation of the original site and in the same service area.

10. A reduction in approved beds or a discontinuance of an approved service.

An applicant proposing a capital expenditure which may qualify for an expedited review must submit a written request to DPPE. DPPE will review the request, determine whether a full review or an expedited review will be conducted, and send the appropriate application forms to the applicant.

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Pre-Application Conference

At any time prior to submitting an application, an applicant may request a formal conference with DPPE to discuss the proposed project. A mutually acceptable meeting time will be established between the applicant and the agency.

Review Procedures

Applicants may request application forms in writing or by telephone from DPPE. The DPPE will promptly provide the applicant with the appropriate forms and a copy of the policies and guidelines. A pre-application appointment may be requested, to be scheduled at a time which is mutually acceptable to the applicant and the agency.

Applications must be submitted on 8½" × 11" paper in triplicate (original and two copies), except as specified in the section of this document entitled "Procedures for Requests for Adjustments to Long Term Care Resource Goals." The contact person specified on the application will be the only person to whom DPPE sends notification in matters relative to the status of the application during the review process. If the contact person (or his address) changes at any time during the review process, the applicant shall notify DPPE in writing.

1. Expedited Review Procedures

Within 15 days of receipt of an application for an expedited review, DPPE shall review the application for completeness. The application is deemed complete for review purposes as of the date on which "all required information is received."

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6. The relationship of the proposed facility/services to other health care providers in the service area; documentation of agreements between the applicant and other health care providers; the extent of cooperation with other facilities in the service area.

7. The relationship (including the organizational relation-

ship) of the proposed services to ancillary or support services provided in the existing facility.

8. The availability of health manpower and management personnel for the provision of the proposed services, including:

a. Availability and projected availability of physicians, nurses, and other personnel within the service area.

b. The adequacy of proposed staffing according to required standards.

9. Special needs and circumstances:

a. health maintenance organizations

b. biomedical and behavioral research projects for which local conditions offer special advantages, and which are designed to meet a national need

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c. facilities which provide a substantial amount of services or resources to non-residents of the service area or of adjacent service areas (i.e. medical and health professional schools, specialty centers, multi-disciplinary clinics)

10. The cost and methods of the proposed construction, including energy provision.

11. The probable impact of the project on the cost of health services within the facility and the service area.

12. Evidence of ownership or legally executed option to acquire an appropriately zoned site.

13. Support or opposition to the proposal by the local community, including health related agencies and professional organizations.

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Appeal Procedures

In findings of nonconformity, DPPE will give the applicant an opportunity to request a fair hearing in writing. The written request for fair hearing, in order to be timely, must be received by DPPE within 30 days after the notification of nonconformity was received by the applicant and must be accompanied by a filing fee of \$500.

The hearing shall commence within 30 days after receipt of the written request for hearing (or later, at the option of the applicant) and shall be conducted by a hearing officer. Requests for extensions may be granted at the

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

RULE

Department of Health and Human Resources Office of Mental Health

The Department of Health and Human Resources (DHHR), Office of Mental Health (OMH) adopts the following uniform policies and rule for reimbursement to nonstate providers of residential rehabilitative services in community homes or group homes established in accordance with LRS 28:206.

Effective March 1, 1986 all adult persons entering into placement by OMH in a community home or group home which is under contractual agreement with OMH shall be responsible for a portion of the per diem cost of residential services. The fee charged to persons residing in the facility shall be based on each person's monthly net income and shall represent the first source of reimbursement to the provider.

Definitions:

Resident is any adult person (18 years or older) who has successfully met all the requirements established by OMH for referral to a community home or group home that is fully or partially funded by OMH.

Community Home or Group Home is a residential facility of 15 or fewer beds that is licensed by the State of Louisiana as a community home or group home for mentally ill adults.

Provider is any nonstate agency or corporation that provides residential rehabilitative services to mentally ill adults in a community home or group home setting as per contractual agreement with DHHR/OMH.

Net monthly income is defined as gross monthly income less FICA, SUTA, and FUTA payroll deductions. *Gross monthly income* is defined as income including money wages and salaries before any deductions, but does not include food or rent in lieu of wages. Income also includes net receipts from nonfarm or farm self-employment (receipts from a person's own business or farm after deductions for business or farm expenses). Income includes regular payments from social security, railroad retirement, unemployment compensation, worker's compensation, strike benefits from union funds, veterans' benefits, public assistance (including supplemental security income, and general assistance money payments), training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, and regular insurance or annuity payments; and income from dividends, interest, rent, royalties, or periodic receipts from estate or trusts.

For eligibility purposes, income does not include the following money receipts: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds; gifts; lump-sum inheritances; one-time insurance payments; or compensation for injury. Also excluded are noncash benefits, such as employer-paid or union-paid portion of health insurance or other employee fringe benefits; and such federal programs as Medicaid, Food Stamps, or public housing. (This definition of gross income is adapted from language used in U. S. Bureau of the Census. "Current Population Reports" series P-60. No. 144 as reported in the March 8, 1985 *Federal Register*, Vol. 50, No. 46.)

PROCEDURE

OMH shall utilize the following procedure for determining the monthly fee for services charged to individual residents:

(1) Before a client can be admitted to a residential facility, his/her monthly residential fee shall be established by written agreement between the OMH treatment team, the client, and the residential provider. The monthly fee charged to each resident is a percentage of the resident's net monthly income up to the allowable per diem cost of the residence as established either by DHHR Rate Administration or the Office of Mental Health, whichever is applicable. The schedule below specifies the monthly fee charged to individuals with a net monthly income between \$75 and \$1,000. Residents with a net monthly income greater than \$1,000 will be charged a monthly fee of 50 percent of their monthly net income or the maximum allowable per diem, whichever is less. Residents whose net monthly income falls between any two amounts on the schedule below will be charged a fee based on the percentage rate applicable to the closest identified amount.

Monthly Net Income	Monthly Fee Charged to Residents	Percent of Monthly Income
\$ 1000 .	\$ 500 .	50%
975 .	488 .	50%
950 .	475 .	50%
900 .	450 .	50%
875 .	438 .	50%
850 .	425 .	50%
825 .	413 .	50%
800 .	400 .	50%

775 .	388 .	50%
750 .	375 .	50%
725 .	366 .	50%
700 .	350 .	50%
675 .	338 .	50%
650 .	325 .	50%
625 .	313 .	50%
600 .	300 .	50%
575 .	288 .	50%
550 .	275 .	50%
525 .	263 .	50%
500 .	250 .	50%
475 .	238 .	50%
450 .	225 .	50%
425 .	213 .	50%
400 .	200 .	50%
375 .	188 .	50%
350 .	175 .	50%
325 .	163 .	50%
300 .	150 .	50%
275 .	138 .	50%
250 .	125 .	50%
225 .	113 .	50%
200 .	100 .	50%
175 .	75 .	50%
150 .	75 .	50%
125 .	50 .	40%
100 .	25 .	25%
75 .	0 .	0%

(2) Resident income determinations shall be made on a quarterly basis by a procedure established by the OMH regional director and which is consistent with the quarterly review of residential treatment plans. If any individual resident income determination is jointly considered by the resident, provider, and regional director as resulting in undue financial hardship on the resident a request for an exception to the standard fee scale can be made to the assistant secretary.

(3) Each resident of the facility shall pay to the OMH residential provider the requisite monthly fee prior to the beginning of the month in which the residential services are received. This fee is non-reimbursable to the resident if he/she does not remain at the facility for the full month. However, a client who is admitted to a facility after the first day of a given service month will not be charged for residential services until the beginning of the next whole service month.

(4) Interim monthly adjustments to residential fees:

The monthly residential services fee established for each resident may be adjusted prior to the next regularly scheduled income review date if the resident provides the provider and the OMH regional director with evidence of a ten percent or greater reduction in net monthly income. The adjusted residential services fee will become effective on the first day of the next whole service month.

It is the responsibility of the regional director or his/her designee to inform OMH headquarters, Division of Administrative Services of any changes within 12 business days after the end of the preceding month to the provider's monthly request for reimbursement regarding OMH's share of the per diem cost.

(5) Reimbursement to the provider by DHHR/OMH for occupied beds shall be the per diem rate established by DHHR Rate Administration less the fee charged by the provider to each resident. It is the responsibility of the provider to collect all fees due the provider from the residents. However, if a resident refuses to pay the agreed upon fee the provider may request a redetermination by OMH of the resident's continued participation in the residential program. In any case, the amount reimbursed to the provider by DHHR/OMH is not contingent on the actual fees collected by the provider, but on the amount of monthly fee charged to residents as per the written agreement between the resident and the provider.

(6) Reimbursement to the provider by DHHR/OMH for beds which remain vacant at the request of OMH or represent the allowable vacancy rate of 20 percent will be the per diem rate established by DHHR Rate Administration.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, is adopting the following rule pursuant to LSA - R.S. 40:33 and LSA - R.S. 40:41 as amended by Act 811 of 1985 and pertaining to release of birth rosters to local, city and parish supervisors of child welfare and attendance.

Rule

To protect the integrity of vital records and ensure their proper use, the state registrar of vital records shall disclose information in accordance with the provisions set forth hereinunder:

1. All birth rosters released to city and parish supervisors of child welfare and attendance shall remain the property of Vital Records Registry.

2. The rosters shall be requested in writing by the supervisor charged with enforcing school attendance and that person shall be responsible for the roster while it is in his/her custody. Vital Records Registry shall be notified when a change in the supervision occurs.

3. The rosters shall retain the seal of confidentiality while in the custody of supervisors and shall not be considered public records under R.S. 44:1 et seq.

4. The rosters are not transferable, shall not be duplicated and shall be utilized only for administrative purposes; they shall not be divulged or shared with any other person or city or parish entity, public or private.

5. Annual rosters will be available beginning May 1, 1986, reflecting calendar year 1985 with subsequent rosters becoming obtainable May 1 of each year thereafter.

6. Upon completion of enforcement procedures, the rosters shall be returned to the Vital Records Registry.

7. Recipients of the rosters shall sign an agreement holding Department of Health and Human Resources, Office of Preventive and Public Health Services harmless for any breach in confidentiality set forth hereinabove.

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

RULE

**Department of Health and Human Resources
Office of the Secretary
Division of Licensing and Certification**

The Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, has adopted, effective January 20, 1986, amendments to the standards for licensing substance abuse programs. This rule updates the standards originally published January 20, 1977, as authorized, delineated and/or mandated by Act 364 of 1975.

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

RULE

**Department of Natural Resources
Office of Conservation**

STATEWIDE ORDER NO. 29-B

Amendment concerning the storage, treatment, and disposal of nonhazardous oilfield waste generated from the drilling and production of oil and gas wells; the construction, operation, monitoring, and closure of pits used to store produced water and other nonhazardous oilfield waste; and the reuse of physically, chemically, biologically, or otherwise processed nonhazardous oilfield waste.

Pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Sections 30:4 C (1) (2) (3) (6) (8) (9) (10) (14) (16) and I; and after public hearings held under Docket Nos. UIC 85-16 and 85-39 in Baton Rouge, LA on August 5 and December 3, 1985, and following publication of notice as required by the Administrative Procedure Act, R.S. 49:950 et seq. rules and regulations were promulgated by the Commissioner of Conservation as being reasonably necessary to govern the storage, treatment, and disposal of nonhazardous oilfield waste generated from the drilling and production of oil and gas wells; the construction, operation, monitoring, and closure of pits used to store produced water and other nonhazardous oilfield waste; and the reuse of physically, chemically, biologically, or otherwise processed nonhazardous oilfield waste.

A copy of the rules and regulations may be obtained at no cost by writing James H. Welsh, Office of Conservation, Injection and Mining Division, Box 44275, Baton Rouge, LA 70804-4275, by calling 504/342-5515 or by coming in person to Room 253 of the State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA.

Herbert W. Thompson
Commissioner of Conservation

RULE

**Department of Natural Resources
Office of Conservation**

STATEWIDE ORDER NO. 29-N-1

**UNDERGROUND INJECTION CONTROL PROGRAM
REGULATIONS FOR CLASS I, III, IV, AND V WELLS**

Pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the L.R.S. of 1950, Section 30:1 D, and 4 C (1); and after a public hearing held under Docket No. UIC 85-38 in Baton Rouge, LA on December 6, 1985, and following publication of notice as required by the Louisiana Administrative Procedure Act, Title 49, Sections 951 through 968 of

the L.R.S. of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to govern the siting, construction and operation of Class I or IV injection wells used for the injection of industrial waste or waste products into the subsurface, Class III wells which inject for the extraction of minerals or energy, or any other use of an injection well described herein (Class V), excluding Class II injection wells which are regulated by Statewide Order No. 29-B.

Statewide Order No. 29-N-1

Part 10. Definitions

66) "Skin Effect" is the blockage or plugging of the well perforations or near wellbore formation face from solids in the waste stream that results in increased injection pressures and can be measured by accepted engineering test procedures.

Part 50.06 Operating Requirements

A. Except during well stimulation, the maximum surface injection pressure (MSIP) shall not exceed the surface injection pressure needed to initiate fracture of the injection or confining zone(s) and shall be calculated by following the formula:

$$MSIP = 0.85 [BHP_f - H] + TF + SE$$

Where:

BHP_f = Bottomhole fracture pressure established by gradients for the area the well is located in or actual testing.

H = Hydrostatic Pressure

TF = Frictional loss in the tubing during maximum injection rate.

SE = Skin effects as established by accepted engineering test procedures as described in "Pressure Buildup and Flow Tests in Wells," by C. S. Matthews and D. G. Russell or approved alternate tests. (optional variable)

In no case shall the calculated maximum surface injection pressure exceed the surface injection pressure needed to initiate fractures in the confining or injection zone(s) or cause movement of injection or formation fluids into a USDW.

Effective Date and Compliance

A. This amendment shall be effective on and after January 20, 1986.

B. Failure to comply with the requirements of this amendment in a timely manner will subject an operator to the suspension or revocation of his permit(s) and/or imposition of penalties pursuant to L.R.S. 30:18.

Herbert W. Thompson
Commissioner of Conservation

RULE

**Department of Natural Resources
Office of Conservation**

STATEWIDE ORDER NO. 29-0-1

Amendment concerning the establishment of an Abandoned Mine Land Reclamation Program and Fund

Pursuant to power delegated under the laws of the State of Louisiana, and particularly Title 30 of the LRS of 1950, Sections 30:905.2, 905.3, 905.4 and 905.5; and after a public hearing held under Docket No. AML 85-1 in Baton Rouge, LA on December 6, 1985, and following publication of notice as required by the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to establish and implement the Louisiana Abandoned Mine Land Reclamation Program and Fund.

SUBCHAPTER R—GENERAL

Part AMR 270 - General

270.1 Purpose. To set forth requirements for Louisiana's Abandoned Mine Reclamation Program pursuant to R.S. 30:901, et seq. of the Louisiana Statutes.

270.2 Authority. The commissioner is authorized to administer the requirements of the Act and regulations promulgated thereunder.

270.3 Responsibility.

(a) The commissioner is responsible for exercising the authority delegated to him under the Act, including the following:

(1) Participation in the Federal Abandoned Mine Reclamation Program through the establishment of Louisiana Abandoned Mine Reclamation Program;

(2) Establishment of the Louisiana Abandoned Mine Reclamation Fund for use in conducting the Louisiana Abandoned Mine Reclamation Program; and

(3) Requesting, receiving and administering grant monies and other monies for use in this program.

Part AMR 270 - Abandoned Mine Reclamation Regulation Definitions

270.5 Definitions as used in Parts 270 through 286

Abandoned Mine means a mining operation where coal or non-coal is no longer being produced and where the operator has no intention of continuing production from the mine.

Act means Title 30, Chapter 9, L.R.S. of 1950, Sections 905.1 - 905.6, known as Louisiana Surface Mining and Reclamation Act.

Director means the Director of the Office of Surface Mining Reclamation and Enforcement.

Division means the Injection and Mining Division of the Office of Conservation.

Eligible Lands and water means lands and water eligible for reclamation or drainage abatement expenditures and are those which were mined for coal or non-coal or which were affected by such mining, wastebanks, coal processing, or other coal or non-coal mining processes, and abandoned or left in an adequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under state or other federal laws.

Emergency means a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety or general welfare of people before the danger can be abated under normal program operation procedures.

Expended means that monies have been obligated, encumbered or committed by contract by the division for work to be accomplished or services to be rendered.

Extreme danger means a condition that could reasonably be expected to cause substantial physical harm to persons, property or the environment and to which persons or improvements on real property are currently exposed.

Left or abandoned in either an unreclaimed or inadequately reclaimed condition means lands and water:

(a) which were mined or which were affected by such mining, wastebanks, processing or other mining processing prior to August 3, 1977, and all mining has ceased; and,

(b) which continue, in their present condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health and safety of the public; and

(c) for which there is no continuing reclamation responsibility under state or federal laws.

Non-Coal reclamation means the process of restoring an abandoned mine, that was not mined for coal, back to its original contour or some other useful contour.

Office of Conservation, or Office—Office of Conservation of the Department of Natural Resources.

OSM means the Office of Surface Mining of the United States Department of the Interior.

Owner means the owner of real property who is shown to be the owner of record on the plats located in the county courthouse of the county in which the real property is located.

Permanent facility means any structure that is built, installed or established to serve a particular purpose or any manipulation or modification of the surface that is designed to remain after the reclamation activity is completed, such as a relocated stream channel or diversion ditch.

Plan or State Abandoned Mine Reclamation Plan means a plan submitted by the state to OSM for the reclamation of land and water adversely affected by past coal or non-coal mining activities.

Program or State Abandoned Mine Reclamation Program means a program established by the state for the reclamation of land and water adversely affected by past coal or non-coal mining, operated under the provisions of the State Abandoned Mine Reclamation Plan including annual application for grants under the state plan.

Project means a delineated area containing one or more abandoned mine land problems. A project may be a group of related reclamation activities with a common objective within a political subdivision of a state or within a logical, geographically defined area, such as a watershed or conservation district.

Reclamation activity means the restoration, reclamation, abatement, control, or prevention of adverse effects of past mining.

Reclamation fund means a special fund established by the Surface Mining Control and Reclamation Act (Public Law 95-87) to reclaim land mined for coal before August 3, 1977.

Part AMR 272 Abandoned Mine Reclamation Fund

AMR 272.1 Scope

This Part sets forth general responsibilities for administration of Abandoned Mine Land Reclamation Programs and procedures for the Abandoned Mine Reclamation Fund to finance such programs.

AMR 272.12 Abandoned Mine Reclamation Fund

(a) A fund to be known as the Abandoned Mine Reclamation Fund shall be established in the general fund for the purpose of providing monies to administer the Abandoned Mine Reclamation Program. This fund will be managed in accordance with the Federal Office of Management and Budget Circular No. A-102 and applicable state guidelines.

(b) Revenue shall include:

(1) amounts granted by OSM for purposes of conducting the approved State Reclamation Plan;

(2) monies collected from charges for uses of land acquired or reclaimed with monies from the Abandoned Mine Reclamation Fund;

(3) monies recovered through the satisfaction of liens filed against privately-owned lands;

(4) monies recovered from the sale of lands; and

(5) such other monies as the state legislature decides should be deposited in the fund for use in carrying out the approved reclamation program including monies collected as fines from violations of the Act or any rule, regulation or order pursuant to the Act.

Part AMR 274 - General Reclamation Requirements

AMR 274.1 Scope

This Part establishes land and water eligibility requirements, reclamation project objectives and standards, and project selection factors.

AMR 274.11 Applicability

The provisions of this Part apply to all reclamation projects

to be carried out with money from the Abandoned Mine Reclamation Fund and administered by the division.

AMR 274.12 Eligible Coal Lands and Water

Coal lands and water are eligible for reclamation activities if:

(a) They were mined for coal or affected by coal mining processes;

(b) they were mined prior to August 3, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition; and,

(c) there is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the state or federal government, or the state as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation. In cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional monies from the Abandoned Mine Reclamation Fund may be sought.

AMR 274.13 Reclamation Objectives and Priorities

Reclamation projects shall reflect the priorities set out in Section 30-905 of the Act. Reclamation projects should be accomplished in accordance with the office's "Final Guidelines for Reclamation Programs and Projects" (45 FR 14810-14819, March 6, 1980).

Part AMR 275 - Non-Coal Reclamation

AMR 275.1 Scope

This Part establishes land and water eligibility requirements for non-coal reclamation.

AMR 275.12 Eligible Lands and Water

Non-coal lands and water are eligible for reclamation if:

(a) they were mined or affected by mining processes;

(b) they were mined prior to August, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition;

(c) or all coal related reclamation has been accomplished;

(d) there is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the state or federal government or the state as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation. In cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional monies from the Abandoned Mine Reclamation Fund may be sought;

(e) the reclamation has been requested by the governor;

(f) the reclamation is necessary for the protection of the public health and safety;

(g) monies are allocated to the state for that specific purpose; and,

(h) the reclamation is necessary to restore land and water resources and the environment degraded by past mining.

AMR 275.13 Requirements for non-coal reclamation

Reclamation of eligible non-coal mined lands and waters shall comply with the provisions of Section 30.905.4 of the Act.

Part AMR 277 - Rights of Entry

AMR 277.1 Scope

This part establishes procedures for entry upon lands or property by the Office for reclamation purposes.

AMR 277.11 Written Consent for Entry

Written consent from the owner of record and lessee, or their authorized agents, is the preferred means for obtaining agreements to enter lands in order to carry out reclamation activities. Non-consensual entry will be undertaken only after due care and deliberation have exhausted all reasonable possibilities of obtaining written consent.

AMR 277.13 Entry and Consent to Reclaim

(a) The office or its agents, employees, or contractors, may enter upon land to perform reclamation activities or conduct studies or exploratory work to determine the existence of the adverse effects of past mining if consent from the owner is obtained.

(b) If consent is not obtained, then, prior to entry under this Section, the office shall find in writing with supporting reasons that:

(1) land or water resources have been or may be adversely affected by past coal or non-coal mining practices;

(2) the adverse effects are at a state where, in the interest of the public health, safety or the general welfare, action to restore, reclaim, abate, control or prevent the adverse effects of past coal or non-coal mining practices is not known or readily available, or the owner will not give permission for the office, its agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the effects of past mining practices.

(c) The office shall give notice of its intent to enter for purposes of conducting reclamation at least 30 days before entry upon the property. The notice shall be in writing and shall be mailed, return receipt requested, to the owner, if known, with a copy of the findings required by this Section. If the owner is not known, or if the current mailing address of the owner is not known, notice shall be posted in one or more places on the property to be entered where it is readily visible to the public and advertised once in a newspaper of general circulation in the locality in which the land is located. The notice posted on the property and advertised in the newspaper shall include a statement of where the findings required by this Section may be inspected or obtained.

AMR 277.14 Entry for Emergency Reclamation

(a) The office, its agents, employees or contractors shall have the right to enter upon any land where an emergency exists and on any other land to have access to the land where the emergency exists to restore, reclaim, abate, control or prevent the adverse effects of coal or non-coal mining practices and to do all things necessary to protect the public health, safety or general welfare.

(b) Prior to entry under this Section, the office shall after notice and hearing make a finding of fact in accordance with Section 30:905.4 of the Act.

Part AMR 279 - Acquisition, Management and Disposition of Lands and Water

AMR 279.1 Scope

This part establishes procedures for acquisition of eligible land and water resources for emergency and reclamation purposes by the office under an approved reclamation program. It also provides for the management and disposition of lands acquired by the state and establishes requirements for the redeposit of proceeds from the use of land.

AMR 279.11 Land Eligible for Acquisition

(a) Land adversely affected by past coal or non-coal mining practices may be acquired with monies from the fund by the office if, after notice and hearing, the office finds that acquisition is necessary for successful reclamation and that:

(1) the acquired land will serve recreation, historic, conservation and reclamation purposes or provide open space benefits after restoration, reclamation, abatement, control or prevention of the adverse effects of past coal or non-coal mining practices, and

(2) permanent facilities will be constructed on the land for the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal or non-coal mining practices.

(b) Coal or non-coal refuse disposal sites and all coal or non-coal refuse thereon may be acquired with monies from the fund if, after notice and hearing, the office finds that the acquisition of such land is necessary for successful reclamation and will serve

the purposes of the Abandoned Mine Reclamation Program or that public ownership is desirable to meet an emergency situation and prevent recurrence of adverse effects of past coal or non-coal mining practices.

(c) Land or interests in land needed to fill voids, seal abandoned tunnels, shafts and entry ways or reclaim surface impacts of underground or surface mines may be acquired by the office if the office finds that acquisition is necessary under AMR 274.12(b) or AMR 275.12(b).

(d) The office shall acquire only such interests in the land as are necessary for the reclamation work planned or the post-reclamation use of the land. Interests in improvements on the lands, mineral rights or associated water rights may be acquired if:

(1) the customary practices and laws of the state will not allow severance of such interests from the surface estate; or

(2) such interests are necessary for the reclamation work planned or for the post-reclamation use of the land; and

(3) adequate written assurance cannot be obtained from the owner of the severed interest that future use of the severed interest will not be in conflict with the reclamation to be accomplished.

(e) Title to all lands or interests in and acquired under this Section shall be in the name of the state.

AMR 279.12 Procedures for Acquisition

(a) An appraisal of all land or interest in land to be acquired shall be obtained by the office. The appraisal shall state the fair market value of the land as adversely affected by past mining and shall otherwise conform to the requirements of the handbook on "Uniform Appraisal Standards for Federal Land Acquisition" (Interagency Land Acquisition Conference, 1973).

(b) When practical, acquisition shall be by purchase from a willing seller. The amount paid for interests acquired shall reflect the fair market value of the interests as adversely affected by past mining.

(c) When necessary, land or interest in land may be acquired by condemnation. Condemnation procedures shall not be started until all reasonable efforts have been made to purchase the land or interests in lands from a willing seller.

(d) The office shall comply, at a minimum, with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, U.S.C. 4601, et. seq., and 41 CFR Parts 114-50.

AMR 279.13 Acceptance of Gifts of Land

(a) The office, under an approved reclamation plan, may accept donations of title land or interests in land.

(b) Offers to make a gift of land or interest in land shall be in writing and comply with state regulations for donations.

AMR 279.14 Management of Acquired Land

(a) Land acquired under this Part may be used for any lawful purpose that is consistent with the necessary reclamation activities. Procedures for collection of user charges or the waiver of such charges by the office in conjunction with the office of state lands shall be determined on the basis of the fair market value of the benefits granted to the user, charges for comparable uses within the surrounding area or the costs to the state for providing the benefit, whichever is appropriate. The fee may be waived if found in writing that such a waiver is in the public interest.

(b) All use fees collected shall be deposited in the Abandoned Mine Reclamation Fund in accordance with Part AMR 272.

AMR 279.15 Disposition of Reclaimed Land

(a) Prior to the disposition of any land acquired under this Part, the office shall publish a notice of proposed land disposition, hold public hearings if contained in Section 30:901.4 of the Act.

(b) The office may transfer administrative responsibility for land acquired by the state to any state department or agency, with or without cost to the department or agency. The office may trans-

fer title for land acquired by the state to any agency or political subdivision of the state, with or without cost to that entity. The agreement under which a transfer is made shall specify:

(1) The purposes for which the land may be used, which shall be consistent, with the authorization under which the land was acquired; and,

(2) that the title or administrative responsibility for the land shall revert to the office if, at any time in the future, the office finds that the land is not used for the purposes specified.

(c) The office and the office of state lands may accept title for abandoned and unreclaimed land to be reclaimed and administered by the state. If the state transfers land to the United States under this Section, the state shall have a preference right to purchase such land after reclamation is completed. The price to be paid by the state shall be the fair market value of the land in its reclaimed condition less any portion of the land acquisition price paid by the state.

(d) The office in conjunction with the division of state lands may sell land acquired and reclaimed under this Part to the local government within whose boundaries the land is located. The conditions of sale shall be in accordance with the authorities contained in Section 30:905.4 of the Act.

(e)(1) The office may sell land acquired under this Part by public sale if:

(i) such land is suitable for industrial, commercial, residential or recreational development;

(ii) such development is consistent with local, state or federal land use plans for the area in which the land is located; and

(iii) if it is found that retention by the state or disposal under other paragraphs of this Section, is not in the public interest.

(2) Disposal procedures will be in accordance with Section 30:905.4 of the Act.

(3) The office may transfer title or administrative responsibility for land to cities, municipalities or quasi-governmental bodies, provided that the office provides for the reverter of the title or administrative responsibility if the land is no longer used for the purposes originally proposed.

(f) All monies received from disposal of land under this Part shall be deposited in the Abandoned Mine Reclamation Fund in accordance with Part AMR 272.

Part AMR 282 - Reclamation on Private Land

AMR 282.1 Scope

This Part authorized reclamation on private land and establishes procedures for recovery of the cost of reclamation activities conducted on privately-owned land by the office.

AMR 282.12 Appraisals

(a) A notarized appraisal of the fair market value of private land to be reclaimed which may be subject to a lien under AMR 282.13 shall be obtained from an independent appraiser.

(b) A notarized appraisal of all land reclaimed which was appraised under Paragraph (a) of this Section shall also be contained from an independent appraiser. The appraisal shall state the market value of the land as the appraisal shall not be started until actual completion of reclamation activities.

(c) The landowner upon whose property a lien is filed is to be provided with a statement of the increase in market value, an itemized statement of reclamation expenses, and a notice that a lien is being or has been filed in accordance with AMR 282.13.

AMR 282.13 Liens

(a) The office has the discretionary authority to place or waive a lien against land reclaimed if the reclamation results in a significant increase in the fair market value based on the appraisals obtained under AMR 282.12; however:

(1) a lien shall not be placed against the property of a surface owner who acquired title prior to May 2, 1977, and who did

not consent to participate in or exercise control over the mining operation which necessitated the reclamation work;

(2) the basis for making a determination of what constitutes a significant increase in market value or what factual situation constitutes a waiver of lien will be made by the office; and,

(3) the lien may be waived by the office if the reclamation work performed on private land primarily benefits health, safety or environmental values of the greater community or area in which the land is located, or if the reclamation is necessitated by an unforeseen occurrence and the work performed to restore that land will not result in a significant increase in the market value of the land as it existed immediately before the occurrence.

(b) If a lien is to be filed, the office shall, within six months after the completion of the reclamation work, file a statement in the office of the clerk of court in the parish in which the land is located. Such statement shall consist of an account of monies expended for the reclamation work, together with notarized copies of the appraisals obtained under Section 282.12. The amount reported to be the increase in value of the property shall constitute the lien to be recorded and shall have priority as a lien second only to the lien of real estate taxes imposed upon the land.

(c) Within 60 days after the lien is filed, the landowner may petition under local law to determine the increase in market value of the land as a result of reclamation work. Any aggrieved party may appeal in the manner provided by local law.

AMR 282.14 Satisfaction of Liens

(a) A lien placed on private property shall be satisfied, to the extent of the value of the consideration received, at the time of transfer of ownership. Any unsatisfied portion shall remain as a lien on the property.

(b) The office shall maintain or renew the lien from time to time as may be required under state or local law.

(c) Monies derived from the satisfaction of liens established under this Part shall be deposited in the Abandoned Mine Reclamation Fund.

Part AMR 284 - State Reclamation Plans

AMR 284.1 Scope

This Part establishes the procedures and requirements for the preparation, submission and approval of the reclamation plan.

AMR 284.13 Content of Proposed State Reclamation Plan

The proposed reclamation plan shall be submitted to the director in writing and shall include the following information:

(a) a designation by the governor for the office to administer the reclamation program and to receive and administer grants under 30 CFR Part 286;

(b) a legal opinion from the state attorney general that the office has the authority under state law to conduct the program;

(c) a description of the policies and procedures to be followed by the office in conducting the reclamation program, including;

(1) the purposes of the reclamation program;

(2) the specific criteria for ranking and identifying projects to be funded;

(3) the coordination of reclamation work among the Abandoned Mine Reclamation Program and the Rural Land Reclamation Program administered by the Soil Conservation Service and OSM's reclamation programs;

(4) policies and procedures regarding land acquisition, management and disposal under Part 279;

(5) policies and procedures regarding reclamation on private land under Part 282;

(6) policies and procedures regarding rights of entry under Part 277; and

(7) public participation and involvement in the preparation of the reclamation plan and in the reclamation program.

(d) A description of the administrative and management structure to be used in conducting the reclamation program, including:

(1) the organization of the office and its relationship to other state organizations or officials that will participate in or augment the office's reclamation capacity;

(2) the personnel staffing policies which will govern the assignment of personnel to the reclamation program;

(3) the purchasing and procurement systems to be used by the division. Such systems shall meet the requirements of office of management and budget Circular No. A-102, Attachment O; and

(4) The accounting system to be used by the office including specific procedures for the operation of the Abandoned Mine Reclamation Fund.

(e) A general description, derived from available data, of the reclamation activities to be conducted under the reclamation plan, including the known or suspected eligible lands and waters within the state which require reclamation, including:

(1) a map showing the general location of known or suspected eligible lands and waters;

(2) a description of the problems occurring on these lands and waters;

(3) how the plan proposes to address each of the problems occurring on these lands and waters;

(f) A general description, derived from available data, of the conditions prevailing in the different geographic areas of the state where reclamation is planned, including:

(1) the economic base;

(2) significant esthetic, historic or cultural and recreational values; and,

(3) endangered and threatened plant, fish and wildlife and their habitats.

AMR 284.15 State Reclamation Plan Amendment

The office may, at any time, submit to the director of the office of surface mining a proposed amendment or revision to its approved reclamation plan. If the amendment or revision changes the objectives, scope or major policies followed by the office in the conduct of its reclamation program, the office shall include a description of the extent of public involvement in the preparation of the amendment or revision.

AMR 284.17 Impact Assistance

(a) The reclamation plan may provide for construction of specific public facilities in communities impacted by coal development. This form of assistance is available when the governor has certified, and the director has concurred that:

(1) all reclamation with respect to past coal mining and with respect to the mining of other minerals and materials has been accomplished;

(2) the specific public facilities are required as a result of coal development; and,

(3) impact funds which may be available under the Federal Mineral Leasing Act of 1920, as amended, or the Act of October 20, 1978, Pub. L. 94-565 (9 Stat. 2662) are inadequate for such construction.

Part AMR 286 - State Reclamation Grants

AMR 286.1 Scope

This Part sets forth procedures for grants to the office for the reclamation of eligible lands and water and other activities necessary to carry out the plan as approved.

AMR 286.11 Eligibility for Grants

The office is eligible for grants under this Part if it has a reclamation plan approved under 30 CFR Part 284.

AMR 286.12 Coverage and Amount of Grants

(a) The office may use monies granted under this Part to administer the approved reclamation program and to carry out the specific reclamation activities included in the plan and described in the annual grant agreement. The monies may be used to cover direct costs to the office of services and materials obtained from other state agencies or local jurisdictions.

(b) Grants shall be approved for reclamation of eligible lands and water, construction of public facilities, program administration, the incremental cost of filling voids and sealing tunnels with waste from mine waste piles reworked for conservation purposes, and community impact assistance. To the extent technologically and economically feasible, public facilities that are planned, constructed or modified in whole or in part with abandoned mine land grant funds should utilize fuel other than petroleum or natural gas.

(c) Acquisition of land or interests in land and any mineral or water rights associated with the land shall be approved for up to 90 percent of the costs.

AMR 286.13 Grant Period

Except as provided in paragraph (b) above, the grant funding period for projects shall not exceed three years. The grant period for administrative costs of the office shall be for one year.

AMR 286.14 Annual Submission of Projects

The office shall cooperate with OSM in the development of the annual submission of projects by providing the information required for use by the director in the preparation of his requests for appropriation of monies for the state reclamation grants. The schedule for such estimates shall be determined by OSM on an annual basis. Funds required to prepare the annual submission of projects may be included in administrative grants under 30 CFR 286.12.

AMR 286.15 Grant Application Procedures

(a) OSM shall act upon a grant application within 90 days of submittal. If OSM approves the office's grant application, a grant agreement shall be prepared and signed by the office and the director.

(b) If the application is not approved, OSM shall set forth in writing the reasons for disapproval and may propose modifications if appropriate. The office may resubmit the application or appropriate revised portions of the application. OSM shall approve or disapprove the resubmitted grant application within 30 days of the resubmittal.

(c) The office shall use the application forms and procedures applicable to construction and/or non-construction programs specified by OSM in accordance with office of management and budget Circular A-102, Attachment M. A. Preapplication is not required if the total of the grant requested is within the amounts allocated to the office.

(d) The office shall agree to perform the grant in accordance with the Act, OSM implementing regulations, and applicable OMB and treasury circulars.

(e) Complete copies of plans and specifications for projects shall not be required before the grant is approved nor at the start of the project. The director may review such plans and specifications after the start of the project in the conservation office or on the project site.

(f) A description of the actual or planned public involvement in the decision to undertake the work, in the planning of the reclamation activities, and in the decision on how the land will be used after the reclamation, shall be included in the application.

AMR 286.16 Grant Agreements

(a) If the director approves the office's grant application, OSM shall prepare a grant agreement, which includes:

(1) a statement of the work to be covered by the grant;

(2) a statement of the approvals of specific actions as required under this Subchapter or of the conditions to be met before such approvals can be given if monies are included in the grant for such actions;

(3) the amounts approved for each individual project included in the grant application; and,

(4) allowable transfers of funds to other state or local agencies.

(b) The director may allow the office to assign functions and funds to other state or local agencies. The director shall require the office to retain responsibility for overall administration of the grant, including use of funds or reporting.

(c) The director shall transmit four copies of the grant agreement by mail, return receipt requested, or by hand to the office for signature. The office shall execute the grant agreement and return all copies within three weeks after receipt, or within an extension of time granted by the director.

(d) The director shall sign the agreement upon its return from the office or when funds are available for the grants, whichever is later, and return one copy to the office. The grant is effective and constitutes an obligation of federal funds at the time the director signs the agreement.

AMR 286.17 Grant and Budget Revisions

(a) Grant revisions.

(1) A grant revision is a written alteration of the terms or conditions of the grant agreement, whether accomplished on the initiative of OSM or the office. All procedures for the grant revisions shall conform to OMB Circular A-102.

(2) The office shall promptly notify the director, or the director will promptly notify the office, in writing of events or proposed changes, which may require a grant revision. The office shall notify the director in advance of:

(i) planned changes in the scope or objective of any individual project even if the change will not result in a change in the total cost of the project; and,

(ii) planned changes which will result in an extension of the grant period.

(3) The director will notify the office of the approval or disapproval of each proposed grant revision within 30 days of receipt thereof.

(b) Budget revisions.

(1) The office shall obtain the written approval of OSM for budget revisions which will result in an increase or decrease in the total cost of any project of more than \$5,000 or five percent of the budgeted amount whichever is greater.

(2) OSM will either approve or disapprove the budget revision within 15 days of its receipt.

(3) Changes of less than \$5,000 or five percent of the budgeted amount of a project may be made by the office without advance notification or approval of OSM if the change:

(i) can be made without exceeding the total amount of the project grant;

(ii) does not involve a change in the scope or objective of the project involved; and,

(iii) is consistent with the procedures set forth in office of management and budget Circular A-102, Attachment K.

AMR 286.19 Audit

The office shall arrange for an independent audit at least once every two years, pursuant to the requirements of office of management and budget Circular No. A-102. The audit will be performed in accordance with the standards for audit of governmental organizations, programs, activities, functions, published by the comptroller general of the United States and audit guides provided by the department of interior.

AMR 286.20 Administrative Procedures

The office shall follow administrative procedures governing accounting, payment, property and related requirements contained in office of management and budget Circular No. A-102.

AMR 286.21 Allowable Costs

(a) Reclamation project costs which shall be allowed include actual costs of construction, operation and maintenance, planning and engineering, construction, inspection, other necessary administration costs and up to 90 percent of the costs of the acquisition of land.

(b) Costs must conform with any limitation, conditions or exclusions set forth in the grant agreement.

AMR 286.22 Financial Management

(a) The office shall account for grant funds in accordance with the requirements of office of management and budget Circular No. A-102. The office shall use generally accepted accounting principles and practices consistently applied. Accounting for grant funds must be accurate and current.

(b) The office shall adequately safeguard all accounts, funds, property and other assets and shall assure that they are used solely for authorized purposes.

(c) The office shall provide a comparison of actual amounts spent with budgeted amounts for each grant.

(d) When advances are made by a letter-of-credit method, the office shall make drawdowns from the U. S. Treasury through its commercial bank as closely as possible to the time of making the disbursements.

(e) The office shall design a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

AMR 286.23 Reports

(a) The office shall for each grant/cooperative agreement submit semi-annually to OSM the following reports prepared according to office of management and budget Circular No. A-102, Attachments H and I:

(1) financial status report, form SF-269, for the agency's administrative grant/cooperative agreement and the performance report, form OSM-51, covering the performance aspects of the grant/cooperative agreement; and,

(2) outlay report and request for reimbursement for construction programs, form SF-271, and the performance report, form OSM-51, for each activity or project including projects previously funded or completed during the period.

(b) The office shall for each grant/cooperative agreement submit annually to OSM the following reports prepared according to office of management and budget Circular No. A-102, Attachments H and I:

(1) a final financial status report, form SF-269, for the agency's administrative grant/cooperative agreement and a final performance report, form OSM-51, covering the performance aspects of the grant/cooperative agreements; and,

(2) a cumulative fourth quarter outlay report and request for reimbursement performance report, form OSM-51, which includes:

(i) for each project or activity, a brief description and the type of reclamation performed, the project location, the landowner's name, the amounts of land or water reclaimed or being reclaimed and a summary of achieved or expected benefits;

(ii) for any land previously acquired but not disposed of, a statement of current or planned uses, location and size in acres and any revenues derived from use of land; and

(iii) for any permanent facilities acquired or constructed but not disposed of, a description of the facility and a statement of current or planned uses, location and any revenues derived from the use of the facility.

AMR 286.24 Records

(a) The office shall maintain complete records in accordance with office of management and budget Circular No. A-102, Attachment C. This includes, but is not limited to, books, documents, maps and other evidence and accounting procedures and practice sufficient to reflect properly:

(1) the amount and disposition by the office of all assistance received for the program; and,

(2) the total direct and indirect costs of the program for which the grant was awarded.

(b) Subgrantees and contractors, including contractors for professional services, shall maintain books, documents, papers, maps and records which are pertinent to a specific grant award.

Effective Date

This amendment shall be effective on and after January 20, 1986.

Herbert W. Thompson
Commissioner of Conservation

RULE

Department of Public Safety and Corrections Corrections Services Office of Adult Services

ADULT OFFENDER FURLOUGHS

1. PURPOSE: The purpose of this regulation is to establish the adult offender furlough policy of the Department of Public Safety and Corrections.

2. RESPONSIBILITY: Wardens, sheriffs, and administrators of each adult correctional facility and the Office of Adult Services are responsible for implementing this regulation and advising all adult offenders and affected employees of its contents.

3. LEGAL AUTHORITY: R.S. 15:811(C), 15:831, and 15:833.

4. GENERAL: Furloughs for adult offenders sentenced to the Department of Public Safety and Corrections from any state and local correctional facility may be granted only by the secretary and shall be approved by him before they begin and he reserves sole discretion in determining eligibility. The period during which the adult offender will be on furlough will be clearly indicated in the approval.

5. DEFINITIONS

A. *Furlough*—A release from incarceration without security supervision for the purpose of maintaining family ties with close family members, for an interview with a prospective employer, for death or serious illness of a close family member, or for needed medical care.

B. *Close Family Member*—Means the father, mother, wife, husband, and children of the inmate, and when recommended by the warden, grandparents, legal guardians, brothers or sisters.

C. *Furlough violation*—Includes the commission of new offenses as well as any misconduct resulting in any disciplinary action while on furlough.

6. PROCEDURES

A. Furlough requests should be reviewed by the head of the unit to which the adult offender is assigned to determine that the application is justified and is not in contravention of this regulation.

B. Necessary verification of furlough plans, transportation, and coordination with family or medical facility is the responsibility of the warden or sheriff recommending the furlough.

C. Requests are to be forwarded to the Office of Adult Services where it shall be determined whether the sheriff, and if specifically requested, the district attorney and/or the chief of police of the locality where the adult offender is going objects. The

Office of Adult Services will notify the warden at the originating institution of the secretary's decision regarding the furlough.

D. When a request is received from a sheriff or warden of a non-departmental facility, the Office of Adult Services shall certify to the secretary that the adult offender meets the same eligibility standards as those required of inmates in the custody of the department.

E. Furlough requests for adult offenders on work release or maintenance status may be processed and approved for up to one year at a time.

F. All incidents of furlough violations by participating adult offenders shall be reported to the Office of Adult Services which shall compile a yearly report on or before April 1 of each year indicating the nature of the incident, age of offender, original offense, length of sentence, prior criminal record and other characteristics found to be predictive of success or failure. The Office of Adult Services will include in the report any suggested changes in eligibility standards dictated by the experiences of the previous year.

7. ELIGIBILITY: Adult offenders must meet the following criteria in order to be eligible for a furlough:

A. Must have served a period of not less than one year on current sentence.

*B. Must not be serving a sentence for any of the following crimes:

- 1) First or second degree murder or attempted murder
- 2) Aggravated or attempted aggravated rape
- 3) Forcible rape
- 4) Aggravated kidnapping
- 5) Aggravated arson
- 6) Armed robbery
- 7) Attempted armed robbery
- 8) Producing, manufacturing, distribution or dispensing or

possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or Schedule II of R.S. 40:964

9) Sentenced as a habitual offender under R.S. 15:529.1

NOTE: Subsection B of Section 7 does not apply to adult offenders within the last six months of their term of incarceration (earliest release date) or to adult offenders assigned to the governor's mansion crew.

C. Detainers, other than those for traffic violations, court costs, criminal neglect of family, and fines, shall serve to disqualify inmates from furlough consideration.

D. Must not have been found guilty by a court or disciplinary board of escape or attempted escape during the preceding three years.

E. Must be classified as minimum security according to the criteria of the institution where the inmate is confined and have exhibited exemplary behavior.

F. Must submit a furlough plan, stating the purpose of the furlough, the destination and the name of the person with whom the adult offender will stay. A responsible member of the adult offender's family or some other previously approved person must sign a statement agreeing to be responsible for the adult offender and shall ensure that transportation is provided for the adult offender. A copy of the plan must be forwarded with the request to the Office of Adult Services. In cases of extreme emergency, portions of this requirement may be waived by the secretary.

8. LENGTH AND FREQUENCY OF FURLOUGHS

A. Furloughs will be approved for a definite period, not to exceed five days, except medical furloughs which shall be for such period as deemed necessary by the secretary and appropriate medical personnel. (See D.R. 30-7A).

B. Adult offenders other than those on work release or

*Cannot be waived (R.S. 15:833(B))

maintenance status may not be granted more than two furloughs (normally at Christmas, Easter, or Independence Day) each calendar year. These furloughs are not to exceed five days.

C. Adult offenders on maintenance status at a work training facility may be recommended by the appropriate warden for a regular furlough each quarter of a calendar year, not to exceed a total of 48 hours in duration.

D. Adult offenders housed at State Police Barracks may be recommended for bi-monthly furloughs not to exceed a total of 48 hours in duration.

E. Adult offenders on work release may be recommended for regular monthly furloughs of no more than 48 hours each during the final six months of their confinement. These furloughs will serve as an aid to reintegration into society.

F. In lieu of a regular furlough, adult offenders on work release or maintenance status may be granted two special-holiday furloughs of up to five days coinciding with Christmas, Easter or Independence Day (July 4); the exact dates to be determined each year by the secretary.

9. ADMINISTRATIVE REQUIREMENTS

A. Requests for furloughs should be submitted at least 30 days prior to the beginning date of the requested furlough or 30 days prior to the period in which the furloughs for work release or maintenance adult offenders are to be granted.

B. Furloughs should not be requested for adult offenders even though they meet the criteria established herein when it is known to the warden or responsible official that the inmate might present a danger to himself or to the public should he be released from direct custody.

C. Furloughs may be approved through terminal communication should the appropriate warden or responsible official feel that the situation is of such an emergency nature that this procedure is justified. A hard copy of the request must be forwarded to the Office of Adult Services as soon thereafter as possible.

10. EFFECTIVE DATE AND CANCELLATION: The effective date of this regulation is January 20, 1986. This regulation supercedes Department Regulation Number 30-7 dated June 20, 1982.

C. Paul Phelps
Secretary

RULE

Department of Public Safety and Corrections Corrections Services Office of Adult Services

ESCORTED INMATE ABSENCES FOR STATE INMATES IN COMMUNITY REHABILITATION CENTERS

1. DEFINITIONS: An escorted inmate absence is defined as a temporary absence from a community rehabilitation center by a state inmate who is escorted at all times by a full-time employee of the center who assumes full responsibility for the inmate during the temporary absence.

An escorted absence does *not* apply to an inmate's travel to and from his place of employment if he is participating in a work release program.

2. PURPOSE: The purpose of this regulation is to establish the policy of the Department of Public Safety and Corrections regarding escorted trips of state inmates off of the grounds of the community rehabilitation center.

3. LEGAL: This regulation is prescribed by the rule-making authority of the secretary as set forth in R.S. 15:823.

4. GENERAL: Escorted trips off the grounds of the community rehabilitation center must be approved by the director of the center or his/her designee.

5. APPLICABILITY:

A. The terms "escorted absences" and "escorted trips" do not apply to an inmate's normal travel to and from his/her work release job.

B. An inmate is not authorized to receive an escorted absence to travel out-of-state.

6. PROCEDURES

A. All escorted absences must be approved by the director or his/her designee.

B. A record shall be maintained reflecting time, date, destination, inmate participant and staff escort for each escorted absence. This record shall be available for review by department personnel at any time.

7. EFFECTIVE DATE: The effective date of this regulation is January 20, 1986.

C. Paul Phelps
Secretary

RULE

**Department of Public Safety and Corrections
Corrections Services
Office of Adult Services**

Escorted Inmate Absences

1. PURPOSE: The purpose of this regulation is to establish the policy of the Department of Public Safety and Corrections regarding escorted trips of inmates outside the confines of the institutions.

2. RESPONSIBILITY: The assistant secretary for Adult Services, his staff and all wardens of each adult correctional institution in the Department of Public Safety and Corrections are responsible for ensuring compliance with this regulation.

3. LEGAL: Temporary releases and furloughs from adult correctional institutions are controlled by R.S. 15:833 and Department Regulation Number 30-7. This regulation is prescribed by the rule-making authority of the Secretary, as set forth in R.S. 15:823.

4. GENERAL: Escorted trips outside correctional institutions must be approved in writing by the warden prior to departure. The period during which the inmate will be on escorted absence from an institution will be clearly indicated in the approval.

5. APPLICABILITY

A. The terms "escorted absences" and "escorted trips" do not refer to:

- 1) furloughs (see Department Regulation Number 30-7);
- 2) work details;
- 3) hospital trips;
- 4) court appearances; or
- 5) participation in approved programs at other correctional facilities.

Any inmate may be taken off of institutional grounds for work details, hospital trips, court appearances, or participation in programs at other correctional units provided that adequate security is maintained.

The terms "escorted absences" and "escorted trips" do apply to all other occasions when inmates may be taken off of institutional grounds. This includes, but is not limited to, funerals, athletic events, speeches, field trips, and religious services.

B. This regulation sets forth minimum requirements necessary for approval for escorted trips and does not prevent the denial of such trips to any inmate whose record or observable behavior indicates that approval would not be appropriate or who, in the warden's discretion, is not otherwise acceptable.

6. EXCLUSIONS

*A. Inmates serving sentences for the following offenses:

- 1) first degree murder
- 2) second degree murder
- 3) attempted murder
- 4) aggravated rape
- 5) attempted aggravated rape
- 6) forcible rape
- 7) aggravated kidnapping
- 8) aggravated arson
- 9) armed robbery
- 10) attempted armed robbery
- 11) producing, manufacturing, distributing or dispensing or possession with intent to produce, manufacture, distribute or dispense a Schedule I or II controlled dangerous substance (R.S. 40:964)
- 12) habitual felony conviction (R.S. 15:529.1)

are eligible for escorted absences from the institution in the following cases only:

- 1) visits with dying family members
- 2) funerals of family members (See D.R. 30-7(5)(B))
- 3) speaking assignments
- 4) participation in charity boxing matches
- 5) performance by organized vocal or instrumental groups at civic or charitable functions
- 6) religious services.

**B. All inmates, including those noted above, who are being considered for escorted trips must meet the following:

- 1) The inmate must have been in custody for the current offense for a period of not less than six months and must have been in the physical custody of the Department of Public Safety and Corrections for not less than three months.
- 2) The inmate must not have a disciplinary conviction for a major rule infraction in which he lost good time or was placed in Isolation for six months prior to the beginning of the escorted trip.
- 3) The inmate must not have escaped or attempted to escape during the three years preceding an escorted trip.
- 4) The inmate must be classified as minimum security according to the criteria of the institution where the inmate is confined prior to recommendation for an escorted trip.

7. PROCEDURES

A. Requests for escorted trips must be directed to the warden for approval.

B. The request should contain all significant information regarding the escorted trip including places and times and the manner of security which is to be provided.

C. The approval should contain an express statement by the warden that he recommends that the escorted trip be allowed and approves same.

D. Inmates should not be recommended for escorted trips even though they might meet the criteria established herein when it is known to the warden or responsible officials that the inmate might present a danger to himself or to the public should the inmate be released from direct custody.

E. A monthly report shall be submitted to the assistant secretary showing escorted absences for each month (reason, destination, duration, names and numbers of inmates, number of security guards, etc.).

8. ADMINISTRATIVE REQUIREMENTS

Except in cases of serious illness or death, requests for escorted trips should be submitted at least seven days prior to the date of the requested trip.

*Cannot be waived (R.S. 15:833(B))

**May be waived by the warden in cases of death or serious illness in inmate's family

9. CANCELLATION

Department Regulation Number 30-7C, dated September 25, 1979, is cancelled and superceded by this regulation.

C. Paul Phelps
Secretary

RULE

**Department of Public Safety and Corrections
Corrections Services
Office of Adult Services**

**ESCORTED INMATE ABSENCES FOR STATE INMATES IN
PARISH JAILS AND MULTI-PARISH PRISONS**

1. DEFINITION: An escorted inmate absence is defined as a temporary absence from a parish jail or multi-parish prison by a state inmate who is escorted at all times by a full-time commissioned deputy sheriff or a full-time security officer who assumes all responsibility for the state inmate during the temporary absence.

2. PURPOSE: The purpose of this regulation is to establish the policy of the Department of Public Safety and Corrections regarding escorted trips of state inmates outside the confines of the parish jail or multi-parish prison.

3. RESPONSIBILITY: (A) Parish Jail: The sheriff is responsible for ensuring compliance with this regulation. (B) Multi-Parish Prison: The governing body of the multi-parish is responsible for ensuring compliance with this regulation.

4. LEGAL: This regulation is prescribed by the rule-making authority of the secretary as set forth in R.S. 15:823.

5. GENERAL: Escorted absences outside parish jails or multi-parish prisons must be approved by the Office of Adult Services prior to the inmate's departure. The period during which the state inmate will be on escorted absence from the facility must be clearly indicated in the request for approval.

Escorted trips outside multi-parish prisons must be approved in writing by the Office of Adult Services prior to departure. The period during which the state inmate will be on escorted absence will be clearly indicated in the request for approval.

6. APPLICABILITY

A. The terms "escorted absences" and "escorted trips" do not refer to:

- 1) furloughs (see Department Regulation Number 30-7)
- 2) work details
- 3) hospital trips
- 4) court appearances
- 5) participation in approved programs at other correctional facilities.

Any inmate may be taken off institutional grounds for work details, hospital trips, court appearances or participation in programs at other correctional units provided that adequate security is provided.

The terms "escorted absences" and "escorted trips" do apply to all other occasions when inmates may be taken off institutional grounds. This includes, but is not limited to, funerals, athletic events, speeches, field trips and religious services.

B. This regulation sets forth the minimum requirements necessary for approval for escorted trips and does not prevent the denial of such trips to any inmate whose record or observable behavior indicates that approval would not be appropriate or who, in the sheriff's or warden's discretion, is not otherwise acceptable.

7. EXCLUSIONS

*A. Inmates serving sentences for the following offenses:

- 1) first degree murder
- 2) second degree murder
- 3) attempted murder

- 4) aggravated rape
- 5) attempted aggravated rape
- 6) forcible rape
- 7) aggravated kidnapping
- 8) aggravated arson
- 9) armed robbery
- 10) attempted armed robbery

11) producing, manufacturing, distributing or dispensing or possession with intent to produce, manufacture, distribute or dispense a Schedule I or II controlled dangerous substance (R.S. 40:964)

12) habitual felony conviction (R.S. 15:529.1) are eligible for escorted absences in the following cases only:

- 1) visits with dying family members
- 2) funerals of family members (See D.R. 30-7(5) (B))
- 3) speaking assignments
- 4) participation in charity boxing matches
- 5) performances by organized vocal or instrumental groups at churches or charitable functions
- 6) religious services

**B. All inmates, including those noted above, who are being considered for escorted trips, must meet the following criteria:

1) The inmate must have been in custody for the current offense for a period of not less than six months and must have been sentenced to the Department of Public Safety and Corrections for not less than three months prior to the beginning of the escorted trip.

2) The inmate must not have a disciplinary conviction for a major rule infraction in which he lost goodtime or was placed in Isolation for six months prior to the beginning of the escorted trip.

3) The inmate must not have escaped or attempted to escape during the three years preceding an escorted trip.

4) The inmate must be classified as minimum security according to the criteria of the institution where the inmate is confined prior to recommendation for an escorted trip.

C. A state inmate is not authorized to receive an escorted absence out-of-state.

8. PROCEDURES

A. Requests for approved escorted trips must be made in writing to the Office of Adult Services by the Sheriff or Warden and should contain all significant information regarding the escorted trip, including places and times and the manner of security which is to be provided. The request also should contain an express statement by the Sheriff or Warden that he recommends that the escorted trip be allowed and approves same.

B. Requests for approval of escorted trips should not be submitted, even if the inmate meets the criteria established herein, when it is known to the sheriff or warden or responsible officials that the inmate might present a danger to himself or to the public should the inmate be released from direct custody.

C. A monthly report shall be submitted to the assistant secretary for Adult Services showing escorted absences for each month (reason, duration, names and number of security guards, destination, etc.).

9. EFFECTIVE DATE: The effective date of this regulation is January 20, 1986. This regulation becomes Department Regulation Number 30-7B.

C. Paul Phelps
Secretary

* Cannot be waived (R.S. 15:833(B))

** May be waived by the sheriff or warden in cases of death or serious illness in inmate's immediate family.

RULE

Department of Public Safety and Corrections Corrections Services Office of Adult Services

Medical Furloughs

1. PURPOSE: The purpose of this regulation is to establish the policy and procedures for obtaining medical furloughs from the Department of Public Safety and Corrections.

2. RESPONSIBILITY: The wardens and administrators of each adult correctional facility and the Office of Adult Services are responsible for implementing this regulation and advising all adult offenders and affected employees of its contents.

3. LEGAL AUTHORITY: R.S. 15:831 and R.S. 15:833.

4. GENERAL: Medical furloughs for adult offenders sentenced to the Department of Public Safety and Corrections from any correctional facility are intended for those inmates who are permanently incapacitated or terminally ill. The secretary shall have sole discretion in granting medical furloughs.

5. DEFINITIONS

A. *Medical Furlough*—A release from custody, approved by the Secretary, for permanently incapacitated or terminally ill inmates.

6. PROCEDURE

A. A recommendation for a medical furlough shall originate with the unit medical director. Said recommendation should particularly set forth the nature of the illness or condition, and the prognosis, along with the type care necessary to maintain the patient outside of the Department of Public Safety and Corrections.

B. The warden shall evaluate the recommendation. If he concurs with the recommendation, he should state in his recommendation whether or not, in his opinion, the inmate will constitute a security risk to the public should his medical furlough be granted. The warden shall determine where there is care available for the inmate and shall state in his recommendation the care available, and with whom the inmate will reside. The inmate's residence and care plan shall be set forth by the warden, and shall contain statements from the prospective care providers that they are willing and able to provide said care.

C. The warden's recommendation and reports shall be submitted to the assistant secretary for approval. The legal section shall review the proposal.

D. The assistant secretary shall submit his recommendation to the secretary for approval.

E. The inmate's case shall be assigned to Probation and Parole, who shall make, at least, monthly visits to the inmate and monthly reports through the health care section of Adult Services, who will monitor the continued need for the medical furlough.

F. The health care section of the Office of Adult Services shall make an annual report to the secretary on all medical furloughs (number, duration, circumstances, incidents of misbehavior, any other pertinent information). Such report shall be due on August 1 of each year, for the period July through June of the previous year.

7. EFFECTIVE DATE: The effective date of this regulation is January 20, 1986. This regulation becomes Department Regulation Number 30-7A.

C. Paul Phelps
Secretary

RULE

Department of Revenue and Taxation Tax Commission

In accordance with the provision of the Administrative Pro-

cedure Act, R.S. 49:950 et seq., the Louisiana Tax Commission amended the guidelines with respect to assisting the assessors and the taxpayers in determining the Fair Market Value, as required by law, of personal property and use value of agricultural, horticultural, marsh and timber land. The Constitutional and Statutory Section, Definitions Section, Real Property Rules and Regulations Section and Real Property Report Forms Section of the Tax Commission guidelines were also amended.

The amended guidelines may be obtained in their entirety from the office of the Louisiana Tax Commission, 923 Executive Park Avenue, Baton Rouge, LA, between the hours of 8 a.m. and 4 p.m.

Jamar W. Adcock
Chairman

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Following Rule was Adopted by the Louisiana Wildlife and Fisheries Commission at its Regular Meeting Held in New Orleans, Louisiana, December 13, 1985.

The Louisiana Wildlife and Fisheries Commission hereby establishes a special 71-day commercial fishing season allowing the use of nets in Lake Bruin, Tensas Parish, Louisiana, for the period beginning at sunrise December 20, 1985 and to close at sunset February 28, 1986.

The use of nets in Lake Bruin will be limited to:

Freshwater gill nets and trammel nets greater than or having at least a minimum mesh of 3½" bar and 7" stretched.

Freshwater fish seines greater than or having at least a minimum mesh of 2" bar or 4" stretched.

Commercial fishermen will be required to obtain a special permit from the Louisiana Department of Wildlife and Fisheries to fish with nets in Lake Bruin during this special season and will also submit a monthly catch report to the department.

Net fishing will be permitted during daylight hours only, except that trammel and gill nets can remain set overnight but fish captured may be removed during daylight hours only.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission at its regular monthly meeting set the 1986 closure for the shrimp season in Louisiana's offshore waters to run from 12:01 a.m. on January 15 through 12 (midnight) on March 15.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Office of Agricultural and Environmental Sciences Structural Pest Control Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3306, the Structural Pest Control Commission is hereby giving notice of its intention to adopt the amendments detailed below. The Structural Pest Control Commission has scheduled a meeting for Tuesday, January 21, 1986 at 4 p.m. in the conference room at 12055 Airline Highway, Baton Rouge. Comments may be forwarded to James A. Arceneaux, Director of the Structural Pest Control Commission, Box 44153, Baton Rouge, LA 70804. All interested persons will be afforded an opportunity to submit views.

Add LAC 7:14116 to the rules and regulations for the Structural Pest Control Commission:

§14116. Wood Infestation Report

A. A wood infestation report approved by the Structural Pest Control Commission shall be issued when any inspection is made to determine the presence of wood destroying insects, specifically for acts of sale of structures, but not limited for this purpose.

B. Any wood infestation report or written instrument stating the apparent freedom from termites and/or other wood destroying insects, issued for the transfer of real property, shall be issued by a person who is licensed by the Structural Pest Control Commission to engage in the control of wood destroying insects. This instrument shall carry a guarantee that the property will be treated without charge should an infestation of wood destroying insects, covered by this report, be found within 90 days from date of issuance.

1. A contract approved by the Structural Pest Control Commission shall be issued on date of treatment.

2. This contract shall be reported to the commission and a fee paid as required by the Structural Pest Control Commission Law.

Add LAC 7:14143, 14145, 14147, 14149 and 14151 to the rules and regulations for the Structural Pest Control Commission:

§14143. General Requirements for Pesticide Waste

A. Waste Water, Which Upon Disposal, is Classified as a Hazardous Waste

All commercial applicators applying pesticides which, upon disposal, are classified as a hazardous waste must implement a containment system for reuse or apply the waste immediately to the site of application.

B. Handling Spills by Commercial Applicators

1. All uncontained spills of more than one gallon liquid or four pounds dry weight must be reported to the director of Structural Pest Control Commission within 24 hours by telephone and by written notice within three days.

2. Commercial applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations.

§14145. Procedures Governing Handling of Pesticide Containers by Commercial Applicators (Except Bulk Pesticide Containers)

A. Storage Areas for Full or Partially Full Pesticide Containers

1. Pesticide containers must be stored in a secure, locked enclosure.

2. Pesticide containers must be free of leaks.

3. The storage area must be maintained in good condition, without unnecessary debris.

B. Empty containers must be stored in a secured area. Empty containers may be kept for no more than 30 days.

C. Metal, Glass and Plastic Containers

1. All metal, glass and plastic containers must be triple-rinsed, immediately after the pesticide is removed by the following, or equivalent procedure.

a. Using a solvent capable of removing the pesticide, fill each container with solvent equal to approximately ten percent of the volume of pesticides originally contained in the container.

b. Agitate the solvent thoroughly on all interior surfaces of the container. Agitation may be accomplished by use of agitation equipment approved by the department or by manual agitation of the solvent.

c. Repeat the above procedure three times.

d. If the rinsate containing the solvent can be used again in subsequent application of the pesticide without reducing the effectiveness of the pesticide, place the rinsate in the containment tank specified for that pesticide. If the rinsate is not classified as a hazardous waste upon disposal, it may be placed in an approved surface impoundment.

2. Upon completion of the above triple-rinsing procedures, containers may be disposed of as follows:

a. By disposal in any permitted solid waste facility (sanitary landfill), provided that, prior to disposal in a solid waste facility, the pesticide applicator must pierce all metal and plastic containers in both ends;

b. By prior agreement, by return (for credit or otherwise) to the pesticide sales agent or the pesticide manufacturer; or

c. By resale to a third party for recycling or reconditioning.

D. Paper and Plastic Bags

1. All pesticides shall be removed from paper and plastic bags to the maximum extent possible when the pesticide is initially mixed for application. Thereafter, containers shall be disposed of as follows:

a. Cut all sides of the container and open the container fully, without folds or crevices, on a flat surface, shake any pesticides remaining in the open container into the pesticide mix.

b. After cutting and flattening such pesticide containers, dispose of containers in a solid waste facility (sanitary landfill).

§14147. Procedure for Constructive Recycling by Commercial Applicators of Unused Portions of Pesticides and/or Rinsate of Pesticides Which, Upon Disposal are Classified as Hazardous Wastes Under EPA Regulations

A. The commission shall annually, on or before December 31, publish in the *Louisiana Register* a full and complete list of all pesticides which, upon disposal, are classified as hazardous wastes under regulations of EPA and may supplement such listing at any time when any changes in such classifications are made by EPA.

B. Applicators of pesticides covered under this rule may recover and constructively reuse any unused portions of such pesticides and/or rinsate of such pesticides by one of the following methods:

1. by immediate reapplication of the unused portion of the

pesticide and/or the rinsate in accordance with label and labeling requirements for that pesticide;

2. by transferring to a closed containment system meeting the requirement of LAC 7:14149; or

3. by disposal in a permitted hazardous waste facility.

C. All unused pesticides and/or rinsate from pesticides classified as a hazardous waste upon disposal must be removed from containment tanks in less than 30 days after deposit therein.

§14149. Containment System

A. Containment Tanks

1. Different containment tanks must be installed for different pesticides and/or rinsate of pesticides, except the same containment tanks may be used for two or more pesticides when such pesticides are physically and chemically compatible and when their mixing is not prohibited by their labels.

2. Each containment tank shall meet the following requirements:

a. must be constructed of material of sufficient strength and be compatible with the pesticide and/or rinsate to be placed within the tank;

b. must be free of leaks, cracks, holes or other deterioration at all times;

c. must be in good operating order at all times;

d. must be designed to allow drainage of the entire contents and be triple rinsed;

e. must be equipped with stopcocks, at appropriate locations, to prevent any leakage of the contents during storage or transfer of the contents; and

f. must be equipped with an opening to allow for sampling.

B. Containment Tank Foundation

1. The containment tank foundation shall be solidly constructed of a material sufficiently impervious to contain leaks, spills and accumulated pesticides and/or rinsate of pesticides.

2. The foundation covering must be free of cracks which might allow leakage.

3. The foundation must be sloped to facilitate cleanup of inadvertent spills.

4. The foundation must be constructed with a rim of sufficient height to contain run-off from cleanup activities or inadvertent spills and be protected from flood waters.

5. The foundation must be so constructed as to discharge all liquids into a dump.

6. Tanks must be located at sufficient elevation to allow visual detection of leakage of the contents.

C. Storage Requirements

All containment tank(s) must be located in a secured area and protected from flood waters.

D. Location of Requirements; Submission of Preliminary Site Plans

Containment systems must be located a suitable distance from any adjacent buildings, property lines, or public access roads. Site plans showing location of the containment system must be submitted for the approval of the commission prior to construction. These plans may be rudimentary; the purpose of such submission is to avoid unnecessary expense by the application.

E. Requirements for Final Approval of Containment Systems

Final plans and specifications for construction of a closed containment system must be approved by the commissioner and must be filed with the Department of Agriculture, subject to the approval of the commission, prior to the start of construction. In consideration for approval of such plans and specifications, the commission may, at their discretion, be assisted by an ad hoc advisory

committee consisting of such experts as may be appointed by the commission.

§14151. Requirements and Procedures for Management of Unused Portions of Pesticides and/or Rinsate of Pesticides which, Upon Disposal, are not Classified as Hazardous Wastes Under EPA Regulations

A. Unused portions of pesticides and/or rinsate resulting from the application of pesticides not classified as a hazardous waste upon disposal should be handled by one of the following methods:

1. by subsequent, immediate reapplication in accordance with label and labeling requirements for the pesticide;

2. by deposit in a closed containment system which meets the requirements of LAC 7:14149 hereof;

3. by disposal in surface impoundments which meet the requirements of this rule; or

4. any other methods approved by the commission.

B. Whenever violative levels of pesticides classified as a hazardous waste upon disposal are detected in any sample taken from a containment tank, whether the containment tank was in operation at the effective date of these regulations or installed after the effective date of these regulations, such containment tank may be immediately and permanently closed and, if closed, all contents thereof shall be removed and disposed of at a permitted hazardous waste disposal facility. The financial responsibility of closing a surface impoundment belongs to the commercial applicator and/or property owner.

C. Insofar as the disposal of a pesticide waste is concerned, commercial applicators who generate hazardous pesticide waste and who do not comply with these regulations shall be subject to the regulations governing hazardous pesticide waste under the jurisdiction of the Department of Environmental Quality until such time as the commissioner of agriculture promulgates regulations governing hazardous pesticide waste.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Structural Pest Control Commission

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated implementation costs to state or local governmental 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 will be a nominal cost to the structural pest control industry for the purchase of forms (ten cents per form). However, they will be able to reproduce these forms on their own at the same cost that they were paying for their old forms.

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

There is no estimated effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Agriculture
Office of Animal Health Services

Diseases of Animals
Pet Turtles

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 56:638.1, the commissioner for the Department of Agriculture is hereby giving notice of his intention to adopt rules and regulations for the pet turtle industry as detailed below. The Department of Agriculture has scheduled a meeting for Wednesday, January 29, 1986, at 10 a.m., in the conference room at 12055 Airline Highway, Baton Rouge. Comments may be forwarded to C. T. Raby, DVM, Assistant Commissioner, Office of Animal Health Services, Box 1951, Baton Rouge, LA 70821. All interested persons will be afforded an opportunity to submit views or arguments at the board meeting.

This may be found in its entirety in the Emergency Rules Section of this *Louisiana Register*.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pet Turtle

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated implementation costs to state or local governmental 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)
Implementation of this rule will enable individuals of the turtle industry to market turtles worth two million dollars (\$2,000,000). This will have a positive impact on the state's economy.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:XIII.10501 "Maximum Daily Doubles per Race Card" (previously LAC 11-6:32.1) relative to the limit of the number of daily doubles allowed per day per track.

LAC 35:XIII.10501. Maximum Daily Doubles per Race Card

No more than two daily doubles shall be permitted during any single race card.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All inter-

ested persons may submit written comments relative to this rule through February 5, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:XIII.10501 "Maximum Daily Doubles per Race Card"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs involved in this action.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The effect on revenue collections would be positive but unmeasurable. There is no way to determine the additional revenue generated by a second daily double or shifting the daily double(s) to races other than first and second.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The benefits to the patrons would be an additional or more convenient wagering opportunity; such additional wagering would also potentially increase association and state take-out shares.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to DELETE rule LAC 46:XLI.533 "Licensing of Other Employees" (previously LAC 11-6:14.17) relative to mutuel and miscellaneous employees. The current rule reads as follows:

LAC 46:XLI.533. Licensing of Other Employees

Mutuel and miscellaneous employees of an association shall be licensed, but shall not be assessed any fees or other charges for the license. (A miscellaneous employee is defined as a person employed at a race track by a concessionaire and/or a person who is a member of a bona fide trade and/or labor union who is employed at a race track by a racing association.) All other persons who work at a race track in any capacity not specifically provided for in R.S. 4:169(a) shall be licensed and charged an occupational fee of \$2.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through February 5, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

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

**Rule Title: LAC 46:XLI.533 "Licensing of Other
Employees"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to this agency.
- 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 benefits are to the license applicants by eliminating any possible confusion between the rule and statute.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 46:XLI.535 "Examinations" (previously LAC 11-6:14.18) relative to the examination of license applicants as the commission may require.

LAC 46:XLI.535. Examinations

The commission may require any new applicant, not previously licensed in and qualified by the Louisiana State Racing Commission before the effective date of this rule, for any license, to demonstrate his/her knowledge, qualifications and proficiency for the license applied for by such examination as the commission shall direct. The applicant shall be notified to establish a time and place for such examination.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through February 5, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

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

Rule Title: LAC 46:XLI.535 "Examinations"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no adverse effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The benefits are potentially to all horsemen, but more specifically to the horses since the individuals licensed to han-

dle them may have to show evidence of their qualifications to perform such handling.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is little or no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amend Nonpublic School Standards 6.105.01 and 6.105.17

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved amendments to Nonpublic School Standard 6.105.01, page 20 to provide that the unit requirement for the Fine Arts Survey (Art) be changed from one-half to one unit, and that Standard 6.105.17, page 23, be amended to provide that the unit requirement for Fine Arts Survey (Music) be changed from one-half to one unit.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., March 10, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

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

**Rule Title: Amend Nonpublic School Standards
6.105.01 and 6.105.17**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no estimated implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no estimated effects on revenue collection.
- 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 nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Environmental Quality proposes to amend the following:

[Note: This changes the signatory requirements for permit applications. For Section 4.4a) substitute the following:]

4.4a) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decisionmaking functions for the corporation, or

2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

[Note: The following change corrects typographical errors, Section 2.1, definition of "Accumulated Speculatively". Page 7 of December 20, 1985 Amendments to the Louisiana Hazardous Waste Regulations (LHWR). Parenthetical statement, second from last sentence. Change to read:]

2.1 . . . (Materials that are already defined as solid wastes also are not to be included in making the calculation.) . . .

[Note: The following changes clarify applicability and exemptions and correct typographical errors, Section 22.3b) Pages 16 and 17 of December 20, 1985 Amendments to the LHWR. Change first three lines and item 11) to read:]

22.3b) The following recyclable materials (Group II) are only subject to the requirements of Subchapter II of this Chapter and all applicable provisions as provided in Subchapter II of this Chapter:

11) Wastes described in Sections 22.3b)1) through 22.3b)10) which are used or reused on-site or stored at the generator site prior to such use or reuse are exempt from these regulations except that on-site storage shall be in an environmentally sound manner.

[Note: The following changes clarify applicability and exemptions, Section 22.3c) Page 17 of December 20, 1985 Amendments to the LHWR. Change first three lines to read:]

22.3c) The following recyclable materials (Group III) are only subject to the requirements of Subchapter III of this Chapter and all applicable provisions as provided in Subchapter III of this Chapter.

[Note: The following changes clarify applicability and exemptions, Section 22.9 Page 19 of December 20, 1985 Amendments to the LHWR. Change first eight lines under "Applicability" to read:]

22.9 Applicability

The requirements of this Subchapter and all applicable provisions as provided in this Subchapter apply to industrial ethyl alcohol that is reclaimed; used batteries (or used battery cells) returned to a battery manufacturer for regeneration; used oil that exhibits one or more of the characteristics of hazardous waste; sludges and by products exhibiting a characteristics of a hazardous waste which are reclaimed, or other recyclable material which would otherwise be considered a hazardous waste which is specifically exempt from regulation under Subchapters I and III of this Chapter. The following wastes are exempt from regulations:

[Note: The following changes clarify applicability and exemptions, Section 22.9e) Pages 19 and 20 of December 20, 1985 Amendments to the LHWR. Change the first four lines to read:]

22.9e) Wastes described in Sections 22.3b)1) through

22.3b)10) which are used or reused on-site or stored at the generator site prior to such use or reuse are exempt from these regulations except that on-site storage shall be in an environmentally sound manner.

[Note: The following changes clarify applicability and exemptions and correct typographical errors, Section 22.19, page 24 of December 20, 1985 Amendments to the LHWR. Change the first three lines to read:]

22.19 Applicability—Except as provided in Section 22.3b) the following recyclable materials are subject to the requirements of this Subchapter and to all other applicable provisions unless otherwise stated:

25.6a) Insert the following:

After "appropriate application fee" and before "according to the schedule" insert the following:

"and Research and Development Fee"

25.6b) Insert the following:

In the heading insert "Application" prior to "Fee schedule."

25.6c) Add the following:

"Initial Research and Development Fee Schedule

Application Fee X 0.25 = Initial Research and Development Fee"

25.10 Replace with this:

25.10 Calculation of Annual Fees

Formula to apportion fees:

Annual Fee = Fee per site + fee per facility + fee based on volume + annual research and development fee

—Fee Per Site:

Off-site Disposer (Commercial)	\$30,500
Off-site Disposer (Non-commercial)	6,100
On-site Disposer	3,050

—Fee Per Facility:

Standard for all disposers	\$ 1,830
	ea.

(For each facility)

—Fee Based on Volume:

Less than 1,000 tons	\$ 1,220
Less than 10,000 tons	2,440
Less than 100,000 tons	3,660
Less than 1,000,000 tons	4,880
More than 1,000,000 tons	6,100

—Annual Research and Development Fee:

(Fee per site + fee per facility + fee based on volume) × 0.25 = Annual Research and Development Fee

—Maximum fee (cut-off):

Off-site (Commercial)	\$61,000
Off-site (Non-commercial)	30,500
On-site	22.875

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

25.12 Change the following:

Change the initial fee of "\$6.10" to "\$7.63".

25.13 Change the following:

Change the Annual Monitoring and Maintenance Fee from "\$183.00" to \$228.75".

Interested persons are invited to submit comments orally or in writing to Bill Greenwich, Hazardous Waste Division, Department of Environmental Quality, P. O. Box 44307, Baton Rouge, LA 70804. Telephone (504) 342-1227.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Regulations Related to Alternate
Technologies Research and Development Trust Fund**

FY 86-87

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional implementation costs or savings to state or local governmental units to administer the addition of the proposed rule changes, being that present staff can absorb the associated workload.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The revenues resulting from the 25 percent fee increases will be placed in the Alternate Technologies Research and Development Trust Fund. The 25 percent increase on generators fees would yield \$31,221 per year and the treater, storer, and/or disposer annual maintenance fee would yield \$200,537; or an actual yearly dollar increase of \$231,758 to the department. This 25 percent increase is at the lower limit of the allowable increase as described in R.S. 30:1065 C. There will be no effect on revenue collections of local governmental units as a result of adopting proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

These regulatory amendments require that all generators, treatment, storage, and disposal facilities increase their annual fees by 25 percent. Any non-governmental group should have a minimal personnel cost associated with the reporting and recordkeeping. The changes of Chapter 22 are not expected to result in any economic benefits or additional costs. Monies collected will be used for research contracts. Associated work will be accomplished by universities or the private sector.

Generator Fee Increases

FY 85-86

576 repeat generators	@ \$183.00 =	\$105,408.00
103 first year generators (includes initial fee)	@ \$189.10 =	\$ 19,477.30
	TOTAL	\$124,885.30

FY 86-87

576 repeat generators	@ \$228.75 =	\$131,760.00
103 first year generators (includes initial fee)	@ \$236.38 =	\$ 24,347.14
	TOTAL	\$156,107.14

NEWLY GENERATED FUNDS \$31,221

TSD Fee Increases (varies based on type of activity and quantity of waste handled)

No. of Facilities

FY 85-86

2	@ \$48,800 =	\$ 97,600
3	@ \$35-40,000 =	\$115,290
1	@ \$20-25,000 =	\$ 21,350
12	@ \$15-20,000 =	\$214,720
7	@ \$10-15,000 =	\$ 88,450
34	@ \$5-10,000 =	\$264,740
59		\$802,150

No. of Facilities

2	@ \$61,000 =	\$ 122,000
3	@ \$43,750-50,000 =	\$ 144,121
1	@ \$25-31,250 =	\$ 26,687
12	@ \$18,750-25,000 =	\$ 268,400
7	@ \$12,500-18,750 =	\$ 110,562
34	@ \$ 6,250-12,500 =	\$ 330,925
59		\$1,002,687

NEWLY GENERATED FUNDS \$231,758

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

There is no estimated effect on competition or employment between firms and/or non-governmental agencies, since they all will be covered by the same regulators.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Office of the Governor
Commission on Law Enforcement**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement intends to adopt guidelines which will apply to the utilization of federal grant funds received under the Justice Assistance Act, P.L. 98:473, Title II, Chap. XIV, 42 U.S.C. 10601, Victims of Crime Act of 1984, which will be issued by the Commission on Law Enforcement to public agencies or non-profit organizations, or a combination thereof, that provide services to crime victims.

The proposed guidelines will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after January 20, 1986, at the offices of the Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA. Comments may be submitted in writing through February 21, 1986, to the Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA 70806.

Michael A. Ranatza
Executive Director

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

Rule Title: Crime Victim Assistance Program Guidelines

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated implementation costs to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be 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 will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There will be no estimated effect on competition and employment.

Michael A. Ranatza
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Division of Administration
Office of Risk Management

The Division of Administration, Office of Risk Management proposes to adopt the following rules pursuant to R.S. 13:5114.

Title 37. Insurance
Part I. Risk Management

Chapter 1. Definitions

§101. Definitions

For purposes of this Part of rules and regulations, the following definitions shall apply:

A. *Commissioner* means the commissioner of administration, the chief executive officer of the Division.

B. *Division* means the Division of Administration of the Office of the Governor of Louisiana.

C. *May* denotes the permissive, the having discretion and authority.

D. *Office of Risk Management* means the Office of Risk Management created within the Division by R.S. 39:1528.

E. *Plan offeror* or *offeror* means any insurer or any bank, trust company, investment fund or company, or other financial institution or any other legal person or entity which offers to provide an annuity, trust, or other investment product or opportunity to finance, in whole or in part, a structured payment plan and offers to accept an assignment of liability in accordance with Section 130 of the Internal Revenue Code of the United States of America for such purpose. A "plan offeror" is a potential "plan provider."

F. *Plan provider* or *provider* means any insurer or any bank, trust company, financial institution, investment fund or company, or other financial institution or any other legal person or entity which has offered and been accepted and contracted with to provide an annuity, trust, or other investment product or opportunity to finance, in whole or in part, a structured payment plan and has accepted an assignment of liability in accordance with Section 130 of the Internal Revenue Code of the United States of America for such purpose.

G. *Recipient* means the ultimate beneficiary of a structured payment plan and/or reversionary medical trust.

H. *Reversionary medical trust*, as used herein, shall mean a trust established by a public entity for the exclusive benefit of an injured person to pay the necessary and reasonable medical expenses of said injured person and shall include, but not be limited to, reasonable amounts for all the diagnosis, cure, mitigation, or treatment of any disease or condition from which the injured person suffers as a result of the injuries, and the sequelae thereof, sustained by said injured person on the date of the accident or happening which caused the injury, where any and all or a portion of the funds remaining in the reversionary medical trust upon its dissolution, caused by the death of the injured party or such other event as may be stated in the trust agreement, shall revert to the public entity which established the trust. The trustee may obtain the services of an administrator to assist in the administration of the trust. All costs, fees, taxes or other amounts shall be paid by the trust. The trust agreement may impose such other reasonable duties, powers, provisions, and dispute resolution clauses as may be deemed appropriate. Nothing herein provided for shall preclude the public entity from devising other supplemental funding mechanisms for the exclusive benefit of the trust established for the benefit of the injured party and any such supplemental funding mechanisms shall not be used to determine the present value of the reversionary medical trust.

I. *Shall* denotes the imperative, the mandatory.

J. *State governmental entity* means the state or any branch, department, office, division, commission, council, board, bureau,

committee, institution, agency, state government corporation, or other establishment or official, officer, or employee thereof. The commissioner, the attorney general and his assistants, and the Office of Risk Management are included in this term. Political subdivisions, as defined in Article 6, Section 44(2), of the Louisiana Constitution, shall not be included within this term, but may acquire structured payment plans, in accordance with R.S. 13:5114(G), at their discretion and with their funds by adopting similar procedures as provided herein for state governmental entities.

K. *Structured settlement firm* means any individual, partnership, corporation, unincorporated association, company, joint stock company, joint venture, or any legal person or entity engaged in the business of rendering structured settlement services whether for the right, opportunity, or hope of acting as a commissioned agent or broker in the purchasing of any insurance annuity and/or other investment to be used in a structured payment plan or not.

L. *Structured payment plan* or *plan* means a method by which the public entity held liable for damages, or the public entity which agrees to compromise a cause of action for damages, is held responsible. The plan may include immediate payments and the funding of an investment, the principal and fruits of which are to be used to pay in future years damages in accordance with the terms of the plan. Such plans may include, but shall not be limited to, cash payments, annuities, trusts, reversionary medical trusts, qualified assets as defined by Section 130 of the United States Internal Revenue Code (26 USC Section 130), or any combination of them.

M. *Structured settlement services* means the furnishing of labor, time, or effort to a party against whom a legal action has been filed or a claim for damages or other monetary value has been made or to the attorney for such party for the purpose of attempting to resolve such action or claim by the use, in whole or in part, of a structured payment plan. Such services may include consultation; negotiation; preparation of information, data, or arguments for negotiation, for hearings or for other decision-making activities on possible structures; the ascertainment of availability of various possible structured payment plans and the costs thereof; the purchase of insurance annuities or other investments, as a commissioned agent or broker or otherwise, to be used in a structured payment plan; and/or the preparation of quotes, reports, and/or other records in connection with these services.

N. *Using agency* means any state governmental entity which has the procedural capacity to be sued in its own name, which has been sued in an action for damages or other monetary value or has been notified that there is an outstanding claim for such damages or value being made against it, and which seeks to compromise such liability by the use, in whole or in part, of a structured payment plan or has been actually cast in a judgment of liability incorporating a structured payment plan.

Chapter 3. Structured Settlement Services

§301. Qualifying Criteria for Acceptable Structured Settlement Firms

A. A structured settlement firm desirous of rendering structured settlement services to a state governmental entity shall first meet the following criteria and possess the following qualifications:

1. It shall have been, for at least three immediately preceding and successive years, successfully engaged in the business of rendering, to private attorneys, to private entities or persons, or to attorneys or entities of local governments or governments of other jurisdictions, the same or substantially similar structured settlement services as defined in this Part.

2. It employs at least one person who has actually been, for a period of three successive years or more, successfully en-

gaged in performing the same or similar structured settlement services as defined in this Part and who will personally supervise the rendering of any such services to every state governmental entity receiving them from such firm.

3. It shall be able to make such purchases as agent or broker for at least three plan offerors which meet the qualifying criteria for plan offerors and providers established in these rules and regulations and with none of which it has an ownership, equity, capital, or proprietary relationship or interrelationship whatsoever.

4. It shall furnish good and sufficient recommendatory references as follows:

a. five persons or entities to whom it has actually rendered successful and satisfactory services relating to structured payment plans within the past three years.

b. five financial references whose ownership, equity, capital, or proprietary relationship or interrelationship with or other interest in such structured settlement firm, if any, is fully disclosed to the Office of Risk Management together with or prior to the recommendation(s) made by any such reference.

5. It shall be otherwise qualified to do business in the State of Louisiana generally and shall have promptly paid all taxes due to the State of Louisiana as provided by law.

§303. Application, Investigation, Verification, List-Keeping of Qualified Structured Settlement Firms

A. Any structured settlement firm meeting the qualifying criteria set forth therefor in these rules and regulations and desiring to render structured settlement services to a state governmental entity shall first submit an application to the Office of Risk Management on a form to be approved by the commissioner and obtain from the Office of Risk Management a notice of verification of its meeting all qualifying criteria. Such application shall state the bases for and provide all information relevant and material to its meeting all such qualifying criteria.

B. Within a reasonable period, not to exceed 120 days, after receipt of such application, the Office of Risk Management shall investigate applicant's qualifications and have sent applicant notice of either verification of its meeting all qualifying criteria or rejection of the application based on failure to meet all qualifying criteria. Such notice of rejection shall indicate in what particulars the applicant failed to meet the qualifying criteria.

C. The Office of Risk Management shall maintain a list of all structured settlement firms whose applications and qualifying criteria have been verified.

D. For any reason and at any time whatsoever, the Office of Risk Management may inquire, investigate, and/or update an investigation into the continuing qualification of any structured settlement firm and may request of such firm any additional information, data, or references relevant thereto.

§305. Grounds for Removal from List

A. A structured settlement firm shall be removed from the list maintained by the Office of Risk Management of acceptable structured settlement firms meeting all qualifying criteria, on the following grounds:

1. It no longer meets all qualifying criteria in fact.

2. It fails, in accordance with Subsection B of this Section to produce sufficient proof to the Office of Risk Management, upon the request thereof, that it continues to meet all qualifying criteria.

3. It violates any of these rules and regulations.

4. It engages in any criminal activity, acts involving moral turpitude, fraud, or misrepresentation, including, but not limited to, the making of any material misrepresentation in any reports, notices, applications, statements, quotes, offers, or documents required by these rules and regulations or by law to be filed with or sent to any state governmental entity or any attorney thereof.

B. If at any time the Office of Risk Management discovers

that a structured settlement firm which has been already verified as to qualifying criteria and is currently on the list of such firms meeting qualifying criteria has become no longer qualified to render structured settlement services to state governmental entities, then the Office of Risk Management shall issue a notice of such discovery to such firm. If the firm fails to provide to the Office of Risk Management proof of its continuing to meet all qualifying criteria as provided in these rules and regulations within 30 days after such notice is sent, the firm shall be removed from the list and shall not be acceptable as a qualified structured settlement firm.

§307. Selection of Structured Settlement Firm for Structured Settlement Services

A. Because the Code of Professional Responsibility for lawyers requires that they represent their respective clients with full competence and shall exercise their independent judgment in such representation and because structured settlement services are primarily in the nature of consulting negotiation services, the attorney actually representing a using agency in a particular legal action or claim shall select, only from among those firms currently on the list of qualified structured settlement firms maintained by the Office of Risk Management, a structured settlement firm to render structured settlement services in such particular legal action and claim, when the circumstances indicate that a structured payment plan may be an appropriate way of resolving the particular legal action or claim and the services of a structured settlement firm are necessary or highly desirable from the attorney's point-of-view to assist in such resolution of the action or claim. Copies of any contracts or agreements with the structured settlement firm shall be sent to the Office of Risk Management for information and monitoring.

B. Whenever the attorney general is consulted pursuant to the provisions and requirements of R.S. 13:5114(C) or whenever the attorney for a using agency is one whose professional services were contracted for with the approval of the attorney general or commissioner of administration, as may be provided by statute, then the selection of the structured settlement firm by the attorney representing the interests of the state shall be with the consent of the commissioner of administration or the assistant commissioner of administration designated by her for such purpose.

§309. Qualified Plan Offerors and Providers

A. Only annuities, trusts funded with obligations of the United States of America, and reversionary medical trusts will be used to finance the future payments to be made in all structured payment plans used by any state governmental entity.

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are insurance companies qualified to do business in Louisiana and which have, from the most recently issued *Best Insurance Reports*, a rating of "A+" with a classification of "XII" or higher.

C. Trusts funded with obligations of the United States of America shall be established only with financial institutions which have (1) the corporate or other power and authority to administer the trust sought to be established, (2) a trust department, division, or office which is then administering at least \$20,000,000 in trust assets, and (3) at least one trust officer or employee who has been successfully engaged, for a period of five or more years, in administering the kind of large trusts which contain \$1,000,000 or more worth of assets each.

D. Reversionary medical trusts shall be established only with financial institutions which meet the qualifying criteria set forth in Subsection C of this Section for trusts funded with obligations of the United States of America and which also have the ability to establish a system, through consultants or otherwise, to accomplish, at least competently as exists among prudent health and medical insurers, the review, evaluation, and approval or rejection

tion, as appropriate, of all medical requests submitted by beneficiary for payment.

E. No plan offeror or provider shall have any ownership, equity, capital, or proprietary relationship or interrelationship with any structured settlement firm which has rendered or is rendering structured settlement services to a state governmental entity or to the attorney thereof in a particular legal action or claim and which has proposed to contract as an agent or broker with such plan offeror or provider for any annuity, trust, or other investment product or opportunity to finance a structured settlement plan with respect to such legal action or claim.

F. The Office of Risk Management will not maintain a list of qualified offerors or providers. It shall be the duty of the structured settlement firm to exercise due diligence in certifying that only qualified plan offerors and providers are dealt with in accordance with these rules and regulations. The Office of Risk Management shall maintain, however, a list of plan offerors or providers which might otherwise meet the qualifications and criteria of this Section but which have been disqualified under §313 of these rules and regulations. A copy of this list shall be made available to any qualified structured settlement firm upon request and upon payment of the requisite fee. The failure of a structured settlement firm to deal with and accept quotes and/or offers only from qualified plan offerors and providers shall be a violation of these rules and regulations and grounds, under §305 of these rules and regulations, for removal of such firm from the list maintained by the Office of Risk Management of acceptable structured settlement firms.

§311. Selection of Plan Providers from Among Plan Offerors

A. A structured settlement firm which is qualified under §301 of these rules and regulations and which has rendered or is rendering structured settlement services to a state governmental entity or to the attorney thereof in a particular legal action or claim being resolved, in whole or in part, by a structured payment plan shall select the plan providers as provided hereinbelow for the implementation of such plan. Such selection shall be made only in accordance with the following conditions and procedures:

1. The structured settlement firm has obtained cost and availability quotes from not less than three qualified plan offerors on each annuity or trust to be used in the plan, unless after diligent search there are not three qualified plan offerors willing to provide the particular trust or annuity sought to be established and then in that case the full details of the search and its results shall be reported to the Office of Risk Management, and the best evaluated annuity and/or trust considering cost, performance, and stability is proposed to be selected; and

2. Notice and the details of each such quote, each plan offeror's qualifications, and each proposed selection have been received by the Office of Risk Management; and

3. No objection by the Office of Risk Management has been received by the structured settlement firm within three days, excluding holidays and weekends, after the receipt by the Office of Risk Management of the notice and details of each quote, each plan offeror's qualifications, and each proposed selection; and

4. Either (a) the plan has received the approval of the Joint Legislative Committee on the Budget and the notification thereof has been made upon the Office of Risk Management or (b) a legislative enactment making a specific appropriation to fund the particular structure payment plan makes such funding executory without the need for further approval from the Joint legislative Committee on the Budget; and

5. Properly appropriated funds for payment of the judgment or the structured payment plan are made available therefor.

B. Only the qualified plan offeror(s) offering and quoting the best evaluated annuity, trust and/or other investment product or opportunity which is available and which meets all the require-

ments, conditions, and specifications of the structured payment plan shall be selected as the plan provider(s). The details of the proposed selection shall include, as a minimum, an evaluation of each offering and quote considering the cost, performance, and stability thereof and the reasons that the offering(s) and quote(s) proposed to be selected will best serve the state's interests.

C. In addition to a sworn statement that there is no ownership, equity, capital, or proprietary relationship, no interrelationship whatsoever between the structured settlement firm and each offeror, the details of each offeror's qualifications shall also include, as a minimum, the following:

1. With respect to each offeror which is an insurer offering an annuity, the date of the most recently published *Best Insurance Report* and the page(s) therein on which such insurer's rating and classification are reported.

2. With respect to each offeror which is a financial institution offering a trust funded with obligations of the United States of America,

a. a description of the overall organization, charter, purposes, and fields of business and financial endeavors of the financial institution and of the trust department, division, or office which will actually administer the trust and the value of trust assets being administered by such department, division, or office. If the most recently issued financial statement of such financial institution contains and fairly represents this information, then a copy of such financial statement shall suffice for such information.

b. the full names of the executive personnel of the trust department, division, or office which will actually administer the trust and synopses of their respective educational backgrounds and professional experience.

c. a summary of the experience of that financial institution and of its principal trust officers and employees in administering trusts which are similar to the one sought to be established for the structured payment plan, including all relevant information and data concerning such performance indicators as the yields on trust investment, the payouts to beneficiaries, and the planned, anticipated and the unplanned, unanticipated depletion or growth of trust corpus as a result of unwise or wise management and/or imprudent or prudent investment and also including, as a means for verification, the names and addresses of the makers (especially makers which are federal, state, or local public entities) and the beneficiaries of such trusts (unless such names and addresses are confidential or privileged under law or by prior agreement between the financial institution and the parties to such trusts).

3. With respect to each offeror which is a financial institution offering a reversionary medical trust,

a. the same information, descriptions, and summaries as are required in Paragraph (2) of this Subsection for financial institutions offering a trust funded with obligations of the United States of America but made applicable to reversionary medical trusts.

b. the particulars on the system whereby beneficiary medical requests will be reviewed, evaluated, and approved or rejected, as appropriate, including the names and addresses of the persons and/or consultants who will actually perform these functions, a history of their respective educational backgrounds and professional experience, a history of their past performance of these functions (including, but not limited to, all relevant information and data concerning such performance indicators as the efficiency and effectiveness of beneficiary medical request monitoring and review, the promptness with which beneficiary medical requests are acted on and, if approved, are paid, circumstances wherein additional injections of funds into the trust corpus after the inception of the trust, if provided for in the trust agreement, become necessary, and the final outcome or resolutions of situations where there are refusals to pay or rejections of beneficiary medical re-

quests), and an evaluation of their past performance of these functions.

D. Properly appropriated funds for payment of the judgment or the structured payment plan refer to funds available for such purpose under the constitution or law and includes funds appropriated by any specific appropriation of the legislature to pay a judgment, compromise, or structured payment plan; funds from the final judgment fund when the amount of payment to satisfy the judgment meets the conditions and criteria of such fund; and/or any pool of funds appropriated by the legislature to finance structured payment plans.

§313. Disqualification of Plan Offerors and Providers

A. Notwithstanding the fact that an insurer meets the qualifications and criteria of Subsection B of §309 of these rules and regulations and/or that a financial institution meets the qualifications and criteria of Subsection C and/or Subsection D of §309 of these rules and regulations, any plan offeror or provider, including such insurer and/or such financial institution, may be disqualified by the Office of Risk Management from thenceforth making offers to provide and/or providing any annuities, trusts, or other investment products or opportunities to finance, in whole or in part, any structured settlement plans for any state governmental entities, upon any of the following grounds:

1. It violates any of these rules and regulations.
2. It engages in any criminal activity, acts involving moral turpitude, fraud, or misrepresentation, including, but not limited to, the making of any material misrepresentation in any reports, notices, applications, statements, quotes, offers, policies, contracts, or documents required by these rules and regulations or by law to be filed with or sent to any state governmental entity or any attorney thereof.

B. The Office of Risk Management shall maintain a list of plan offerors and providers which have been disqualified under this Section. Such list shall be open to the public for inspection during regular office hours.

Chapter 5. Insurance Policies, Trust Contracts, and Other Evidence of Obligations Implementing Structured Payment Plans

§501. Depository for Annuities

The State Treasurer's office shall be used as the depository for all annuity policies, trust policies, trust contracts, and other evidence of obligations used to implement structured payment plans and purchased pursuant to the rules and regulations set forth herein and the structured judgment or compromise documents. These documents shall be retained until final satisfaction of such judgment or compromise.

Chapter 7. Administrative Procedures

§701. Dissatisfaction with Structured Settlement Firms and/or Plan Providers

Any state governmental entity or any attorney therefor dissatisfied with the performance of any structured settlement firm or with any plan offeror or provider or any recipient dissatisfied with the performance of any plan provider in any plan in which he is the recipient may report the grounds for such dissatisfaction in writing to the Office of Risk Management which may take any action authorized by law or by these rules and regulations to attempt to rectify the situation. Such reports shall be retained by the Office of Risk Management for additional use as support for any needed future changes in these rules and regulations.

§703. Appeals from Decisional Acts of the Office of Risk Management

A. Appeals to the commissioner from the Office of Risk Management may be taken in accordance with the procedures and delays set forth in this Section

1. by a structured settlement firm
 - a. regarding its removal from the list maintained by the Of-

fice of Risk Management of acceptable structured settlement firms meeting all qualifying criteria, or

b. regarding the refusal or failure of the Office of Risk Management to place such firm on such list, after such firm has properly submitted a completed application therefor and either the delay for notification has elapsed or such firm has received a notification of rejection.

2. by a plan offeror or provider regarding its disqualification under §313 of these rules and regulations.

B. All appeals provided for in this Section shall be taken within 14 days, exclusive of holidays and weekends, after the action complained of. The commissioner may extend this period for good cause shown, if a request for extension is made in writing to the commissioner within this initial 14 day period.

C. All appeals provided for in this Section shall be taken by the appellant's filing a written document of appeal with the commissioner. Such document shall include as exhibits copies of all relevant letters, applications, notices, and other writings and shall contain, as a minimum, the full name and address of the appellant, its chief executive officer, and, if it is being represented by legal counsel, the full name(s) and address(es) of its legal counsel, a simple statement of the action of the Office of Risk Management being appealed from, the date on which such action occurred, and a concise presentation of the grounds for the appeal and the reasons for appellant's contention that the action being appealed from should be modified or reversed. The commissioner shall allow the Office of Risk Management to respond in writing to each appeal. A copy of the appeal shall be served on the Office of Risk Management, and a copy of a response by the Office of Risk Management shall be served on the appellant or its legal counsel of record in the appeal. The commissioner may then decide the appeal summarily on the basis of the documents and writings presented, may require additional evidence and/or argument or may hold formal or informal hearings, as the commissioner deems necessary for a just decision.

§705. Appeals from the Commissioner

Appeals from the commissioner shall be made to the Nineteenth Judicial District Court, Parish of East Baton Rouge, in accordance with the provisions of R.S. 49:950 et seq.

Interested persons may submit comments on the proposed rule to Darrell Hunt, Executive Assistant Commissioner, Division of Administration, 900 Riverside North, Baton Rouge, LA 70804. Telephone: (504) 342-7000.

Darrell Hunt
Executive Assistant Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Procurement of Structured Payment Plans

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The adoption of the rule will not cause any increase in state or local expenditures.
Adoption of rules regarding procurement of structured payment plans is mandated by Act 450 of the 1985 Regular Session which is estimated to save 4 to 7 million dollars annually in judgments against the state.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The adoption of the rule will not affect, in any way, state or local government revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The adoption of the rule will not effect a change to any affected person or non-governmental group.

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

The adoption of the rule will not effect competition or employment.

Jessie Smallwood
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Summary

Ostomy equipment and supplies are provided with limitations to eligible recipients under Title XIX (Medicaid) as durable medical equipment and supplies.

Currently, ostomy equipment and supplies are limited to bags, supplies, cement, lubricant, solvents, and tencure of ben-zoin. A recent agency appeal decision found that the durable medical equipment limitations do not preclude coverage of disposable diapers when prescribed by a physician for a recipient who cannot use standard ostomy bags. Under this ruling the Medical Assistance Program must cover disposable diapers for all recipients with functional bladder and bowel disorders who cannot use or have difficulty using standard ostomy bags. Because of the cost to the state to begin providing such services, the Medical Assistance Program is proposing to adopt a rule which will preclude disposable diapers from Title XIX coverage under classifications of durable medical equipment.

This proposed rule is authorized under 42 CFR 440.120(c) because a disposable diaper is not a replacement, corrective or supportive device which:

- 1) replaces a missing portion of the body;
- 2) prevents or corrects a physical deformity or malfunction; or
- 3) supports a weak or deformed portion of the body.

It is estimated that 355 potentially eligible recipients will request the Medical Assistance Program to provide disposable diapers if this rule is not adopted. Total state expenditures to include this additional benefit to the Medical Assistance Program are projected to be \$1,810,500 each year.

Provision of disposable diapers as ostomy equipment and supplies is not allowable for federal funding.

Proposed Rulemaking

RULE

Effective April 1, 1986, the durable medical equipment category of ostomy equipment and supplies shall not include diapers or disposable diapers.

Comments

Interested persons may submit written comments through February 5, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on February 5, 1986, 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.

Regulatory Exception

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.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: MAP Durable Medical Equipment Limitation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Total state expenditures under this proposed rule will decrease by \$1,275 in FY 85-86; \$5,100 in FY 86-87; and \$5,100 in FY 87-88.

Non-implementation of this proposed rule will result in extending state coverage for durable medical equipment to approximately 355 recipients statewide for provision of disposable diapers. Total state expenditures for providing disposable diapers are projected to be \$1,810,500 each year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Total state revenue from federal participation will not be affected by this proposed rule. Federal Regulation 42 CFR 440.120(c) does not allow reimbursement for disposable diapers as durable medical equipment covered by Title XIX services under the Social Security Act.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Total benefits to recipients will be reduced by \$1,275 in FY 85-86; \$5,100 in FY 86-87; and \$5,100 in FY 87-88. This reduction reflects the current liability of one case which was awarded coverage by an appeal decision. Without this proposed rule, durable medical equipment coverage for disposable diapers will be extended to all eligible recipients.

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

There is no known effect on competition and employment resulting from this rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Summary

The maximum income limit before deductions for Long Term Care and Home and Community Based Services recipients is set by Federal Regulation 42 CFR 435.1005. This limit is 300 percent of the Supplemental Security Income (SSI) basic monthly

payment. Beginning January 1, 1986, the basic monthly SSI payment is being increased by \$11 to \$336 as required by a rule published in the *Federal Register*, Volume 50, Number 211, Page 45558, dated October 31, 1985. Therefore, the maximum monthly income before deductions of an individual otherwise eligible for Long Term Care and Home and Community Based Services will be increased from \$975 to \$1,008.

Emergency rule making has been invoked to implement this change effective January 1, 1986. The emergency rule was published in the *Louisiana Register*, Volume 11, Number 12, dated December 20, 1985.

Proposed Rule Making

RULE

The maximum allowable monthly limit (CAP) for an individual to be eligible for Long Term Care and Home and Community Based Services will be \$1,008. The double rate of \$2,016 will apply to a couple occupying the same room in a Long Term Care Facility.

Comments

Interested persons may submit written comments through February 5, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on February 5, 1986, 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.

Regulatory Exception

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.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LTC and HCBS CAP Rate

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This proposed rule increases the monthly income limit for Long Term Care and Home and Community Based Services eligibility to the maximum allowed by federal regulation, or 300 percent of the Supplemental Security Income (SSI) payment, before deductions. It is estimated that 14 additional recipients in 1985-86 and 11 additional recipients in each of the two subsequent years will be found eligible for services as a result of this increased limit. The estimated additional cost will be \$25,568, including \$9,253 in state funds, in 1985-86; \$41,786 in 1986-87, including \$15,122 state; and \$43,457 in 1987-88, including \$15,727 state.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Total state revenue from federal participation will increase by \$16,315 in FY 85-86; \$26,664 in FY 86-87; and \$27,730 in FY 87-88.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Total benefits to recipients will increase by \$25,568 in FY 85-86; \$41,786 in FY 86-87; and \$43,457 in FY 87-88.

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

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Summary

The revised standards for payment for Intermediate Care Facility I and II services and Skilled Nursing Facility services published in the *Louisiana Register*, Volume 11, Number 9, Page 865, dated September 20, 1985, are being amended as follows:

A. Section IV, B, (1) is being amended to require allowable costs for salaries to be in accordance with federal cost reporting standards (HIM-15). Additionally, salaries of administrators and assistant administrators will be limited to the maximum amount set by the state based on the agency's audit program review of cost reports statewide.

B. Section IV, B, (2) is being amended to allow reasonable costs for travel expenses related to the administration of the facility and patient care.

C. Section IV, B, (3) is being amended to allow reasonable costs for ordinary and necessary insurance coverage.

D. Section IV, B, (8) is being amended to allow rent costs, paid to unrelated parties, in accordance with HIM-15.

E. Section IV, D, (3) is being amended to require providers to maintain financial and statistical information necessary to substantiate their cost data for a period of three years.

F. Section IV, E is being added to clarify Chapter 10 of HIM-15 concerning the treatment of costs applicable to services, facilities, and supplies provided to a facility by organizations related by common ownership and control.

G. Section VI, D, (f) is being amended to allow facilities to arrange for the provision of customized wheelchairs, when necessary for an applicant/recipient's use, through family, community resources, etc. Additionally, purchase of customized wheelchairs for this purpose by a facility will be allowable in the cost report.

This proposed rule will reduce paperwork and provide a reasonable cost basis for determining facility rates statewide.

This proposed rule is authorized under 42 CFR 447.252 which requires the state agency to establish reasonable and adequate rates, based on the costs that must be incurred by providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

Proposed Rulemaking

RULE

The standards for payment for Intermediate Care Facility I and II services and Skilled Nursing Facility services are amended as follows:

Section IV, B:

1. Salaries

Allowable costs for administrator and assistant administra-

tor salaries are limited to the maximum amount set by the state based on the audit program's review of cost reports statewide.

2. Related Travel Expenses

Reasonable travel expenses are allowable only as related to administration of the facility and patient care.

3. Insurance

Insurance rates are allowable for ordinary and necessary coverage and shall be reasonable in price in addition to any interim increases initiated by the insurance company.

8. Rent

(b) Rent paid to unrelated parties in accordance with HIM-15 are allowable costs. [Items (i) and (ii) are deleted.]

Section IV, D:

3. All providers who elect to participate in the Title XIX program shall maintain all financial and statistical information necessary to substantiate cost data for three years following submission of the cost report. All providers are required to make these records available upon demand to representatives of the state, federal DHHS, or their contractual representatives.

Section IV:

E. Related Party Transactions

Chapter 10 of HIM-15 explains the treatment of cost applicable to services, facilities, and supplies provided to the facility by organizations related by common ownership or control. The Medicaid cost report can only include the actual cost(s) to the related organization for those services, facilities, and supplies. The cost(s) must not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere. Any costs in excess of these regulations will not be allowed by the department.

Furthermore, when a facility changes ownership, the Deficit Reduction Act limits capital related reimbursement to a new owner based on the lesser of: (1) historical costs (the costs to the original owner); or (2) the purchase price of the asset.

In auditing cost reports, OFS will apply this HIM-15 regulation in determining actual costs applicable to sales.

If a full disclosure of the facts have not been made to OFS and OFS approves a transaction, such approval is qualified on the basis of the facts presented. Any questions concerning a relatedness situation should be directed, in writing, to the Office of Family Security, Long Term Care Program.

Section VI, D, (F), (i):

Customized Wheelchairs

The nursing home shall attempt to arrange for the provision of customized wheelchairs as needed for an applicant/recipient's use through family, community resources, etc. If customized wheelchair(s) are purchased by the nursing home for this purpose, the cost shall be allowable in the cost report.

Comments

Interested persons may submit written comments through February 5, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on February 5, 1986, 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.

Regulatory Exception

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disap-

proval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: MAP Standards for Payment

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Total state expenditures under this proposed rule will be unaffected. The amendments to the standards for payment are not expected to result in either an increase or decrease in the current rate.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on state revenue resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
While nursing homes will receive no additional payments as a result of this proposed rule, the amount of record keeping and paperwork required under the current standards will be reduced.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Labor Office of Labor

The Department of Labor, Office of Labor, advertises its intent to repeal all previous rules adopted by it regulating apprenticeship, including but not limited to those rules adopted January 20, 1981, and to substitute a complete new set of rules relating to the administration and enforcement of the State Apprenticeship Law.

Copies of the proposed rules may be obtained at the Office of Labor, 5360 Florida Boulevard, Baton Rouge, LA.

A public hearing on the proposed apprenticeship rules will be held on February 4, 1986, commencing at 10 a.m. in the Auditorium, Administration Building, State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Mr. Johnny Hodges, Assistant Secretary of Labor, 5360 Florida Boulevard, Baton Rouge, LA 70806, through February 15, 1986.

Dudley J. Patin, Jr.
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Apprenticeship Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no additional implementation costs or

savings to the Department of Labor (LDOL) or local governmental units as a result of the adoption of these rules because existing staff can handle the work necessary to implement and enforce the rules. However, as a result of implementing these rules, on state and some local government construction projects, costs could be more to the governmental units due to the potential increase in wages of apprentices. (See Section V in its entirety). It is difficult to determine the fiscal impact due to several unknown variables.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The adoption of the new rules will not generate revenues for the state or local government units because no fees are assessed or collected for the benefit of governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

As a result of adopting these rules, the employer may experience an increase in the cost of entry-level wage rates of his labor force, such increase in wage rates resulting in a direct benefit to employees in the form of higher wages. The following sections of the proposed rules relate to estimated costs and/or economic benefits of the employer and/or employee. See Sections VI:A, VI:C5 in its entirety, VI:C6, VI:C7, and VII:F14.

Due to the lack of readily available data, it is impossible to determine or estimate the fiscal and economic impact.

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

The effect on competition and employment as a result of adopting these rules cannot be measured (as related to the number and type of program sponsors who apply for an apprenticeship program.)

Cecil R. Formby
Labor Executive Officer

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Notice is hereby given that the Department of Public Safety and Corrections proposes to adopt the following rules relative to the licensing of commercial driving schools and instructors.

Foreword

Pursuant to the authority contained in Act 665 of 1983, R.S. Section 1461 of Title 40, the Department of Public Safety and Corrections through the secretary, will promulgate and adopt the following rules and regulations controlling commercial driving schools and their instructors in the State of Louisiana.

These rules and regulations, together with various requirements set forth in this Act, establish the criteria which will be used by the Department of Public Safety and Corrections in evaluating the qualifications of applicants for licenses or certificates, and periodically investigating the character, scope and condition of licensed schools and instructors.

The owners and officials of commercial driving schools are concerned with the procedures and policies used by the department in administering the provisions of the Act and in enforcing the rules and regulations contained herein.

Inquiries and requests for information should be directed to: State of Louisiana, Department of Public Safety and Corrections, Safety Enforcement Section, Box 64886, Baton Rouge, LA 70896.

Buster J. Guzzardo, Sr.
Administrator

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

Rule Title: Motor Vehicle Commercial Driving Schools

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of these regulations will not cause state or local governmental units to incur additional costs or accrue additional savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of these regulations will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Adoption of these regulations will not cause any additional economic costs or accrue additional benefits to directly affected groups.

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

Adoption of these regulations will not affect competition or employment.

J. L. Thibodeaux
Agency Head

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Notice is hereby given that the Louisiana Department of Public Safety and Corrections proposes to adopt the following as a rule under authority of LRS 47:463.18.

U.S. VETERANS LICENSE PLATE

Special license plates will be issued to any veteran of the Armed Forces of the United States for private passenger cars, minimum pickup trucks and vans.

ELIGIBILITY

A qualified veteran shall include any veteran who has served at least 90 days military duty in a branch of the United States Armed Forces.

REQUIREMENTS

All applications (DPSMV 1799) for veteran license plates must be accompanied by proof of service, such as photocopy of discharge certificate. Discharge must be of honorable condition. If the vehicle is not registered in the applicant's name, he must submit proper title documentation and fees along with the request for U.S. Veteran license plates.

CANCELLATION

Special license plates displayed on vehicles other than those for which they are issued are subject to immediate cancellation. If the owner of a vehicle no longer wishes to display the plate on his vehicle or if the applicant is deceased, the plate shall be returned to the Department for cancellation.

FEES

The fee for obtaining a U.S. Veteran license plate is \$50 (two years). The fee to renew the veteran plate is as follows:

- \$56.00 - Private Auto (2 years)
- \$ 2.33 - Fee calculation per month for validation sticker (Auto)
- \$70.00 - Private Pickup Truck/Van
- \$ 2.91 - Fee calculation per month for validation sticker (Truck/Van)

PROCEDURES

Renewals, Duplicate Titles, Title Correction and Replace-

ment Sticker will be processed in field offices. All other requests should be forwarded to Driver/Registration Processing Unit, Room 1, Box 64886, Baton Rouge, LA 70896.

Interested persons may submit comments on the proposed rule to John J. Politz, Assistant Secretary, Department of Public Safety, Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896-4886. Phone (504) 925-6335.

John J. Politz
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: U.S. Veterans License Plates**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of these regulations will not affect costs of state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

According to the Veterans Administration there are approximately 453,000 veterans in Louisiana. Assuming that at least 1 percent of these veterans will apply for this special plate during the first two years, the department expects to issue 4,530 license plates at a biennial fee of \$50 plus the regular renewal fee of \$6 for autos and \$20 for trucks/vans. This would result in an increase of \$226,500 over a two-year period or \$113,250 per year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Proposed rule would not affect any persons or non-governmental group in so far as costs or economic benefits. Veterans will purchase these plates by choice in lieu of regular license plates.

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

Proposed rule would have no effect on competition and employment.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

Pursuant to the authority of R.S. 33:4861.17 the Office of State Police advertises its intent to make permanent the following rules pertaining to the manufacturing, distribution, and construction of pull tabs for use in Louisiana.

RULE I. STATEMENT OF DEPARTMENT POLICY

The public health, safety and welfare is the primary consideration in the promulgation of pull tab rules and shall continue to be the primary consideration in their application and enforcement.

RULE II. DEFINITIONS

1. As used through this chapter, the following definitions apply:

A. *Act* means the Charitable Bingo, Keno and Raffle Law enacted as LRS 33:4861.1 et seq. including all amendments thereto that may hereafter be enacted including Acts 671 and 823 of 1985.

B. *Applicant* means any person or authorized representative of a corporation who has applied for or is about to apply for

registration as a manufacturer or distributor of pull tabs for use in Louisiana.

C. *Pull-tabs* means a single or banded ticket or card or cards each with its face covered to conceal one or more numbers or symbols where one or more cards or tickets in each set has been designated in advance as a winner.

D. *Department* means the Louisiana Department of Public Safety and Corrections, Office of State Police.

RULE III. APPLICATION FOR REGISTRATION

1. An application to register as an approved manufacturer or distributor of pull tabs must be submitted to the department upon forms prescribed by the department. The application is not complete unless it is dated and signed by the applicant, and contains all information and statements required by the department.

2. A separate application must be completed for each manufacturers label or trademark and distributor.

3. A manufacturer or distributor registered under these rules must comply with all the required specifications in these rules and to the requirements of the act.

RULE IV. ELIGIBILITY FOR REGISTRATION

1. Any person or business entity desiring to manufacture, sell or distribute pull tabs in this state must:

A. Be issued and maintain all required federal, state, parish and municipal licenses; and

B. Apply to the department on forms prescribed by the department for registration; and

C. Furnish to the department reports containing such information the department may determine is necessary to regulate and control pull tabs in accordance with the act and these rules; and

D. Meet the suitability and business relationship criteria of Rule V.

2. No person shall be registered who holds a permit to sell liquor of either high or low content, or who is directly or indirectly involved with the operation or the assisting in the operation of any game of chance permitted under the act, or who is involved directly or indirectly in leasing or renting any premises or equipment for such game, or in the providing of any other incidental services in connection with such game or games.

3. No person shall ship pull tabs into this state until his application for registration is approved by the department.

4. No person shall ship pull tabs into this state unless the pull tabs meet the standards for construction, assembly and packaging as required by Rules VII and VIII.

RULE V. MANUFACTURERS SUITABILITY AND BUSINESS RELATIONSHIPS

1. The department may deny an application or revoke, suspend, restrict, or limit approval of registration if it finds an applicant or a business relationship between an applicant and another person or a business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the department may consider the person or business entity's:

a. general character, including honesty and integrity;

b. financial security and stability, competency, and business experience in the capacity of the relationship;

c. record, if any, of violations which may affect the legal and proper operation of a pull tab game, including a violation of the laws or local ordinances of this state, other states, and countries without limits as to the nature of the violations;

d. refusal to provide access to records, information, equipment, or premises to the department or peace officers when such

access is reasonably necessary to ensure or protect public health, safety or welfare.

RULE VI. REVOCATION, SUSPENSION, RESTRICTION, DENIAL OR NON RENEWAL OF APPLICATION—FAIR HEARING—JUDICIAL REVIEW

1. When the department revokes, suspends, restricts or denies an application for registration or renewal, the applicant may request a fair hearing. The request for a hearing shall be made in writing to the department within 45 days of the revocation, suspension, restriction or denial by the department. Upon the department's receipt of written request, a fair hearing shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

2. Administrative procedures conducted by the department are subject to judicial review according to the provisions of the Louisiana Administrative Act.

RULE VII. STANDARDS FOR CONSTRUCTION

1. Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, or set of symbols, on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

2. All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

3. The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

4. The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either a perforated or clean-cut edge on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

5. Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

6. All pull tabs shall be of a uniform thickness within a series. Vendable pull tabs are defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state. The single opening and double sided tabs shall have an overall bulk thickness of .045 inch per pull tab, plus or minus .003 inch. The multiple opening tabs shall have an overall bulk thickness of .026 inches per pull tabs plus or minus .002 inches.

Nonvendable pull tabs are defined as those that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers of nonvendable pull tabs may use any thickness that complies with

all other rules. In no instance will any type of pull tabs be approved where the winning tabs are distinguishable by visible variation in dimension.

7. All pull tabs within a single pull tab series shall also be uniform in length and width and may not vary by more than $\frac{3}{64}$ inch between series. Vendable pull tabs which are single opening or double sided tabs shall be $1\frac{7}{8}$ inches \times 1 inch, plus or minus $\frac{1}{8}$ inch. Multiple opening vendable pull tabs shall be $3\frac{1}{2}$ inches \times $1\frac{7}{8}$ inches, plus or minus 1 inch. Nonvendable pull tabs may be manufactured in any size so long as it complies with all other rules.

8. Winner protection. A unique symbol or printed device shall be placed in the high tier winner window so as to insure that the high tier winner is made unique.

9. Color or printing variations. It should not be possible to detect or pick out winning from losing tickets through variations in printing, graphics or colors, especially those involving different printing plates.

RULE VIII. ASSEMBLY AND PACKAGING

1. Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

2. Winning pull tabs shall be randomly distributed and mixed among all other pull tabs in the series. The series shall be assembled and packaged with special care so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined.

3. When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered as to distinguish one from the other. Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series. This information may be printed on the back of the flare or the outside of at least one of the packages, boxes or containers in which the pull tabs are packed.

RULE IX. CIVIL VIOLATIONS—CRIMINAL CITATIONS

1. When the department determines an applicant, manufacturer, or distributor has violated the act or these rules, the department shall issue a civil violation to the applicant, manufacturer or distributor.

2. Violations may be issued for, but is not limited to the following acts:

a. Selling, offering for sell, distributing, or importing pull tabs in this state without registering with the department.

b. Selling, distributing or importing pull tabs to any unlicensed operator in this state who is required to be licensed by this chapter.

c. The falsification of an application or reporting documents.

d. Refusal to provide access to records, information, equipment or premises as outlined in Rule V.

e. The failure to comply with documentary reporting requirements.

RULE X. PENALTIES FOR CIVIL VIOLATIONS ISSUED BY THE DEPARTMENT

1. The department may suspend or deny any or all applications of an applicant, manufacturer, or distributor after opportunity for fair hearing when:

a. the department receives:

i. a certified copy (or other credible evidence) of any judgement or conviction of any applicant or his agent, servant, or employee for any violation of any criminal law or ordinance of the United States, the State of Louisiana or of any Louisiana parish, city, or town relating to charitable gaming or gambling; or

ii. a certified copy of the record (or other credible evidence) of the forfeiture by any applicant or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming or gambling; or

b. the department, after investigation, has reasonable cause to believe that any manufacturer, distributor, or applicant, his agent, or employee has violated the provisions of this chapter or these rules.

2. The department may suspend an application prior to the opportunity for fair hearing when the department, after investigation, has reasonable cause to believe continued operation of the application endangers public health, safety and welfare. During the period of suspension, the applicant shall not operate in this state.

3. An application may be revoked, subsequent to opportunity for a fair hearing, as penalty for violation of the act or these rules. In addition to the penalties provided in this section, pull tabs may be seized and treated as evidence when reasonable cause exists to believe the pull tabs are in violation of the act or these rules.

RULE XI. ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

1. The department shall conduct a fair hearing:

a. following the emergency suspension of application and
b. prior to the revocation of an approved application

2. All fair hearings must be held in accordance with the Louisiana Administrative Procedure Act.

3. Administrative procedures conducted by the department are subject to judicial review in accordance with the provisions of the Louisiana Administrative Procedure Act.

Interested persons may submit written comments on this matter to Sergeant Emile S. Bourgoyne, Department of Public Safety and Corrections, Office of State Police, Research Unit, Box 66614, Baton Rouge, LA 70896.

Colonel Wiley D. McCormick
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bingo Pull Tab**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of these regulations will not cause additional expenditures of state or local governmental units as the workload will be absorbed within currently authorized expenditures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of these regulations will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Adoption of these regulations will not cause any additional significant costs to manufacturers of bingo pull-tabs.

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

Adoption of these regulations will not affect competition or employment in the bingo pull-tab industry as all manufacturers that have been identified are currently within the standards proposed by the regulations.

Wiley D. McCormick
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the plan document as follows:

Article 3, Section I (G) (26) added to read as follows:

G. Eligible Expenses

The following shall be considered eligible expenses under comprehensive medical benefits when prescribed by a physician and medically necessary for the treatment of a covered person:

26. Cardiac rehabilitation therapy, subject to the following conditions:

a. The covered person must be recovering from a myocardial infarction (heart attack), or a cardiovascular surgery (cardiac bypass).

b. The cardiac rehabilitation therapy must be prescribed by a licensed medical doctor who is receiving regular progress reports concerning the covered person's progress.

c. Cardiac rehabilitation therapy must be conducted at a medical facility under the direct supervision of a licensed medical doctor and proper monitoring equipment and qualified medical personnel must be present during the therapy in order to effectively respond to any emergency situation which may arise.

d. All cardiac rehabilitation therapy (both in-patient and out-patient) must be completed within six months following the date of the infarction or cardiac surgery.

e. In connection with cardiac rehabilitation therapy, the program will specifically exclude dietary instruction, educational services, behavior modification literature, memberships in health clubs, exercise equipment, preventive programs and any other items or services specifically excluded from benefits pursuant to the provisions of Article 3, Section VIII.

Article 3, Section VIII, add the following:

CC. Charges for cardiac rehabilitation therapy conducted more than six months following the date of a myocardial infarction or cardiovascular surgery.

Amend Article 3, Section VIII, (T) as follows:

T. Air conditioners and/or filters, dehumidifiers, air purifiers, wigs or toupees, heating pads, home enema equipment, rubber gloves, swimming pools, saunas, whirlpool baths, home pregnancy tests, exercise equipment and any other items not normally considered medical supplies.

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 March 11, 1986, 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: Cardiac Rehabilitation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This rule change will not impact costs or savings to state or local governmental units. The State Employees Group Benefits Program will experience increased annual benefits costs in the approximate amount of \$1,323,600 according to our consulting actuary, Martin E. Segal Company.

While the increase in benefits will not immediately necessitate a premium increase, at some point in time the additional costs will become a factor in raising the rates to program members and employees.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of this rule change will not effect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Plan members requiring cardiac rehabilitation therapy will benefit to the extent that the cost of this treatment will now be a covered procedure under the State Employees Group Benefits Program.

While the increase in benefits will not immediately necessitate a premium increase, at some point in time the additional costs will become a factor in raising the rates to program members and employees.

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

Competition and Employment will not be effected.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to raise the lifetime maximum of \$500,000 to \$750,000, effective December 19, 1985.

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 March 11, 1986, 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: Life-Time Maximum

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

State or local governmental units will not incur any additional costs due to this rule change. The State Employees Group Benefits Program will incur additional costs in the approximate amount of \$1,470,000 annually, in the form of in-

creased benefits on behalf of those plan members with covered medical expenses in excess of \$500,000.

While the increase in benefits will not immediately necessitate a premium increase, at some point in time the additional costs will become a factor in raising the rates to program members and employees.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The revenue collections of state or local governmental units will not be effected by this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no direct costs to the directly affected persons, the plan members with covered medical expenses in excess of \$500,000, or to non-governmental groups.

There will be direct benefits in the form of increased medical benefit payments to plan members who have exceeded the present life-time maximum.

While the increase in benefits will not immediately necessitate a premium increase, at some point in time the additional costs will become a factor in raising the rates to program members and employees.

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

This rule change will have no effect on competition and/or employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Urban and Community Affairs
Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs will be amending the FY 1985 LCDBG Final Statement. The purpose of this amendment is to set-aside economic development monies for applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. The following paragraph will be added to Section II, E. of the Final Statement:

Of the 25 percent of the LCDBG funds allocated for economic development, \$333,334 will be set-aside to fund economic development applications submitted by applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. No deadlines will be established for the acceptance of these applications; however, an application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. All other program requirements and criteria stated within the Final Statement apply to these applications.

Interested persons may comment on the proposed amendment in writing through March 1, 1986, at the following address: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 44455, Baton Rouge, LA 70804.

Dorothy M. Taylor
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: FY 1985 LCDBG Final Statement**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on the implementation costs. The

amended rule affects only federal funds which will be awarded to communities.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections. Of the \$6.2 million allocated to economic development activities, this \$333,334 set-aside represents about five percent. Grants to eligible local units for economic development are awarded in three cycles; the first cycle has been funded at \$1.2 million with roughly \$5 million left to be awarded.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The funds will be awarded to local governmental units in accordance with selection criteria established in FY 1985 LCDBG Final Statement. The \$333,334 set-aside will be reserved for application from eligible local governments in the following parishes: Iberville, Ascension, East Feliciana, Livingston, Evangeline, Jeff Davis, St. Helena, Tangipahoa, Washington, W. Feliciana, St. Mary, St. Landry, Acadia, Allen, Beauregard, and Calcasieu.

Successful grantees may use private funds and LCDBG funds to match Economic Development Administration funds from South Louisiana Revolving Loan Fund, Inc. (the agency has \$1,000,000 in EDA grant funds for the sixteen parishes). The program is designed to serve low to moderate income persons in local communities.

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

The proposed amendment will not create any changed effect on competition and employment.

Dorothy M. Taylor
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Planning And Technical Assistance

Louisiana Community Development Block Grant (LCDBG)
Program

I. PROGRAM OBJECTIVES

The LCDBG Program, as its primary objective, provides grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 51 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons. Each activity assisted in whole or in part with LCDBG funds must meet one or more of the following objectives:

- (1) strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization, principally for low and moderate income persons,
- (2) benefit low and moderate income persons,
- (3) eliminate or aid in the prevention of slums or blight, or
- (4) provide for other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

II. GENERAL

A. APPLICATION PROCESS

This statement sets forth the policies and procedures for the

distribution of LCDBG funds. Grants will be awarded to eligible applicants for eligible activities based on a competitive selection process to the extent that funds are available. The State shall establish deadlines for submitting applications and notify all eligible applicants through a direct mailing. The applications submitted in FY 1986 for housing and public facilities will be rated and ranked and funded to the extent that monies are available. The ranking under the FY 1986 program will also be used to determine the grants selected for funding under the FY 1987 LCDBG Program. In other words, the top ranked applications to the extent that monies are available will be funded in FY 1986; the next highest ranked applications will be funded in FY 1987 to the extent that monies are available. Only one application for housing and/or public facilities can be submitted; that same application will be considered for funding in FY 1986 and FY 1987. No new applications for housing and public facilities will be accepted in FY 1987.

B. ELIGIBLE APPLICANT

Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux. Each eligible applicant may only submit an application on its own behalf. Two or more eligible applicants may submit a joint application for activities of mutual need of each eligible applicant. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who would be the appropriate applicant. All local governing bodies involved must be eligible according to the threshold criteria.

C. ELIGIBLE ACTIVITIES

An activity may be assisted in whole or in part with LCDBG funds if the activity meets the provisions of Title 24 of the U.S. Code of Federal Regulations, Subpart C, as provided in Appendix 4. For application purposes, eligible activities are grouped into the program areas of either housing, public facilities, economic development or demonstrated need.

D. TYPES OF GRANTS

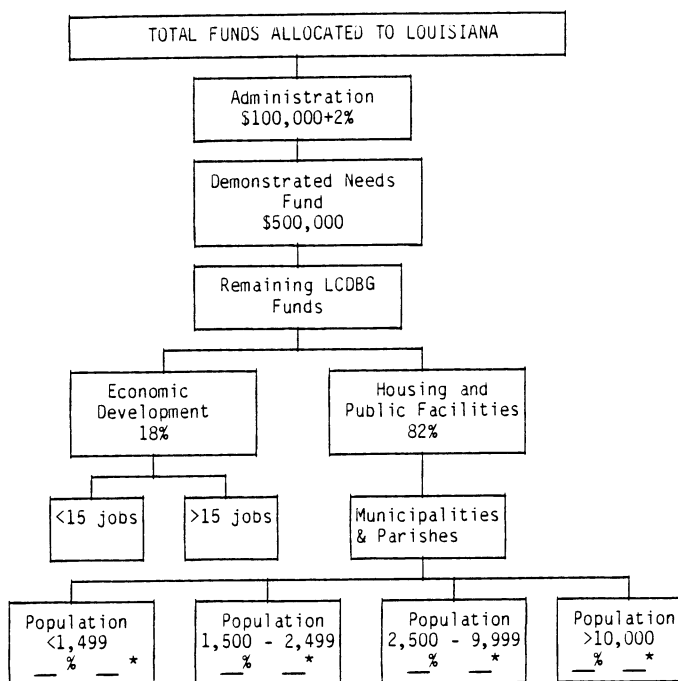
The LCDBG Program has two types of grant applications—Single Purpose and Multi-Purpose. Either a single purpose or multi-purpose grant application may be submitted for the program areas of housing or public facilities and demonstrated need. Only a single purpose grant application may be submitted for economic development. When funds are requested for two or more needs in one or more of the two areas (housing or public facilities), excluding auxiliary activities, it is classified as a multi-purpose application. Final determination of the classification by type will be made by the state.

E. DISTRIBUTION OF FUNDS

Figure 1 shows how the funds available will be allocated between the various population categories. Of the total CDBG funds allocated to the state, up to \$100,000 plus two percent will be used to administer the program. In addition, \$500,000 will be set aside for the Demonstrated Needs Fund. Since creation and retention of permanent jobs is so critical to the economy of the State of Louisiana, 18 percent of the remaining LCDBG funds will be allocated specifically for economic development type grants. This fund will be divided into two categories based on number of jobs created or retained (see figure 1). Only economic development applications will compete for these funds. If at the end of the deadline for receipt of Economic Development applications, monies remain in the Economic Development Fund, those monies may be transferred into the grant category deemed feasible or used in subsequent year funding for economic development applications. Public facilities and housing applications will be funded with the

remaining LCDBG funds. There will be one funding cycle for housing and public facilities applications. This fund will be divided into four categories based on the 1980 Census population of eligible applicants (see Figure 1). The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each population category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category. The same procedure will be followed in further allocating monies for single purpose housing, single purpose public facilities, and multi-purpose applications in each population category. If any monies remain in this fund after funding, those monies may be transferred into the grant category deemed feasible. Any monies awarded by the state that are later recaptured by or returned to the State will be reallocated in accordance with the department's policy, then in effect, for the redistribution of such funds.

FIGURE 1



*The percentage distribution among the population categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. The same procedure will be followed in further allocating monies for single purpose housing, single purpose public facilities, and multi-purpose applications in each population category.

F. SIZE OF GRANTS

(1) Ceilings. The state has established funding ceilings of \$750,000 for single and multi-purpose grants with the exception of grants awarded under the Demonstrated Needs Fund.

(2) Individual grant amounts. Grants will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the state shall consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS

(1) Each eligible applicant may apply for one housing or public facilities grant in each fiscal year. Any eligible applicant may apply for an economic development grant or Demonstrated Needs Fund grant, even those previously funded under the housing and public facilities components.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks

the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the deadline date the application is due and may be the basis for rejecting an application from further consideration. In determining whether an applicant has performed adequately, the state will examine the applicant's performance in the following areas;

(a) Units of general local government will not be eligible to receive funding if past CDBG programs awarded by HUD have not been closed out as of the deadline for receipt of LCDBG applications by the state.

(b) Units of general local government will not be eligible to receive funding if past LCDBG Programs awarded by the state have not met the following performance thresholds as of the deadline for submittal of the application.

(i) FY 1982 and FY 1983 LCDBG recipients must have closed-out as of the deadline for receipt of LCDBG application by the state.

(ii) FY 1984 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 95 percent of the total grant amount.

(iii) FY 1985 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 75 percent of the total grant amount.

(c) Audit and monitoring findings made by the state or HUD must be cleared prior to the deadline for receipt of applications by the state.

The state is not responsible for notifying applicants as to their performance status. The state may provide waivers to these prohibitions, if a waiver is requested in writing prior to the application deadline. There shall be no waiver granted if funds are due to HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

H. DEFINITIONS

For the purpose of the LCDBG Program or as used in the regulations, the term:

(a) *Unit of general local government* means any municipal or parish government of the State of Louisiana.

(b) *Low-moderate Income Persons* are defined as those having income within the Section 8 Income limits as determined by the secretary of Housing and Urban Development. (See Appendices 1 and 2.)

(c) *Auxiliary Activity* means a minor activity which directly supports a major activity in one program area (housing, public facilities). Note: The state will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.

(d) *Slums and Blight* is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 3.)

(e) *Department* refers to the Department of Urban and Community Affairs.

III. METHOD OF SELECTING GRANTEEES.

The state has established selection and rating systems which identify the criteria used in selecting grantees.

A. DATA

(1) Low-Moderate Income. The low-moderate income limits are defined as being within the Section 8 income limits as established by HUD. In order to determine the benefit to low-moderate income persons for a public facility project, the applicant must utilize either census data (if available) or conduct a local survey.

(a) Census Data. If 1980 census data on income is available by enumeration district, then the state will calculate the applicant's low and moderate income percentages. If the applicant

chooses to utilize census data, the low-moderate income levels as shown in Appendix 2 will be followed. However, the applicant must request this data prior to submittal of the application.

(b) Local Survey. If the applicant chooses to conduct a local survey, the survey sheet in the FY 1986 application package must be used. Local surveys *must* be conducted for all housing activities.

The annual income limits for low-moderate income persons (regardless of family size) when conducting a survey are shown in Appendix 1. If the applicant chooses to determine low-moderate income based on family size, the following sliding scale *must* be used:

# OF PERSONS IN HOUSEHOLD	% OF PARISH/MSA* MEDIAN INCOME
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

* MSA = Metropolitan Statistical Area

When a local survey, rather than census data, is used to determine the low/mod benefit, a random sample which is representative of the population of the entire target area must be taken. There are several methodologies available to insure that the sample is random and representative. The methodology used must be stated in your application; if you have questions on the methodology to use, you may contact the Department of Urban and Community Affairs for assistance. The appropriate sample size varies with the total number of households in the target area, and is determined by using the following formula: $n = .9604 \times N \div (.0025N + .9579)$

Where n = required number of households in sample

Where N = total number of occupied households in target area

If the situation arises where it must be determined as to whether or not the sample taken was indeed random, then standard statistical tests at the appropriate geographical level will be used.

Surveys conducted for housing activities must involve 100 percent of the total houses within the target area. Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

B. PROGRAM OBJECTIVES

Each activity contained within such programs must meet one of the following two national objectives:

(1) Principal benefit (at least 51 percent) to low-moderate income persons.

(2) Elimination or prevention of slums and blight. In order to claim that the proposed activity meets this objective, the following must be met. An area must be delineated by the grantee which:

(a) meets the definition of slums and blight as defined in Act 570 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 3); and

(b) contains a substantial number of deteriorating or dilapidated buildings or improvements throughout the area delineated.

The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum/blight.

C. SINGLE PURPOSE GRANTS

(1) Definition. A single purpose grant provides funds for one need (water or sewer or housing, etc.) consisting of an activity

which may be supported by auxiliary activities. Single purpose economic development grants are for one project, consisting of one or more activities.

(2) Specific Program Categories. All single purpose applications will be rated according to the following program categories.

Each applicant for housing and public facilities will be reviewed against all other applicants in the same population category which are requesting funds in the same specific program category. The criteria for reviewing each of the specific programs are as follows:

a) ECONOMIC DEVELOPMENT (Total of 200 Points)
The following two requirements must be met by economic development applicants.

(1) A firm financial commitment from the private sector will be required upon submission of the application. The private funds/public funds ratio must not be less than 1:1. Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the term of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs or any recaptured funds.

(2) If cost per job created or retained exceeds \$15,000 for the LCDBG monies, applications will not be considered for funding.

(3) A minimum of 51 percent of the employment will go to people who at the time of their employment will be persons from low to moderate income households.

i. PROJECT FEASIBILITY - 100 Points

To be funded, a community's project must score a minimum of 60 points on the LCDBG Economic Development Project Feasibility Assessment. Applications will be scored in the areas of management, marketing, financial and economic feasibility.

ii. PROJECT IMPACT (Maximum Possible Points-100)

To be funded, a community's project must score a minimum of 60 points on Project Impact. Applications will be scored in the areas of recapture, cost-effectiveness, and leverage ratio. The total points are delineated according to the following categories:

Recapture (Maximum Possible Points-35)

This will be calculated by taking the discounted present value of the total recapture divided by the grant amount minus administrative costs.

$$\frac{\text{Discounted PV of recapture} \times 35}{\text{Grant Amount Minus Administration}}$$

Cost Effectiveness (Maximum Possible Points-30)

This will be calculated by dividing the \$15,000 maximum by the LCDBG fund cost per job and multiplying this number by the industry multiplier.

Leverage Ratio (Maximum Possible Points-35)

The maximum points will be awarded by dividing the actual project leverage ratio by the corresponding leverage scale ratio as shown below.

$$\frac{\text{Actual Project Leverage Ratio} \times 35}{\text{Private funds Leverage Scale Ratio}}$$

Amount of LCDBG

Funds Requested	LCDBG Funds	Private Funds
0- 99,999	1.00	1.00
100,000-249,999	1.00	1.50
250,000-499,999	1.00	2.00
500,000-750,000	1.00	2.50

Although an application may be determined to be eligible, the state will make the final determination as to whether or not the proposed activity is viable in keeping with the objectives of the program. For projects involving the recapture of economic devel-

opment loans, the state may recapture up to 100 percent of the pay-back. The specific details of such recapture will be outlined in each contract between the state and the local governing body receiving an award. Recaptured economic development funds will be reallocated in accordance with DUCA's policy, then in effect, for the redistribution of such funds. If an applicant submits an application for economic development in one funding cycle and that application is not selected for funding, the applicant may resubmit the application for consideration during a subsequent funding cycle. All resubmitted applications must be full and complete for each cycle applied under.

b) PUBLIC FACILITIES

i. PROGRAM IMPACT (Maximum Possible Points-100)

Maximum Impact 100 points

The proposed project would completely remedy existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Moderate Impact 65 points

The proposed project would result in substantial progress being made towards improving existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Minimal Impact 30 points

The project would improve a community's infrastructure but would not address a violation of a state or federal standard promulgated to protect public health and safety or is inadequately documented.

Documentation from the cognizant agencies must have been prepared within 12 months prior to the application submittal date.

ii. BENEFIT TO LOW-MODERATE INCOME PERSONS (Maximum Possible Points-50)

Percent of Low-Moderate Income (Maximum Possible Points-25) This will be calculated by dividing the number of low-moderate income persons benefitting (as defined by the state) by the total persons benefitting. The resulting raw scores will be arrayed and the top ranked applicant will receive 25 points. All other applicants will receive points based on how they score relative to that highest score as follows:

$$\text{Low-Mod Number Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

Improvements which involve different numbers and percentage of beneficiaries, must be identified separately.

Number of Low-Moderate Income (Maximum Possible Points-25)

The maximum points will be awarded to the project benefitting the most low-moderate income persons. All other projects will receive points based on how they score relative to that highest score.

iii. PROJECT SEVERITY (Maximum Possible Points-50)

This will be rated based upon the severity of the problem and extent of the effect upon the health and welfare of the community.

c) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points-75)

This will be determined by dividing the total number of owner occupied units to be rehabilitated and replaced plus vacant units to be demolished in the target area by the total number of owner occupied substandard units in need of rehab and replacement plus vacant units in need of demolition in the target area.

of units to be rehabed and replaced

$$\frac{\text{\# of vacant units to be demolished}}{\text{\# of owner-occupied substandard units including those in need of demolition and replacement}} = \text{Raw Score}$$

+ vacant units in need of demolition inside the target area.

The raw scores will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

No activity will be funded that meets less than 75 percent of the identified need.

This system also permits up to 15 percent of the rehabs to be located outside of the target area(s) without affecting impact scores in any way. Rental units which will be occupied by low-moderate income persons are eligible as long as the number of rental units to be treated does not exceed 10 percent of the total owner occupied units proposed for rehab. Ten percent of the total rehab monies may also be used for emergency repairs. All units, except the emergency repairs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. The number of housing target areas cannot exceed three.

ii. NEEDS ASSESSMENT (Maximum Possible Points-25)

This will be determined by comparing the total number of units to be treated in the target area to the overall needs of the target area.

$$\frac{\text{\# of units to be treated in target area}}{\text{\# of units in need of treatment in target area}} = \text{Raw Score}$$

The raw scores will be arrayed and the top ranked applicant(s) will receive 25 points.

$$\text{Needs Assessment point} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

iii. BENEFIT TO LOW-MODERATE INCOME (Maximum Possible Points-50)

This will be calculated by dividing the number of low-moderate income households by the total number of households benefitting.

These raw scores will be arrayed and the top ranked applicant(s) will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low-Mod Benefit points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

Households directly benefitting are only those scheduled for rehab and/or replacement.

iv. PROJECT FEASIBILITY (Maximum Possible Points-50).

This will be rated based upon the project's cost effectiveness and overall needs of the area including housing as well as infrastructure.

D. MULTI-PURPOSE GRANTS

(1) Definition. A multi-purpose grant provides funds for two or more needs and has major expenditures in more than one activity in one or more of the two program areas (housing and public facilities).

(2) Specific Program Categories. Multi-purpose grants will be rated on the same basis as the single purpose grants. The final scores will be based upon the number of points attained from each separate activity, weighted by the ratio of that activity's cost to the total cost of all activities.

E. DEMONSTRATED NEEDS FUND

A \$500,000 reserve fund will be established to alleviate critical community needs and to fund innovative or pilot projects. If any unobligated monies remain, those monies may be trans-

ferred into the grant category deemed feasible or used in subsequent year funding for the demonstrated needs fund.

An application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. If not funded under the other category, a proposal for funding may be resubmitted for this fund.

(1) **Criteria for Determining Eligibility.** Each proposed activity must address one of the national objectives and must meet all of the two following criteria.

(a) **Critical Need.** The need must be critical and must be verified by an appropriate authority (cognizant state or federal agencies) other than the applicant.

(b) **Innovative.** The state will receive and evaluate proposals for consideration for funding innovative/demonstration projects.

Proposed activities must be eligible under Section 105(a) of the Housing and Community Development Act of 1974, as amended (see Appendix 4).

(2) **Proposal Requirements.** Communities must request funds by submitting a written proposal to the secretary.

The proposal must include:

(1) a description of the proposed project;

(2) certification that the funding criteria in Section E (1) have been met;

(3) how the proposed project and its funding will remedy the documented need;

(4) a detailed cost estimate signed by a licensed architect or engineer for the monies requested; and

(5) documentation that citizen participation requirements of F. (10) have been met.

F. SUBMISSION REQUIREMENTS

Applications shall be submitted to the department and shall consist of the following:

(1) **Community Development Plan.** A description of the applicant's community development and housing needs, including those of low and moderate income persons; and a brief description of the applicant's community development and housing needs to be served by the proposed activity(ies).

(2) **Program Narrative Statement.** This shall consist of:

i. Identification of the national objective(s) that the activity will address.

ii. A description of each activity to be carried out with LCDBG assistance. A detailed cost estimate is required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated.

iii. A statement describing the impact that activity will have on the problem area selected and the needs of low and moderate income persons, including information necessary for considering the program impact.

iv. A statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

(3) **Maps.** A map of the local jurisdiction which identifies by project area:

i. census tracts and/or enumeration districts;

ii. location of areas with minorities, showing number and percent by census tracts and/or enumeration districts;

iii. location of areas with low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;

iv. boundaries of areas in which the activities will be concentrated; and

v. specific location of each activity.

(4) **Program Schedule.** Each applicant shall submit, in a format prescribed by the state, a listing of dates for major milestones for each activity to be funded.

(5) **Title VI Compliance.** All applicants shall submit, in a form prescribed by the state, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the state to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(6) **Certification of Assurances.** The certification of assurances required by the state, relative to federal and state statutory requirements, shall be submitted by all applicants; this certification includes, but is not limited to, Title VI, Title VIII, and affirmatively furthering fair housing. In addition, each recipient should target at least 15 percent of all grant monies for minority enterprises. All assurances must be strictly adhered to; otherwise, the grant award will be subject to penalty.

(7) **Certification to Minimize Displacement.** The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involuntarily and permanently displaced as a result of the LCDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

(8) **Certification to Promote Fair Housing Opportunities.** Applicants are required to certify that as part of their efforts to further fair housing opportunities in their respective jurisdictions, they will conduct two fair housing seminars during the term of the grant. These seminars can be conducted in a community center or any other appropriate public building. The Department of Urban and Community Affairs will be available to provide technical assistance to recipients, if required.

(9) **Certification Prohibiting Special Assessments.** The applicant must submit a certification prohibiting the recovery of capital costs for public improvements financed in whole or part with LCDBG funds, through assessments against properties owned and occupied by low and moderate income persons. The prohibition applies also to any fees charged or assessed as a condition of obtaining access to the public improvements.

(10) **Certification of Citizen Participation.** Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an adequate opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. One public hearing must be held prior to application submittal in order to obtain the citizen's views on community development and housing needs. A notice must be published informing the populace of the public hearing. Citizens must be provided with the following information at the hearing:

a. the amount of funds available for proposed community development and housing activities;

b. the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;

c. the plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities; and

d. If applicable, the applicant must provide citizens with in-

formation regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published *after* the public hearing has been held but *before* the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the submittal date of the application.

Applicants must submit notarized proofs of publication of each public notice.

(11) Local Survey Data. Those applicants who conduct a local survey to determine specific data required for the application must include one copy of all completed survey forms.

(12) Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the state. Material received after the deadline will not be considered as part of the application, unless requested.

G. APPLICATION REVIEW PROCEDURE

(1) The application must be mailed or delivered prior to the deadline date. The applicant must obtain a "certificate of mailing" from the post office, certifying the date mailed. The state may require the applicant to submit this certificate of mailing to document compliance with the deadline, if necessary.

(2) The application submission requirements must be complete.

(3) The funds requested must not exceed the amount of the invitation by the state.

(4) Review and notification. Following the review of all applications, the state will promptly notify the applicant of the actions taken with regard to its application.

(5) Criteria for conditional approval. The state may make a conditional approval, in which case the grant will be approved, but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

- i. where local environmental reviews have not yet been completed;
- ii. where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;
- iii. to ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time; and
- iv. to ensure the project can be completed within estimated costs.

(6) Criteria for disapproval of an application. The state may disapprove an application if:

- i. Based on review of the application, it is determined that general administrative costs exceed seven percent of total public facilities costs or housing rehabilitation administrative costs exceed 12 percent of total housing costs.
- ii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, the state will exercise administrative discretion.
- iii. The state determines that the applicant's description of needs and objectives is plainly inconsistent with facts and data generally available. The data to be considered may be published and accessible to both the applicant and state such as census data, or recent local, areawide, or state comprehensive planning data.

iv. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.

v. The activities cannot be completed within the estimated costs or resources available to the applicant.

vi. Any of the items identified under F. SUBMISSION REQUIREMENTS are not included in the application.

H. PROGRAM AMENDMENTS FOR LCDBG PROGRAM

The state may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior state approval for all program amendments involving new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

(1) New or altered activities are considered in accordance with the criteria for selection applicable at the time the original application was reviewed.

(2) All amended activities must receive environmental clearance prior to construction.

STATE'S PAST USE OF FUNDS

Federal regulations require the state to provide a description of the past use of funds within the final statement. The description includes FY 1982, FY 1983, FY 1984 and FY 1985 state-awarded grants. Appendix 5 provides:

- a. a description of the use of funds under each previous allocation;
- b. an assessment of the relationship of the use of funds to the community development objectives identified by the state in each prior final statement; and,
- c. an assessment of the relationship of the use of funds to the requirements of Section 104 (b) (3) of the Act, as they existed at the time of the certification.

ADMINISTRATION

Rule for Policy Determination. In administering the program, while the state is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The state reserves the right to exercise this discretion in either interpreting or establishing new policies.

REDISTRIBUTION OF FUNDS

Any monies awarded by the state that are later recaptured by or returned to the state will be reallocated in accordance with the department's policy, then in effect. The sources of these funds may include, but not be limited to, program income, questioned costs, disallowed expenses, recaptured funds from loans, unallocated monies, previously awarded funds not spent by grant recipients, etc.

The monies as defined above will be placed in the demonstrated needs fund and will be distributed in accordance with the regulations governing that fund. This policy will govern all such monies as defined herein from the FY 1982, FY 1983, FY 1984, FY 1985, and FY 1986 LCDBG program years as well as subsequent funding cycles, until later amended.

These regulations are to be effective on March 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

APPENDIX 1

1985 Median Family Income
By Parish and MSA

<u>Parish</u>	<u>1984 Median Family Income</u>	<u>Low/Mod Income Limit</u>	<u>Low Income Limit</u>
Acadia	\$ 21,600	\$ 17,280	\$ 10,800
Allen	21,200	16,960	10,600
Ascension	See MSA - Baton Rouge		
Assumption	27,200	21,760	10,880
Avoyelles	16,600	13,280	8,300
Beauregard	23,600	18,800	11,800
Bienville	19,300	15,440	9,650
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	17,500	14,000	8,750
Cameron	27,800	22,240	13,900
Catahoula	17,700	14,160	8,850
Claiborne	20,200	16,160	10,100
Concordia	21,100	16,880	10,550
DeSoto	20,700		10,350
East Baton Rouge	See MSA - Baton Rouge		
East Carroll	14,400	16,560	7,200
East Feliciana	25,200	20,160	12,600
Evangeline	17,500	14,000	8,750
Franklin	16,600	13,280	8,300
Grant	19,100	15,280	9,550
Iberia	27,400	21,920	13,700
Iberville	27,000	21,600	13,500
Jackson	19,300	15,440	9,650
Jefferson	See MSA - New Orleans		
Jefferson Davis	23,900	19,120	11,950
Lafayette	See MSA - Lafayette		
Lafourche	See MSA - Houma-Thibodaux		
La Salle	21,100	16,880	10,550
Lincoln	23,200	18,560	11,600
Livingston	See MSA - Baton Rouge		
Madison	14,800	11,840	7,400
Morehouse	18,000	14,440	9,000
Natchitoches	18,600	14,880	9,300
Orleans	See MSA - New Orleans		
Ouachita	See MSA - Monroe		
Plaquemines	27,500	22,000	13,750
Pointe Coupee	23,200	18,560	11,600
Rapides	See MSA - Alexandria		
Red River	17,400	13,920	8,700
Richland	16,800	13,440	8,400

1985 Median Family Income
By Parish and MSA

Sabine	\$ 18,800	\$ 15,040	\$ 9,400
St. Bernard	See MSA New Orleans		
St. Charles	See MSA New Orleans		
St. Helena	17,700	14,600	8,850
St. James	33,000	26,400	16,500
St. John the Baptist	See MSA New Orleans		
St. Landry	19,300	15,440	9,650
St. Martin	See MSA Lafayette		
St. Mary	29,400	23,520	14,700
St. Tammany	See MSA New Orleans		
Tangipahoa	20,300	16,240	10,150
Tensas	14,500	11,600	7,250
Terrebonne	See MSA Houma - Thibodaux		
Union	19,500	15,600	9,750
Vermilion	23,500	18,800	11,750
Vernon	17,100	13,680	8,550
Washington	19,300	15,440	9,650
Webster	19,900	15,920	9,950
West Baton Rouge	See MSA Baton Rouge		
West Carroll	15,000	12,000	7,500
West Feliciana	22,200	17,760	11,100
Winn	17,300	13,840	8,650

MSA - Metropolitan
Statistical Areas

MSA Alexandria, LA ¹	23,600	18,880	11,800
MSA Baton Rouge, LA ²	29,700	23,760	14,850
MSA Houma-Thibodaux, LA ³	28,400	22,720	14,200
MSA Lafayette, LA ⁴	30,700	24,560	15,350
MSA Lake Charles, LA ⁵	29,800	23,840	14,900
MSA Monroe, LA ⁶	23,400	18,720	11,700
MSA New Orleans, LA ⁷	29,200	23,360	14,600
MSA Shreveport, LA ⁸	26,700	21,360	13,350

Footnotes:

¹Includes Rapides Parish only.

²Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.

³Includes Terrebonne and Lafourche Parishes.

⁴Includes St. Martin and Lafayette Parishes.

⁵Includes Calcasieu Parish only.

⁶Includes Ouachita Parish only.

⁷Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist and St. Charles Parishes.

⁸Includes Caddo and Bossier Parishes.

Source: Section 8 Median Income Data, provided by HUD Area Office,
November 25, 1985.

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APPLICATION

APPENDIX 2

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Acadia	\$ 15,792	\$12,634	\$ 8,844	\$ 7,896	\$ 5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA-Shreveport				
Caddo	See MSA-Shreveport				
Calcasieu	See MSA-Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
DeSoto	14,887	11,910	8,337	7,444	5,211
E. Baton Rouge	See MSA-Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA-New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,829	6,180
Lafayette	See MSA-Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,660	13,328	9,330	8,330	5,831
Livingston	See MSA-Baton Rouge				
Madison	10,679	8,543	5,980	5,340	3,738
Morehouse	12,949	10,359	7,251	6,475	4,533
Natchitoches	13,343	10,674	7,472	6,672	4,670
Orleans	See MSA-New Orleans				
Ouachita	See MSA-Monroe				
Plaquemines	19,884	15,907	11,135	9,942	6,959
Pointe Coupee	14,913	11,930	8,351	7,457	5,220
Rapides	See MSA-Alexandria				
Red River	12,482	9,986	6,990	6,241	4,369
Richland	12,112	9,690	6,783	6,056	4,239
Sabine	13,519	10,815	7,571	6,760	4,732

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
St. Bernard	See MSA-New Orleans				
St. Charles	\$ 23,223	\$18,578	\$ 13,005	\$11,612	\$ 8,128
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John the Bapt.	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA-New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermilion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,641	10,913	7,639	6,821	4,775
Webster	See MSA-Shreveport				
West Baton Rouge	See MSA-Baton Rouge				
West Carroll	10,807	8,646	6,052	5,404	3,783
West Feliciana	14,289	11,431	8,002	7,145	5,002
Winn	12,445	9,956	6,969	6,223	4,356

MSA-Metropolitan
Statistical Areas

Alexandria, LA ¹	\$ 15,741	\$12,593	\$ 8,815	\$ 7,871	5,510
Baton Rouge, LA ²	21,301	17,041	11,929	10,651	7,456
Lafayette, LA ³	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA ⁴	21,316	17,053	11,937	10,658	7,461
Monroe, LA ⁵	17,140	13,712	9,598	8,570	5,999
New Orleans, LA ⁶	19,196	15,357	10,750	9,598	6,719
Shreveport, LA ⁷	18,158	14,526	10,168	9,079	6,355

FOOTNOTES

¹Includes Rapides and Grant Parishes

²Includes East Baton Rouge, West Baton Rouge, Livingston and Ascension Parishes

³Includes Lafayette Parish Only

⁴Includes Calcasieu Parish Only

⁵Includes Ouachita Parish Only

⁶Includes Jefferson, Orleans, St. Bernard and St. Tammany Parishes

⁷Includes Bossier, Caddo and Webster Parishes

Source: 1980 Census and Formula provided by U. S.
Department of Housing and Urban Development.

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APPENDIX 3

Act 590 of the 1970 Parish Redevelopment
Act - Section Q-8

(8) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or platting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) "Blighted area" means an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

84-APPENDIX3
APPLICATION

COMMUNITY DEVELOPMENT BLOCK GRANTS
APPENDIX 4

Eligible Activities

Sec. 105. (a) Activities assisted under this title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation, of privately owned properties and including the renovation of closed school buildings);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

(7) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the state in which it is located) during any part of the 12-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 percent of the amount of any assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

(9) payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under this title;

(10) payment of the cost of completing a project funded under title I of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981;

(14) activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;

(15) grants to neighborhood-based nonprofit organizations, local development corporations, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 101(c), and grants to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing.

(16) activities necessary to the development of comprehensive community-wide energy use strategy, which may include items such as—(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area; (B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources; (C) an analysis of the manner in, and the extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy; (D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions; (E) a statement of the ac-

tions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low-and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities; (F) appropriate provisions for energy emergencies; (G) identification of the local governmental unit responsible for administering the energy use strategy; (H) provision of a schedule for implementation of each element in the strategy; and (I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy;

(17) provision of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project; and

(18) the rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937.

(b) Upon the request of the recipient of assistance under this title, the secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under subsection (a)(4).

(c)(1) In any case in which an assisted activity described in paragraph (14) or (17) of subsection (a) is identified as principally benefiting persons of low and moderate income, such activity shall (A) be carried out in a neighborhood consisting predominantly of persons of low and moderate income and provide services for such persons; or (B) involve facilities designed for use predominantly by persons of low and moderate income; or (C) involve employment of persons, a majority of whom are persons of low and moderate income.

(2) In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (A) not less than 51 percent of the residents of such area are persons of low and moderate income; or (B) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income.

(3) Any assisted activity under this title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons.

APPENDIX 5

Allocation of Funds in Relation to Category
and National and State Objectives

The following is a chart reflecting the allocation of LCDBG funds by category for FY's 1982, 1983, 1984 and 1985. Most of the funds for FY 1985 are shown as unallocated, grant awards had not been announced at the time the chart was prepared.

CATEGORY	FY 1982		FY 1983		FY 1984		FY 1985	
	\$	%	\$	%	\$	%	\$	%
Prior Year Commitment	13,213,528	42.83	6,579,549	23.68	-0-	0.00	-0-	0.00
Economic Development	962,500	3.12	1,084,000	3.90	3,999,713	14.79	1,171,000	4.36
Housing	4,601,999	14.92	4,311,920	15.52	4,027,541	14.90	-0-	.00
Public Facilities	9,563,651	31.00	11,654,065	41.94	15,689,880	58.02	-0-	.00
Planning	196,767	.64	0	.00	-0-	0.00	-0-	.00
Imminent Threat	1,713,300	5.55	2,089,520	7.52	-0-	0.00	-0-	.00
Innovative Housing	-0-	.00	1,100,000	3.96	-0-	0.00	-0-	.00
Administration	308,484	1.00	333,444	1.20	540,820	2.00	536,640	2.00
Unallocated	288,144	.94	634,502	2.28	2,783,046	10.29	25,124,360	93.64
Demonstrated Needs	-0-	.00	-0-	.00	-0-	.00	-0-	.00
TOTAL	30,848,373	100.00	27,787,000	100.00	27,041,000	100.00	26,832,000	100.00

The applicants selected for funding in FY's 1982, 1983, 1984 and 1985 were required to meet one or more of the national objectives. The national objectives for those years were:

1. Elimination of slums and blight and the prevention of blighting influences.
2. Elimination of conditions which are detrimental to health, safety, and public welfare.
3. Benefit to low-moderate income persons.

The following table is a breakdown of the total grants for FY's 1982, 1983, 1984 and 1985 as they apply to each national objective. Each recipient's administrative monies are not included.

NATIONAL OBJECTIVES AND FUNDING

National Objective	FY 1982		FY 1983		FY 1984		FY 1985 *	
	\$	%	\$	%	\$	%	\$	%
Elimination of Slums & Blight	253,455	.89	109,714	.43	90,550	.41	-0-	.00
Conditions detrimental to health, safety, and public welfare	1,626,800	5.70	2,033,050	8.02	-0-	.00	-0-	.00
Benefit to low-mod	26,642,673	93.41	23,213,063	91.55	21,748,850	99.59	1,117,000	100.00
Total	28,522,928	100.00	25,355,827	100.00	21,839,400	100.00	1,117,000	100.00

* All of the FY 1985 grants were not awarded at the time of preparation of this chart.

A State objective has also been included each year to strengthen economic development through the creation of jobs, stimulation of private investment, and community revitalization. That State objective was met through the funding of economic development grants. The economic development grants also met the national objective of benefit to low and moderate income persons and are therefore shown under that national objective.

84-APPENDIX5
APPLICATION

Dorothy M. Taylor
Secretary

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

Rule Title: FY 1986 LCDBG Proposed Statement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The Department of Urban and Community Affairs presently is expected to have the necessary matching funds in the Executive Budget recommendation for 1986-87.

The maximum state match over the grant period to the two percent administrative costs is estimated at \$483,000. The Department has budgeted \$261,573 in its 1986-87 budget request with an additional \$128,894 in a budget decision package.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Approximately \$24,000,000 in federal funds will be distributed to municipalities and parishes to support economic development, housing rehabilitation, and public facilities. Under the proposed rule changes 82 percent of the funds will be set-aside for funding housing and public facilities projects, 18 percent for economic development projects. There are no local matching requirements. The Department of Urban and Community Affairs may retain up to \$483,000 (two percent) for administrative costs.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

These funds will be awarded in accordance with selection criteria established in the LCDBG Final Statement. The program is designed to serve low to moderate income persons in local communities.

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

Bids to contractors are awarded in accordance with OMF Circular A-102 and Louisiana bid laws. Grantee communities with an approved Section 3 Plan may give preference to contractors from their jurisdiction.

Dorothy M. Taylor
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission advertises its intent to promulgate and enact rules, as authorized by Act 402 of the 1985 Louisiana Legislature, that will allow a Louisiana resident to raise and sell freshwater gamefish fingerlings for stocking private waters. The proposed rules are as follows:

1. The proposed hatchery site must be first inspected by a fish biologist employed by the Department of Wildlife and Fisheries. An administrative fee of \$50 payable by certified check, must accompany the permit application to qualify for inspection.

2. A fish farmer raising and selling gamefish must obtain an annual fish farmer's certificate (license) at a cost of \$15.

3. Gamefish sold from an approved gamefish farm shall not exceed a total length of three inches.

4. The sale of fingerling gamefish obtained from the Department of Wildlife and Fisheries is prohibited.

5. A fish farmer raising and selling gamefish must maintain a record of all sales and shipments of fish and these records must be open for inspection by designated employees of the Department of Wildlife and Fisheries.

6. Gamefish farmers transporting gamefish fingerlings for sale must notify the Enforcement Division 48 hours prior to shipment and must possess a bill of lading which shall accompany each shipment showing species of fish contained in the shipment, number, the origin of the payload, destination of the shipment, the name of the consignee and consignor, and the grower's name and fish farmer's license number.

7. All trucks transporting gamefish fingerlings for sale must have the words "GAMEFISH FARMER" prominently displayed with a minimum of three inch block letters.

8. Fish farmers holding permits are not granted any fishing privileges greater than those stated in Title 56 of the Louisiana Revised Statutes and must abide by all statutes pertaining to domestic fish farming.

9. Permits will be valid for one calendar year.

10. The secretary may revoke any or all permits issued for the raising and selling of gamefish fingerlings at any time.

Interested persons may submit written comments on the proposed rules until 4:30 p.m., Tuesday, February 4, 1986, at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

Rule Title: Sale of Gamefish Fingerlings

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Enforcement of gamefish regulations is handled as routine operations each year. There is no additional increase or decrease in cost.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No effect. The state provides freshwater gamefish fingerlings to qualified Louisiana landowners on request free of charge. It is not anticipated that many Louisianians will purchase these permits allowing them to enter in competition with the State for provision of this product.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

This rule will provide the opportunity for employment and direct and indirect monetary values to all those individuals associated with the raising and selling of freshwater gamefish fingerling in this state.

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

This rule would provide for additional jobs and employment and aid in the present competition for those seeking employment.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on December 18, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the November 20, 1985 *Louisiana Register* with the following results:

1) Proposal to amend Statewide Order 29-B concerning the storage, treatment, and disposal of nonhazardous oilfield waste generated from the drilling and production of oil and gas wells; the pits used to store produced water and other reuse of physically, chemically, biologically, or otherwise processed nonhazardous oilfield waste.

Approved by a vote of 6-0.

Clyde W. Kimball
 Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on December 18, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the November 20, 1985 *Louisiana Register* with the following results:

1) Proposal by the Office of Conservation to amend Statewide Order 29-N-1 which will address clarification of Section 50.06(A) Operating Requirements concerning maximum allowable surface injection pressure for Class I Industrial Waste Injection Wells.

Approved by a vote of 5-0.

Clyde W. Kimball
 Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on December 18, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the November 20, 1985 *Louisiana Register* with the following results:

1) Proposal by the Office of Conservation to amend Statewide Order 29-0-1, Subchapter R, Parts (270-286), Abandoned Mine Reclamation, which governs the reclamation of eligible lands and waters which were disturbed by mining of coal/lignite or non-coal operations.

Approved by a vote of 5-0.

Clyde W. Kimball
 Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on December 18, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the November 20, 1985 *Louisiana Register* with the following results:

1) Proposal to amend the Experimental Fisheries Program authorized under R.S. 56:571(A), (B), and (C).

Approved by a vote of 5-0.

Clyde W. Kimball
 Chairman

Administrative Code Update

ADMINISTRATIVE CODE UPDATE
October 1985 to December 1985

Vol.	Title	Section	Effect	Location
2	7	XVII:10703	amended	LR 11:943
2	7	XVII:10721	amended	LR 11:944
2	7	XVII:10723	amended	LR 11:944
2	7	XVII:10745	amended	LR 11:944
2	7	XXIII:13112	adopted	LR 11:943
2	7	XXIII:13119	adopted	LR 11:943
2	7	XXIII:13127	amended	LR 11:943
2	7	XXIII:13139	amended	LR 11:942
2	7	XXIII:13147	amended	LR 11:943
3	46	XXXVII:909	amended	LR 11:946
3	46	Part XXXIX	amended	LR 11:1142
3	46	XLIX:511	amended	LR 11:1144
3	46	XLIX:1105	amended	LR 11:1144
3	46	XLIX:Chapter 13	amended	LR 11:1144

Potpourri

POTPOURRI

Department of Health and Human Resources
Board of Veterinary Medicine

The National Veterinary Examination will be given on May 13, 1986 at the Louisiana State University of Veterinary Medicine, LSU Campus, Baton Rouge, LA. The clinical competency test will be given on May 14, 1986.

The Louisiana State Veterinary Examination will be given May 24 - 25, 1986 at the Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, LA.

Interested persons may obtain further information from Dr. John K. Cooper, Secretary-Treasurer, Board of Veterinary Medicine, Box 15191, Baton Rouge, LA 70895, (504) 925-9538.

Randy Thayer, D.V.M.
 President

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, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the secretary of this department, notice is hereby given that 72 completed claims, amounting to \$60,365.78, were received during the month of December, 1985. During the same month, 68 claims, amounting to \$69,973.28 were paid. The following is a list of the paid claims:

- | | | |
|--|--|---|
| Claim No. 85-2349
Jim Richard, Sr. | Claim No. 85-2358
John Domingo, Jr. | Claim No. 85-2281
Allen Wiseman |
| Claim No. 85-2337
Joseph Cheramie | Claim No. 85-2417
Gary Treuil | Claim No. 85-2325
Joseph Verdin |
| Claim No. 84-2234
Marcello Reynon, Jr. | Claim No. 85-2403
Steven Charpentier | Claim No. 84-2226
Henry Martin |
| Claim No. 85-2455
Houston Trahan | Claim No. 84-2131
Webb Cheramie, Jr. | Claim No. 85-2375
Joseph Parrett |
| Claim No. 85-2347
La. Bunkers, Inc. | Claim No. 85-2464
Ronald Gaspard | Claim No. 85-2291
Wayne Boudwin |
| Claim No. 85-2410
August Despaux, Jr. | Claim No. 85-2426
Tony Guerra, Jr. | Claim No. 85-2400
Wilbert Danos |
| Claim No. 84-2032
Webb Cheramie, Jr. | Claim No. 84-2225
Henry Martin | Claim No. 84-2117
Terry Ryan |
| Claim No. 85-2463
Ronald Gaspard | Claim No. 85-2374
Joseph Parrett | Claim No. 85-2382
Rufus DeRoche |
| Claim No. 85-2425
Tony Guerra, Jr. | Claim No. 85-2470
Ricky Robin | Claim No. 85-2373
Joseph Parrett |
| Claim No. 85-2469
Tracy Alfonso | Claim No. 85-2415
Jules Alexie, Jr. | Claim No. 85-2597
Eugene Morales, Sr. |
| Claim No. 85-2399
Percy Boudwin, Jr. | Claim No. 85-2394
Gerald Dugas | Claim No. 85-2517
James Danos |
| Claim No. 85-2277
Felix S. Rotolo | Claim No. 85-2245
Nicholas Mones, Sr. | Claim No. 85-2367
Lester Evans, Sr. |
| Claim No. 85-2393
Harry Friese | Claim No. 85-2545
Percy Jeanfreau | Claim No. 85-2434
Jules Kain, Sr. |
| Claim No. 85-2401
Wilbert Danos | Claim No. 85-2583
Raymond Gilham | Claim No. 85-2435
Jules Kain, Sr. |
| Claim No. 84-2118
Terry Ryan | Claim No. 85-2500
Benton Pitre | Claim No. 85-2487
Kenneth Adams, Jr. |
| Claim No. 85-2468
Tony Goutierrez | Claim No. 85-2478
Ronald Thomassie | Claim No. 85-2530
Dudley Terrebonne |
| Claim No. 85-2557
Raymond Gilham | Claim No. 85-2422
Michael Adam | Claim No. 85-2564
Claim No. 85-2565 |
| Claim No. 85-2499
Benton Pitre | Claim No. 85-2336
Joseph Cheramie | Claim No. 85-2566
Claim No. 85-2584 |
| Claim No. 85-2472
Rodney Weiskopf | Claim No. 85-2392
Charles Robin, Jr. | Claim No. 85-2634
Gary Treuil |
| Claim No. 85-2428
Robert Kenney | Claim No. 85-2364
Houston Trahan | Claim No. 85-2598
Domingo Rano |
| Claim No. 84-1880
Alvin Charpentier | Claim No. 85-2307
Ashful Authement | Claim No. 85-2423
Claim No. 85-2424 |
| Claim No. 84-2130
Lawrence
Charpentier | Claim No. 85-2418
Gary Treuil | Roland E. Navarro |
| Claim No. 84-2235
Marcello Reynon, Jr. | Claim No. 85-2355
James Daspit | Claim No. 85-2359
Joe and Florena
Billiot |
| | Claim No. 85-2462
Ronald Gaspard | Claim No. 85-2436
Jules Kain, Sr. |

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|---|--|---|
| Claim No. 85-2488
Kenneth Adams, Jr. | Claim No. 85-2431
Claim No. 85-2432 | Claim No. 85-2651
Farrel Charpentier |
| Claim No. 85-2489
James Daspit | Roland G. Navarro | Claim No. 85-2579
Richard Luscly |
| Claim No. 85-2452
Claim No. 85-2453 | Claim No. 85-2387
Mark and Darryl
Eymard | Claim No. 85-2456
Ella Schexneider |
| Claim No. 85-2454
George France | Claim No. 85-2580
Kenneth Adams, Jr. | Claim No. 85-2438
Oswald Broussard |
| Claim No. 85-2448
Dennis Treitler | Claim No. 85-2419
Gary Treuil | |

Public Hearings are scheduled on completed claims as follows:

Tuesday, February 4, 1986, at 9:30 a.m., in the Delcambre Town Hall, Delcambre, LA:

CLAIM NO. 84-1811

Allen J. Comeaux, of Delcambre, LA, while trawling on the vessel, "MARY K. TOOMER," in the Gulf of Mexico, west of Joseph Harbor, Cameron Parish, encountered an unidentified submerged obstruction on June 15, 1985, at approximately 8 a.m., causing damage to his trawl. Amount of Claim: \$313.65

CLAIM NO. 84-2020

Thomas Guidry, of Lake Arthur, LA, while trawling on the vessel, "MISS ESTA," in Calcasieu Lake, on the south side of the lake, encountered a submerged pipe structure on October 3, 1984, at approximately 4:30 p.m., causing loss of his 50 foot box net. Amount of Claim: \$750

CLAIM NO. 84-2184

Ronald Laviolette, of Abbeville, LA, while trawling on the vessel, "GEORGE REYER," in the Gulf of Mexico, west of the New Cut at LORAN-C readings of 26,821.1 and 46,976.3, Cameron Parish, encountered an unidentified submerged obstruction on November 7, 1984, at approximately 8:30 a.m., causing loss of his two 36 foot semi-balloon trawls. Amount of Claim: \$1,100

CLAIM NO. 85-2328

Clarence Dyson, Jr. of Cameron, LA, while trawling on the vessel, "CAPT. COON," in the Gulf of Mexico, east of the "New Cut," at approximate LORAN-C readings of 28,876.5 and 46,969.6, Cameron Parish, encountered an unidentified submerged obstruction on April 4, 1985, at approximately 10 a.m., causing loss of his two 65 foot balloon trawls. Amount of Claim: \$2,200

CLAIM NO. 85-2332

Frank E. Mock, of Cameron, LA, while trawling on the vessel, "LITTLE VELMA," in the Gulf of Mexico, west of Calcasieu Pass, at approximate LORAN-C readings of 26,601.0 and 46,975.0, Cameron Parish, encountered an unidentified submerged obstruction on March 2, 1985, at approximately 11 a.m., causing loss of his 60 foot balloon trawl. Amount of Claim: \$1,000

CLAIM NO. 85-2339

Caster Abshire, of Crowley, LA, while trawling on the vessel, "CAJUN," in the Gulf of Mexico, west of Freshwater Bayou, at LORAN-C readings of 27, 193.0 and 46,942.4, Vermilion Parish, encountered an unidentified submerged obstruction on May 3, 1985, at approximately 10:30 a.m., causing loss of his 42 foot trawl, chain and cable. Amount of Claim: \$876.09

CLAIM NO. 85-2380

Howard Derouen, of Howard Boat Company, Inc., New Iberia, LA, while trawling on the vessel, "SEA BREEZE," in Vermilion Bay, south of Champlain Point, Vermilion Parish, encountered a sunken boat on May 24, 1985, at approximately 6:15 a.m., causing damage to his vessel. Amount of Claim: \$5,000

CLAIM NO. 85-2441

Bobby Dale Mallet, Sr., of Abbeville, LA, while trawling on the vessel, "MOROCCO," in the Gulf of Mexico, south of South-

west Pass, at LORAN-C readings of 27,354.8 and 46,943.8, Vermilion Parish, encountered an unidentified submerged obstruction on June 8, 1985, at approximately 7:30 a.m., causing loss of one 40 foot trawl and damage to another. Amount of Claim: \$1,708.46

CLAIM NO. 85-2461

Ellis J. Schouest III, of Franklin, LA, while trawling on the vessel, "STACY DAWN," in Vermilion Bay, southwest of Cypremort Point, St. Mary Parish, encountered an unidentified submerged obstruction on June 19, 1985, at approximately 1:30 p.m., causing loss of his 50 foot balloon trawl. Amount of Claim: \$720.36

CLAIM NO. 85-2465

Kevin K. Boudreaux, of Cameron, LA, while trawling on the vessel, "WENDY LYNN," in Lake Borgne, west of Isle aux Pitre, St. Bernard Parish, encountered an unidentified submerged obstruction on June 2, 1985, at approximately 6 p.m., causing loss of his 16 foot try net, doors, and chain. Amount of Claim: \$314.10

CLAIM NO. 85-2466

Darson Schexnayder, of Abbeville, LA, while trawling on the vessel, "PAPA SHINE," in the Gulf of Mexico, south of Southwest PASS, at LORAN-C readings of 27,354.8 and 46,943.8, Vermilion Parish, encountered an unidentified submerged obstruction on May 14, 1985, at approximately 4 p.m., causing damage to his vessel. Amount of Claim: \$2,513.30

CLAIM NO. 85-2511

Rollie Bang, of Cameron, LA, while trawling on the vessel, "J. ANN," in Bayou Chene, northeast of Bayou Penchant, Terrebonne Parish, encountered an unidentified submerged obstruction on June 30, 1985, at approximately 1:30 a.m., causing damage to his vessel. Amount of Claim: \$2,324.75

CLAIM NO. 85-2541

Fernand Authement, of Cameron, LA, while trawling on the vessel, "MARLIN," in the Calcasieu Ship Channel, Cameron Parish, encountered a sunken boat on June 20, 1985, at approximately 7 a.m., causing loss of his 50 foot trawl, boards, bridle and chain. Amount of Claim: \$1,837.35

CLAIM NO. 85-2601

Charles L. Bertrand, of Cameron, LA, while trawling on the vessel, "LA-6666-AZ," in Lower Mud Lake, west of Hog Bayou, Cameron Parish, encountered a submerged metal piling on July 15, 1985, at approximately 4 p.m., causing damage to his vessel. Amount of Claim: \$2,328.08

CLAIM NO. 85-2613

Curtis Tregle, of Cameron, LA, while trawling on the vessel, "CAPT. CHAD," in the Gulf of Mexico, west of Calcasieu Pass, at LORAN-C readings of 26,652.1 and 46,975.5, Cameron Parish, encountered an unidentified submerged obstruction on July 29, 1985 at approximately 2:30 p.m., causing loss of his 50 foot trawl and doors. Amount of Claim: \$1,100

CLAIM NO. 85-2617

Timothy Schouest, of New Iberia, LA, while trawling on the vessel, "MASTER TIMOTHY, JR.," in Breton Sound, southwest of Breton Islands, at LORAN-C readings of 29,001.5 and 46,882.3, Plaquemines Parish, encountered an unidentified submerged obstruction on July 26, 1985, at approximately 1 a.m., causing loss of his two 61 foot trawls. Amount of Claim: \$1,756.97

CLAIM NO. 85-2619

Timothy Schouest, of New Iberia, LA, while trawling on the vessel, "MASTER TIMOTHY, JR.," in Breton Sound, southwest of Breton Islands, at LORAN-C readings of 29,025.1 and 46,891.1, Plaquemines Parish, encountered an unidentified submerged obstruction on July 20, 1985, at approximately 3 a.m., causing loss of his two trawls. Amount of Claim: \$1,900

CLAIM NO. 85-2620

Timothy Schouest, of New Iberia, LA, While trawling on the

vessel, "MASTER TIMOTHY, JR.," in Breton Sound, southwest of Breton Islands, at LORAN-C readings of 29,032.5 and 46,892.8, Plaquemines Parish, encountered an unidentified submerged obstruction on July 9, 1985, at approximately 2 a.m., causing damage to his two trawls. Amount of Claim: \$700

CLAIM NO. 85-2627

Curtis Tregle, of Cameron, LA, while trawling on the vessel, "CAPT. CHAD," in Calcasieu Lake, north of the east fork of Calcasieu Pass, at LORAN-C readings of 26,710.2 and 46,991.4, Cameron Parish, encountered an unidentified submerged obstruction on September 15, 1985, at approximately 2 p.m., causing damage to his 50 foot trawl. Amount of Claim: \$300

CLAIM NO. 85-2659

Danny Segura, of Delcambre, La, while trawling on the vessel, "MARY CAROLYN," in the Gulf of Mexico, southwest of Holly Beach, at approximate LORAN-C readings of 26,581.0 and 46,977.4, Cameron Parish, encountered a submerged anchor and chain on August 13, 1985, at approximately 9 p.m., causing loss of two 40 foot trawls, try net, block and chain. Amount of Claim: \$1,988.46

CLAIM NO. 85-2758

The crew of the J and L Boat Company, Inc., while trawling on the vessel, "THREE GRAND KIDS," in the Gulf of Mexico, south of Beach Prong, at LORAN-C readings of 26,891.9 and 46,965.5, Cameron Parish, encountered an unidentified submerged obstruction on September 14, 1985, at approximately 8 p.m., causing loss of his 55 foot trawl and boards. Amount of Claim: \$1,863.24

CLAIM NO. 85-2778

Carlton H. Styron, of Cameron, LA, while trawling on the vessel, "DRAG'N'WAGON," in Calcasieu Lake, north of St. John's Island, Cameron Parish, encountered a submerged steel barge on September 20, 1985, at approximately 7 a.m., causing damage to his vessel. Amount of Claim: \$746.24

Thursday, February 6, 1986, at 9:30 a.m., in the Louisiana State University Cooperative Extension Service Office, 511 Rousset Street, Houma, LA:

CLAIM NO. 85-2427

Archie A. Dufrene, of Houma, LA, while trawling on the vessel, "LADY LOLA," in Lake Borgne, north of Bayou la Fee, at LORAN-C readings of 29,037.6 and 47,035.9, St. Bernard Parish, encountered a submerged boat on June 17, 1985, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$298.41

CLAIM NO. 85-2476

Harris Dufren, of Thibodaux, LA, while trawling on the vessel, "LA CABANE A BILET MEL," in Timbalier Bay, northwest of the Gulf Oil Co. storage facility, Terrebonne Parish, encountered an unidentified submerged obstruction on June 25, 1985, causing damage to his trawl. Amount of Claim: \$307.85

CLAIM NO. 85-2479

Chris Noel DeJean, of Dulac, LA, while trawling on the vessel, "LIL CHRIS," in Lake Borgne, southeast of Alligator Point, at LORAN-C readings of 28,906.8 and 47,018.1, St. Bernard Parish, encountered an unidentified submerged obstruction on July 2, 1985, causing loss of his 45 foot trawl. Amount of Claim: \$485.

CLAIM NO. 85-2480

Chris Noel DeJean, of Dulac, LA, while trawling on the vessel "LIL CHRIS," in Lake Borgne, southeast of Alligator Point, at LORAN-C readings of 28,913.6 and 47,019.8, St. Bernard Parish, encountered an unidentified submerged obstruction on July 3, 1985, causing loss of his 45 foot trawl. Amount of Claim: \$485

CLAIM NO. 85-2543

Chris Noel DeJean, of Dulac, LA, while trawling on the

vessel "LIL CHRIS," in Lake Borgne, west of Half Moon Island, at LORAN-C readings of 29,055.9 and 47,047.0, St. Bernard Parish, encountered a submerged well casing on July 13, 1985, causing loss of his 45 foot trawl. Amount of Claim: \$585.

CLAIM NO. 85-2544

Chris Noel DeJean, of Dulac, LA, while trawling on the vessel "LIL CHRIS," in Lake Borgne, southeast of Shell Point, at LORAN-C readings of 28,933.1 and 47,034.0, St. Bernard Parish, encountered an unidentified submerged obstruction on July 12, 1985, causing loss of his 45 foot trawl. Amount of Claim: \$485

CLAIM NO. 85-2490

Ronnie Joseph Ledet, of Houma, LA, while trawling on the vessel, "DIXIE BELLE," in the Vermilion River, north of Intracoastal City, at the Intracoastal Seafood Slip, Vermilion Parish, encountered a submerged iron piling on an unspecified date in June, 1985, causing damage to his vessel. Amount of Claim: \$944.40

CLAIM NO. 85-2491

Ronnie Joseph Ledet, of Houma, LA, while trawling on the vessel, "DIXIE BELLE," in Lake Borgne, north of Half Moon Island, at LORAN-C readings of 29,094.8 and 47,055.0, St. Bernard Parish, encountered a submerged wooden piling on June 23, 1985, at approximately 7 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$869.30

CLAIM NO. 85-2492

Ronnie Joseph Ledet, of Houma, LA, while trawling on the vessel, "DIXIE BELLE," in the Mississippi Sound, west of Grand Pass, at LORAN-C readings of 29,182.4 and 47,846.8, St. Bernard Parish, encountered a submerged channel buoy on June 30, 1985, at approximately 3:50 a.m., causing damage to his vessel. Amount of Claim: \$1,850.29

CLAIM NO. 85-2507

Donald J. Normand, of Montegut, LA, while trawling on the vessel, "MELANIE ANN," in Lake Barre, north of Lake Barre Pass, Terrebonne Parish, encountered a submerged section of pipe on July 6, 1985, at approximately 2:30 p.m., causing loss of his trawl and chain. Amount of Claim: \$926.84

CLAIM NO. 85-2595

Hugh P. Valure, of Houma, LA, while trawling on the vessel, "THE SPILEN," in Lake Pelto, west of Wine Island Pass, at LORAN-C readings of 28,083.7 and 46,837.5, Terrebonne Parish, encountered an unidentified submerged obstruction on July 4, 1985, at approximately 7:30 a.m., causing loss of his trawl and boards. Amount of Claim: \$1,107.50

CLAIM NO. 85-2600

Wayne Boudwin, of Houma, LA, while trawling on the vessel, "CAPT. WAYNE," in Lake Borgne, east of Alligator Point, at approximate LORAN-C readings of 28,927.0 and 47,028.2, St. Bernard Parish, encountered an unidentified submerged obstruction on July 6, 1985, at approximately 11:30 a.m., causing loss of his 50 foot trawl, tickle chain and rope. Amount of Claim: \$756.85

CLAIM NO. 85-2631

Joseph G. Verdin, of Dulac, LA, while trawling on the vessel, "MATHILDA LYNN," in Barataria Pass, on the east side of the pass, Jefferson Parish, encountered an unidentified submerged obstruction on July 20, 1985, at approximately 2 p.m., causing loss of his 50 foot wing net, chafing gear, tickle chain, lazy line and cable. Amount of Claim: \$2,702.05

CLAIM NO. 85-2647

Sterling P. Authement, of Bourg, LA, while trawling on the vessel, "MADGE ANN," in the Gulf of Mexico, east of Whiskey Pass, at approximate LORAN-C readings of 28,016.0 and 46,832.0, Terrebonne Parish, encountered submerged rocks on August 1, 1985, at approximately 7:30 a.m., causing loss of his 50 foot setback trawl, and tickle chain. Amount of Claim: \$775.65

CLAIM NO. 85-2682

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in Lake Pelto, north of Old Camp Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on August 24, 1985, at approximately 7 a.m., causing loss of his trawl. Amount of Claim: \$1,005.25

CLAIM NO. 85-2699

John Verdin, Jr., of Houma, LA, while trawling on the vessel, "MR. JOHN," in Four League Bay, southeast of Alligator Bayou, at approximate LORAN-C readings of 27,811.0 and 46,901.0, Terrebonne Parish, encountered an unidentified submerged obstruction on September 1, 1985, at approximately 3 p.m., causing loss of his 40 foot trawl and doors, and damage to his vessel. Amount of Claim: \$4,413.10

Thursday, February 6, 1986, at 1 p.m., in the L.S.U. Co-operative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.:

CLAIM NO. 84-1954

Chris Griffin, of Golden Meadow, LA, while trawling on the vessel, "CAPT. CHRIS," in the Gulf of Mexico, east of Bay Champagne, at approximate LORAN-C readings of 28,413.5 and 46,837.3, Lafourche Parish, encountered an unidentified submerged obstruction on August 10, 1984, at approximately 9 a.m., causing loss of his trawl. Amount of Claim: \$604.40

CLAIM NO. 84-2081

Florena A. Billiot and Joe Billiot, of Galliano, LA, while trawling on the vessel, "CAPT. ED," in Dixon Bay, west of Scott's Canal, Plaquemines Parish, encountered a submerged grill walkway on October 19, 1984, at approximately 6:40 a.m., causing loss of their 36 foot balarina trawl. Amount of Claim: \$530.10

CLAIM NO. 84-2175

Eddie Plaisance, of Lockport, LA, while trawling on the vessel, "DOUBLE, E," in Vermilion Bay, 1/2 mile off Blue Point, Vermilion Parish, encountered an unidentified submerged obstruction on November 9, 1984, at approximately 10:30 a.m., causing loss of his 50 foot balloon trawl. Amount of Claim: \$800

CLAIM NO. 85-2313

Harry Cheramie, of Grand Isle, LA, while trawling on the vessel, "ACE OF TRADE," in the Gulf of Mexico, south of Joseph Harbor, at LORAN-C readings of 26,970.1 and 46,957.9, Cameron Parish, encountered an unidentified submerged obstruction on March 16, 1985, at approximately 9:30 a.m., causing loss of his try net. Amount of Claim: \$147.70

CLAIM NO. 85-2350 (Rescheduled)

Terry Perez, Sr., of Cut Off, LA, while trawling on the vessel, "CAPT. JOSH," in the Gulf of Mexico, east of Barataria Pass, at LORAN-C readings of 28,589.6 and 46,862.4, Jefferson Parish, encountered an unidentified submerged obstruction on May 13, 1985, at approximately 11 a.m., causing loss of his 50 foot trawl, tickle chain and easy line. Amount of Claim: \$1,119.76

CLAIM NO. 85-2471

Terry Perez, Sr., of Cut Off, LA, while trawling on the vessel, "CAPT. JOSH," in Breton Sound, southeast of Deadman Island, at LORAN-C readings of 29,067.3 and 46,957.5, St. Bernard Parish, encountered an unidentified submerged obstruction on June 17, 1985, at approximately 8:45 a.m., causing loss of his 16 foot try net and boards. Amount of Claim: \$252.15

CLAIM NO. 85-2368

Emelien Gisclair, of Golden Meadow, LA, while trawling on the vessel, "MR. MORGAN," in the Gulf of Mexico, south of Grand Isle, at LORAN-C readings of 28,539.4 and 46,855.2, Jefferson Parish, encountered an unidentified submerged obstruction on May 24, 1985 at approximately 3 p.m., causing loss of his trawl. Amount of Claim: \$1,635.64

CLAIM NO. 85-2376

The crew of the vessel, "DONNA DIANNE," owned by John Michael E., Inc., of Grand Isle, LA, while trawling in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,567.9 and 46,855.7, Jefferson Parish, encountered a submerged pontoon on May 6, 1985, at approximately 10 a.m., causing damage to their trawl. Amount of Claim: \$218.39

CLAIM NO. 85-2377

The crew of the vessel, "DONNA DIANNE," owned by John Michael E., Inc., of Grand Isle, LA, while trawling in the Gulf of Mexico, south of Grand Isle, at LORAN-C readings of 28,505.2 and 46,842.4, Jefferson Parish, encountered a submerged drag-line on May 7, 1985, at approximately 1 p.m., causing damage to their trawl. Amount of Claim: \$182.91

CLAIM NO. 85-2404

Calvin A. Cheramie, of Galliano, LA, while trawling on the vessel, "MR FOX," in Lake Borgne, east of Alligator Point, at approximate LORAN-C readings of 28,935.2 and 47,030.0, St. Bernard Parish, encountered an unidentified submerged obstruction on May 23, 1985, causing loss of his balloon trawl, tickle chain, and rope. Amount of Claim: \$961.55

CLAIM NO. 85-2413

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE I," in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,536.0 and 46,857.8 Jefferson Parish, encountered an unidentified submerged obstruction on June 6, 1985, causing loss of his trawl. Amount of Claim: \$978.02

CLAIM NO. 85-2414

Wayne Cheramie, of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE II," in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,536.0 and 46,857.8, Jefferson Parish, encountered an unidentified submerged obstruction on June 7, 1985, causing loss of his 51 foot balloon trawl, and tickle chain. Amount of Claim: \$1,006.22

CLAIM NO. 85-2421

Emery Eymard, of Galliano, LA, while trawling on the vessel, "TODD-ANN," in the Gulf of Mexico, east of Grand Isle, at LORAN-C readings of 28,560.7 and 46,865.3, Jefferson Parish, encountered an unidentified submerged obstruction on May 13, 1985, at approximately 11 a.m., causing loss of his 63 foot balloon trawl. Amount of Claim: \$1,186.23

CLAIM NO. 85-2496

Linton Charpentier, of Cut Off, LA, while trawling on the vessel, "CAPT. LINTON," in Breton Sound, northwest of Breton Island, at LORAN-C readings of 29,045.2 and 46,918.9, St. Bernard Parish, encountered an unidentified submerged obstruction on June 7, 1985, causing damage to his trawl. Amount of Claim: \$67.96

CLAIM NO. 85-2498

Benton Pitre, of Cut Off, LA, while trawling on the vessel, "LADY LINDA," in Breton Sound, northeast of Battledore Reef, at LORAN-C readings of 28,931.8 and 46,888.7, Plaquemines Parish, encountered an unidentified submerged obstruction on June 25, 1985, at approximately 2:30 p.m., causing damage to his trawl. Amount of Claim: \$283.19

CLAIM NO. 85-2506

The crew of the vessel, "JUDY AND GARY," owned by Dantin and Dantin, Inc., of Cut Off, LA, while trawling in Barataria Bay, north of Grand Terre Island, encountered an unidentified submerged obstruction on June 23, 1985, at approximately 9:45 a.m., causing loss of their 12 foot try net. Amount of Claim: \$168.58

CLAIM NO. 85-2554

Joseph S. Verdin, of Galliano, LA, while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, south of Barataria

Pass, at approximate LORAN-C readings of 28,561.3 and 46,863.8, Jefferson Parish, encountered and unidentified submerged obstruction on July 3, 1985, at approximately 8 a.m., causing loss of two 23 foot trawls, and damage to his vessel. Amount of Claim: \$3,258.22

CLAIM NO. 85-2560

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "TE JEFF," in Breton Sound, north of Main Pass, at LORAN-C readings of 29,042.0 and 46,877.0, Plaquemines Parish, encountered an unidentified submerged obstruction on July 17, 1985, at approximately 2:30 a.m., causing loss of his trawl. Amount of Claim: \$793.73

CLAIM NO. 85-2688

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "TE JEFF," in Breton Sound, north of Main Pass, at LORAN-C readings of 29,055.8 and 46,871.7, Plaquemines Parish, encountered an unidentified submerged obstruction on August 18, 1985, at approximately 10:45 a.m., causing loss of his 50 foot balloon trawl and boards. Amount of Claim: \$1,380.46

CLAIM NO. 85-2561

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "DADDY'S PRIDE," in the Gulf of Mexico, 1½ miles from the beach west of Barataria Pass, encountered an unidentified submerged obstruction on July 1, 1985, at approximately 2 p.m., causing loss of two 50 foot trawls, chain and rope. Amount of Claim: \$1,857.10

CLAIM NO. 85-2574

Harold Plaisance, of Galliano, LA, while trawling on the vessel, "LA-444-SW," in the Gulf of Mexico, south of Bay Champagne, at approximate LORAN-C readings of 28,385.0 and 46,834.5, Lafourche Parish, encountered submerged pipe and grating on July 21, 1985, at approximately 8 a.m. Amount of Claim: \$309.36

CLAIM NO. 85-2624

Roger Blanchard, of Cut Off, LA, while trawling on the vessel, "CHARLOTTE & ROGER," in the Gulf of Mexico, southeast of South Point, at LORAN-C readings of 27,535.6 and 46,911.1, Iberia Parish, encountered an unidentified submerged obstruction on July 29, 1985, at approximately 4 p.m., causing loss of his 50 foot trawl, boards and cable, and damage to his boom. Amount of Claim: \$2,456.64

CLAIM NO. 85-2630

Leo Paul Pitre, of Golden Meadow, LA, while trawling on the vessel, "CAPT. LEO," in Eloi Bay, south of Deadman Island, at LORAN-C readings of 29,031.0 and 46,953.0, St. Bernard Parish, encountered an unidentified submerged obstruction on May 29, 1985. Amount of Claim: \$1,895.96

CLAIM NO. 85-2633

Ted A. Rouse, of Golden Meadow, LA, while trawling on the vessel, "LADY C," in the Gulf of Mexico, east of Belle Pass, at approximate LORAN-C readings of 28,345.0 and 46,829.6, Lafourche Parish, encountered a sunken boat on August 5, 1985. Amount of Claim: \$3,166.05

CLAIM NO. 85-2650

Farrel Charpentier, of Galliano, LA, while trawling on the vessel, "CAPT. FARREL," in Breton Sound, at LORAN-C readings of 28,971.3 and 46,892.9, Plaquemines Parish, encountered a submerged 4 inch pipe on August 4, 1985, at approximately 1:30 a.m. Amount of Claim: \$1,232.79

CLAIM NO. 85-2652

Linwood Sponge, of Galliano, LA, while trawling on the vessel, "MARCEL JR.," in Lake Racoruci, south of Rosa Bay, Lafourche Parish, encountered an unidentified submerged obstruction on July 26, 1985, at approximately 11 a.m., causing damage to his vessel. Amount of Claim: \$1,946.64

CLAIM NO. 85-2653

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "CAPT. STEVEN," in Breton Sound, north of the Mississippi River - Gulf Outlet, at LORAN-C readings of 29,094.5 and 46,933.9, Plaquemines Parish, encountered a submerged tank on August 9, 1985, at approximately 3 a.m., causing loss of his 55 foot trawl, cable and chain. Amount of Claim: \$980.97

CLAIM NO. 85-2654

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "CAPT. STEVEN," in Breton Sound, north of the Breton Islands, at LORAN-C readings of 29,083.8 and 46,913.5, Plaquemines Parish, encountered an unidentified submerged obstruction on August 4, 1985, at approximately 10 p.m., causing loss of his 55 foot trawl, cable and chain. Amount of Claim: \$772.96

CLAIM NO. 85-2660

Allen Charpentier, of Galliano, LA, while trawling on the vessel, "WIND SONG," in the Gulf of Mexico, west of Whiskey Pass, at LORAN-C readings of 27,955.0 and 46,829.4, Terrebonne Parish, encountered an unidentified submerged obstruction on August 2, 1985, at approximately 10 p.m., causing loss of his 60 foot trawl, cable and chain. Amount of Claim: \$1,223.87

CLAIM NO. 85-2702

Roy J. Plaisance, of Cut Off, LA, while trawling on the vessel, "LA-3366-AK," in Lake Raccourci, west of Jacko Camp Bay, Lafourche Parish, encountered an unidentified submerged obstruction on September 7, 1985, at approximately 1 p.m., causing damage to his 48 foot trawl. Amount of Claim: \$216.15

CLAIM NO. 85-2714

Nolan J. Guidry, of Galliano, LA, while trawling on the vessel, "LADY LEONA," in Bayou Blue, east of Lake Raccourci, Lafourche Parish, encountered an unidentified submerged obstruction on September 10, 1985, at approximately 11 a.m., causing damage to his 40 foot trawl. Amount of Claim: \$343.86

CLAIM NO. 85-2727

Russell Valence of Des Allemands, LA, while traveling on the vessel, "DEBBIE ANN," in an unnamed bayou between Chicharas Bay and Bay Boye, Plaquemines Parish, encountered an underwater dam or weir on September 12, 1985, at approximately 8 a.m., causing damage to his vessel. Amount of Claim: \$1,275

CLAIM NO. 85-2750

Archie Frickey, of Grand Isle, LA, while trawling on the vessel, "RANDY," in Bay Des Ilettes, west of Point Peiro and north of the Channel, Jefferson Parish, encountered an unidentified submerged obstruction on September 16, 1985, at approximately 7:30 a.m., causing damage to his trawl. Amount of Claim: \$369.55

Tuesday, February 18, 1986, at 9:30 a.m., in the Lafitte City Hall, Lafitte, LA:

CLAIM NO. 84-1533

Roland Ronquille, of LaPlace, LA, while trawling on the vessel, "LIL TOOT," in Turtle Bay, on the south side of the bay, Jefferson Parish, encountered a submerged pipe on June 17 or 18, 1985, at approximately 7 a.m., causing loss of his trawl. Amount of Claim: \$525

CLAIM NO. 84-1927

Leroy LePine, of Barataria, LA, while trawling on the vessel, "LEROY BROWN," in Barataria Bay, east of East Champagne Bay, encountered an unidentified submerged obstruction on August 31, 1984, at approximately 1:30 a.m., causing loss of his 51 foot trawl. Amount of Claim: \$450

CLAIM NO. 84-1952

Wilfred Savoie, of Marrero, LA, while trawling on the vessel, "BARBIE," in Bay Batiste, east of Big Island, and north of Lake Grande Ecaille, Plaquemines Parish, encountered an unidentified

submerged obstruction on September 10, 1984, at approximately 4 p.m., causing damage to his trawl. Amount of Claim: \$135

CLAIM NO. 84-2059

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, south of Chaland Pass, at approximate LORAN-C readings of 28,692.0 and 46,864.2, Plaquemines Parish, encountered an unidentified submerged obstruction on October 10, 1984, at approximately 3:30 p.m., causing damage to his trawl. Amount of Claim: \$160.45

CLAIM NO. 84-2162 (Rescheduled)

Leroy J. Harvey, Sr., of Lafitte, LA, while trawling on the vessel, "GUIDING LIGHT," in the Gulf of Mexico, south of Burrwood, at LORAN-C readings of 28,809.4 and 46,768.3, Plaquemines Parish, encountered an unidentified submerged obstruction on November 19, 1984, at approximately 8:30 a.m., causing damage to his 50 foot trawl. Amount of Claim: \$160

CLAIM NO. 84-2163 (Rescheduled)

Leon J. Harvey, Sr., of Lafitte, LA, while trawling on the vessel, "GUIDING LIGHT," in East Bay, east of Burrwood, at LORAN-C readings of 28,857.8 and 46,774.0, Plaquemines Parish, encountered an unidentified submerged obstruction on November 6, 1984, at approximately 6:45 p.m., causing loss of his trawl doors. Amount of Claim: \$1,170

CLAIM NO. 84-2164 (Rescheduled)

Leon J. Harvey, Sr., of Lafitte, LA, while trawling on the vessel, "GUIDING LIGHT," in the Gulf of Mexico, south of Quatre Bayou Pass, at LORAN-C readings of 28,635.3 and 46,851.4, Plaquemines Parish, encountered an unidentified submerged obstruction on October 25, 1984, at approximately 8:35 p.m., causing damage to his trawl. Amount of Claim: \$422.84

CLAIM NO. 85-2290

Alfred F. Encalade, Jr., of Lafitte, LA, while trawling on the vessel, "MISS JUDY," in the Barataria Waterway, north of Bayou Dupont, Jefferson Parish, encountered an unidentified submerged obstruction on January 22, 1985, at approximately 10 a.m., causing damage to his vessel. Amount of Claim: \$450

CLAIM NO. 85-2293 (Rescheduled)

Randy P. Dufrene, Jr., of Lafitte, LA, while trawling on the vessel, "LADY KAREN," in the Gulf of Mexico, one mile west of the Grand Isle Sea Buoy, encountered an unidentified submerged obstruction on January 7, 1985, at approximately 11 a.m., causing loss of his 55 foot trawl, boards, chain and cable. Amount of Claim: \$1,537.14

CLAIM NO. 85-2320 (Rescheduled)

Carl Landen, of Gonzales, LA, while trawling on the vessel, "MISS GLADYS," in the Gulf of Mexico, south of Joseph Harbor Bayou, at LORAN-C readings of 26,953.6 and 46,954.3, Cameron Parish, encountered an unidentified submerged obstruction on March 26, 1985, at approximately 7:10 a.m., causing loss of his 50 foot trawl, doors, and bridle. Amount of Claim: \$1,697.34

CLAIM NO. 85-2445

Richard W. Bolotte, of Lafitte, LA, while trawling on the vessel, "LA-7522-BA," in Bay Melville, east of Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on June 18, 1985, at approximately 1 p.m., causing loss of his 42 foot trawl. Amount of Claim: \$340

CLAIM NO. 85-2447

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS," in the Gulf of Mexico, northeast of North Pass, at LORAN-C readings of 29,119.8 and 46,830.4, Plaquemines Parish, encountered a submerged boat mast on June 13, 1985, at approximately 12:30 p.m., causing loss of his 85 foot trawl. Amount of Claim: \$635.64

CLAIM NO. 85-2473

Robert J. Bychurch, of Westwego, LA, while trawling on

the vessel, "LA-8927-BB," in Lake Salvador, west of Bayou Villars, Jefferson Parish, encountered a submerged piling on June 20, 1985, at approximately 12:30 p.m., causing loss of his 25 foot trawl. Amount of Claim: \$220

CLAIM NO. 85-2523

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS," in the Gulf of Mexico, southeast of Rollover Bayou, at LORAN-C readings of 27,091.7 and 46,944.2, Vermilion Parish, encountered a submerged piece of rope on July 7, 1985, at approximately 8:30 p.m., causing damage to his vessel. Amount of Claim: \$785.79

CLAIM NO. 85-2533

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in Barataria Bay, south of St. Mary's Point, Plaquemines Parish, encountered an unidentified submerged obstruction on June 22, 1985, at approximately 12 p.m., causing damage to his trawl. Amount of Claim: \$245.95

CLAIM NO. 85-2576

Alan Cheramie, of Lafitte, LA, while trawling on the vessel, "ALAN MICHELLE," in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,567.9 and 46,935.6, Jefferson Parish, encountered a submerged section of drill pipe on July 15, 1985, at approximately noon, causing loss of his 50 foot trawl. Amount of Claim: \$596.35

CLAIM NO. 85-2577

Alan Cheramie, of Lafitte, LA, while trawling on the vessel, "ALAN MICHELLE," in the Gulf of Mexico, east of Quatre Bayou Pass, at LORAN-C readings of 28,540.1 and 46,970.4, Plaquemines Parish, encountered a submerged oil rig on July 15, 1985, at approximately noon, causing damage to his trawl. Amount of Claim: \$308.75

CLAIM NO. 85-2646

Herbert Schultz, Jr. of Lafitte, LA, while trawling on the vessel, "LADY SARAH," in Garden Island Bay, southeast of Port Eads at approximate LORAN-C readings of 28,977.0 and 46,776.1, Plaquemines Parish, encountered an unidentified submerged obstruction on August 6, 1985, at approximately 8 a.m., causing loss of one 9½ foot by 40 inch trawl board. Amount of Claim: \$513.84

CLAIM NO. 85-2695

Ralph Sandras, of Harvey, LA, while trawling on the vessel, "MR. RALPH," in Bayou Rigaud, north of Grand Isle, Jefferson Parish, encountered an unidentified submerged metal obstruction on July 22, 1985, at approximately 4:30 p.m., causing damage to his vessel. Amount of Claim: \$1,561.85

CLAIM NO. 85-2700

Allen Wiseman, of Harvey, LA, while traveling on the vessel, "MIDNIGHT SPECIAL," in the Houma Navigation Canal, at the mouth of Little Cocodrie Bayou, Terrebonne Parish, encountered a large piece of rope on September 4, 1985, at approximately 5 p.m., causing damage to his vessel. Amount of Claim: \$2,725

CLAIM NO. 85-2701

Ernest Wiseman, of Lafitte, LA, while trawling on the vessel, "HAL," in the Gulf of Mexico, south of Quatre Bayou Pass, encountered an unidentified submerged obstruction on August 18, 1985, at approximately 11 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$825

CLAIM NO. 85-2720

Peter P. Ronquille, of Lafitte, LA, while trawling on the vessel, "LA-3012-BE," in East Bay, south of Burrwood and east of the Jetty at approximate LORAN-C readings of 28,007.0 and 46,770.4, Plaquemines Parish, encountered an unidentified submerged obstruction on September 12, 1985, at approximately 10 a.m., causing damage to his boom. Amount of Claim: \$438.80

CLAIM NO. 85-2721

Peter P. Ronquille, of Lafitte, LA, while trawling on the vessel, "LA-3012-BE," in Lake Pontchartrain, north of the Lakefront Airport at approximate LORAN-C readings of 28,715.0 and 47,032.0, Plaquemines Parish, encountered an unidentified submerged obstruction on August 26, 1985, at approximately 8 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$500

CLAIM NO. 85-2725

Jacob Plaisance, of Westwego, LA, while trawling on the vessel, "QUICK SILVER," in Grand Bayou, at the intersection of Old Grand Bayou, Jefferson Parish, encountered an unidentified submerged obstruction on September 5, 1985, at approximately 6 a.m., causing damage to his trawl. Amount of Claim: \$302.44

CLAIM NO. 85-2737

Anthony George Toups, of Westwego, LA, while trawling on the vessel, "GRAND CLOTHILDE," in the Gulf of Mexico, east of Barataria Pass, at LORAN-C readings of 28,574.4 and 46,862.8, Jefferson Parish, encountered an unidentified submerged obstruction on September 15, 1985, at approximately 11:55 a.m., causing damage to his trawl. Amount of Claim: \$660.75

Wednesday, February 19, 1986, at 9 a.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:

CLAIM NO. 84-2025

Clarence J. Kinchen, of Venice, LA, while trawling on the vessel, "MISS MACIE," in West Bay, north of Pass du Bois, Plaquemines Parish, encountered an unidentified submerged obstruction on September 28, 1984, at approximately 9 p.m., causing loss of his trawl. Amount of Claim: \$450

CLAIM NO. 84-2033

Ronald A. Kreger, Jr., of New Orleans, LA, while trawling on the vessel, "SUPER CAT," in Bayou St. Denis, north of Mud Lake, Jefferson Parish, encountered an unidentified submerged obstruction on September 4, 1984, at approximately 3:30 p.m., causing loss of his trawl. Amount of Claim: \$688

CLAIM NO. 84-2111

Howard Dardar, of Belle Chasse, LA, while trawling on the vessel, "MASTER TIMOTHY," in the Gulf of Mexico, northwest of North Pass, at LORAN-C readings of 29,082.6 and 46,840.4, Plaquemines Parish, encountered an unidentified submerged obstruction on November 2, 1984, at approximately 9 a.m., causing loss of his 55 foot trawl. Amount of Claim: \$795

CLAIM NO. 85-2310

Leon M. Hartman, of Slidell, LA, while trawling on the vessel, "MISS TEMPY ANN," in Lake Pontchartrain, north of the Lakefront Airport, at approximate LORAN-C readings of 28,730.0 and 47,038.0, Orleans Parish, encountered an unidentified submerged obstruction on December 18, 1984, at approximately 10 a.m., causing loss of his 50 foot trawl, boards, tickler chain and cable. Amount of Claim: \$1,400.96

CLAIM NO. 85-2391

Theodore H. Becker, of New Orleans, LA, while trawling on the vessel, "SUGAR B," in Lake Pontchartrain, northwest of Little Woods, at LORAN-C readings of 28,763.7 and 47,037.3, Orleans Parish, encountered an unidentified submerged obstruction on June 6, 1985, causing the loss of his 42 foot trawl and 62 foot tickler chain. Amount of Claim: \$662

CLAIM NO. 85-2411

Whitney Plaisance, Jr., of Ama, LA, while trawling on the vessel, "MASTER WARREN," in Barataria Pass, east of Grand Isle, encountered an unidentified submerged obstruction on May 16, 1985, at approximately 10:40 a.m., causing loss of his trawl. Amount of Claim: \$622.50

CLAIM NO. 85-2420

Joseph A. Fos, of Meraux, LA, while trawling on the vessel, "THE FOS," in Lake Pontchartrain, west of the Lakefront Airport, at approximate LORAN-C readings of 28,707.0 and 47,029.6, Orleans Parish, encountered an unidentified submerged obstruction on June 13, 1985, at approximately 10 a.m., causing loss of his 35 foot trawl, boards, and cable. Amount of Claim: \$810
CLAIM NO. 85-2457

Wallace LeBouef, of Yscloskey, LA, while trawling on the vessel, "WINDJAMMER," in Lake Borgne, southeast of Proctor Point, at approximate LORAN-C readings of 28,903.5 and 47,004.2, St. Bernard Parish, encountered a submerged Quarter Boat on June 22, 1985, at approximately 9 a.m., causing loss of his 50 foot trawl and tickle chain. Amount of Claim: \$706.60
CLAIM NO. 85-2458

Rickey G. DeJean, of Chalmette, LA, while trawling on the vessel, "BRIGHT STAR," in Lake Borgne, northeast of Proctor Point, encountered a submerged tree on June 20, 1985, at approximately 2 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$814.18
CLAIM NO. 85-2482

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, south of Big Point, at approximate LORAN-C readings of 28,861.0 and 47,062.5, St. Tammany Parish, encountered an unidentified submerged obstruction on May 20, 1985, at approximately 7 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$568
CLAIM NO. 85-2483

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, north of the Lakefront Airport, encountered an unidentified submerged obstruction on May 20, 1985, at approximately 7 a.m., causing damage to his trawl. Amount of Claim: \$151
CLAIM NO. 85-2484

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, west of the north draw of the Causeway, at approximate LORAN-C readings of 28,697.0 and 47,067.2, St. Tammany Parish, encountered a submerged tree on June 11, 1985, at approximately 10 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$508
CLAIM NO. 85-2485

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, northeast of the Lakefront Airport, at approximate LORAN-C readings of 28,764.0 and 47,040.5, Orleans Parish, encountered an unidentified submerged obstruction on May 24, 1985, at approximately 10 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$568
CLAIM NO. 85-2486

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, east of the Lakefront Airport, at approximate LORAN-C readings of 28,728.0 and 47,030.2, Orleans Parish, encountered an unidentified submerged obstruction on July 1, 1985, at approximately 2 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$568
CLAIM NO. 85-2504

Anthony Dudenhefer, of Slidell, LA, while trawling on the vessel, "LOVELY LADY," in Lake Borgne, north of Proctor Point, at LORAN-C readings of 28,906.2 and 47,018.1, St. Bernard Parish, encountered an unidentified submerged obstruction on June 30, 1985, at approximately 3 a.m., causing loss of his trawl. Amount of Claim: \$800
CLAIM NO. 85-2519 (Rescheduled)

Stanley Weiskopf, of Braithwaite, LA, while trawling on the vessel, "KAREN SUSAN," in Breton Sound, northeast of Little Battledore Island, Plaquemines Parish, encountered an unidenti-

fied submerged obstruction on June 8, 1985, at approximately 2:30 a.m., causing loss of his 50 foot trawl, boards, tickle chain and rope. Amount of Claim: \$1,766
CLAIM NO. 85-2522

Mike Russel, of New Orleans, LA, while trawling on the vessel, "MASTER NICHOLAS," in Lake Pontchartrain, west of the Lakefront Airport, at approximate LORAN-C readings of 28,686.0 and 47,028.8, Orleans Parish, encountered an unidentified submerged sharp object on June 14, 1985, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$185.85
CLAIM NO. 85-2529

Cultus O. Pearson, Jr., of Lacombe, LA, while trawling on the vessel, "LIL PEG," in Lake Pontchartrain, southwest of Green Point, at approximate LORAN-C readings of 28,732.5 and 47,076.5, St. Tammany Parish, encountered an unidentified submerged obstruction on June 12, 1985, at approximately 6 a.m., causing loss of his 40 foot trawl. Amount of Claim: \$330
CLAIM NO. 85-2553

Tracy R. Alfonso, of St. Bernard, LA, while trawling on the vessel, "STACIE LYNN," in Chandeleur Sound, west of Hewes Point, at LORAN-C readings of 29,389.2 and 47,035.5, St. Bernard Parish, encountered an unidentified submerged obstruction on July 9, 1985, at approximately 3:30 a.m., causing loss of two 30 foot trawls, boards, chain and cable, and damage to his vessel. Amount of Claim: \$4,751.60
CLAIM NO. 85-2555

Joseph J. Fernandez, Jr., of St. Bernard, LA, while trawling on the vessel, "TIO JOSÉ," in Lake Eloi, opposite Bayou Elio, St. Bernard Parish, encountered a submerged tank on July 5, 1985, at approximately 12 noon, causing damage to his vessel. Amount of Claim: \$2,417.69
CLAIM NO. 85-2559

Anthony Dudenhefer, of Slidell, LA, while trawling on the vessel, "LOVELY LADY," in Lake Borgne, south of the Pearl River, at LORAN-C readings of 29,031.2 and 47,043.9, St. Bernard Parish, encountered an unidentified submerged obstruction on July 18, 1985, at approximately 4:30 a.m., causing loss of his trawl and doors. Amount of Claim: \$3,800
CLAIM NO. 85-2568

James Menner, of Slidell, LA, while trawling on the vessel, "LA-8537-AX," in Lake Pontchartrain west of South Point, at approximate LORAN-C readings of 28,810.0 and 47,050.2, Orleans Parish, encountered an unidentified submerged obstruction on July 1, 1985 at approximately 8 a.m., causing damage to his trawl. Amount of Claim: \$80
CLAIM NO. 85-2569

James Menner, of Slidell, LA, while trawling on the vessel, "LA-8537-AX," in Lake Pontchartrain, south of Big Point, at approximate LORAN-C readings of 28,865.0 and 47,061.5, St. Tammany Parish, encountered an unidentified submerged obstruction on July 10, 1985, at approximately 1 p.m., causing damage to his 47 foot trawl. Amount of Claim: \$359
CLAIM NO. 85-2570

James Menner, of Slidell, LA, while trawling on the vessel, "LA-8537-AX," in Lake Pontchartrain, north of Little Woods, at approximate LORAN-C readings of 28,775.0 and 47,038.0, encountered an unidentified submerged obstruction on July 18, 1985, at approximately 2 a.m., causing loss of his 47 foot trawl. Amount of Claim: \$648
CLAIM NO. 85-2581

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in Lake Borgne, east, northeast of Martello Castle, at approximate LORAN-C readings of 28,852.0 and 47,012.0 encountered an unidentified submerged obstruction on July 11, 1985, at approximately 6:30 a.m., causing loss of

his 45 foot trawl, tickler chain and lazy line. Amount of Claim: \$797.50

CLAIM NO. 85-2588

George A. Barisich, of Barisich, Inc., Violet, LA, while trawling on the vessel, "F.J.G.," in Lake Borgne east of The Rigolets, at approximate LORAN-C readings of 29,028.0 and 47,047.0, St. Bernard Parish, encountered an unidentified submerged obstruction on July 12, 1985, at approximately 10:45 p.m., causing loss of his 50 foot trawl, try net, try net doors and chain. Amount of Claim: \$933

CLAIM NO. 85-2594

Martin J. Nunez, of St. Bernard, LA, while trawling on the vessel, "MARTY BOY," in Eloi Bay, west of Otter Bayou, at LORAN-C readings of 29,062.8 and 46,971.2, St. Bernard Parish, encountered an unidentified submerged obstruction on July 22, 1985, at approximately 10 a.m., causing loss of his 45 foot trawl. Amount of Claim: \$719.38

CLAIM NO. 85-2605

Raymond Melerine, of St. Bernard, LA, while trawling on the vessel, "RAYMOND'S BABY," in Lake Borgne, north of Three Mile Pass at approximate LORAN-C readings of 29,125.0 and 47,045.9, St. Bernard Parish, encountered an unidentified submerged obstruction on July 15, 1985, at approximately 2 a.m., causing loss of his 50 foot trawl, boards, and chain. Amount of Claim: \$1,594

CLAIM NO. 85-2615

Alfred Martin, of Braithwaite, LA, while trawling on the vessel, "DADDY'S GIRLS," in the Mississippi River - Gulf Outlet Channel at the end of the Jetties, at approximate LORAN-C readings of 29,019.0 and 46,946.0, St. Bernard Parish, encountered an unidentified submerged obstruction on July 29, 1985, at approximately 9:30 p.m., causing damage to his vessel. Amount of Claim: \$3,166.44

CLAIM NO. 85-2649

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in the Gulf of Mexico, south of Grand Isle at approximate LORAN-C readings of 28,852.0 and 47,012.0, Jefferson Parish, encountered a submerged dredge pipe on July 31, 1985, at approximately 4 a.m., causing loss of his 45 foot trawl. Amount of Claim: \$453.70

CLAIM NO. 85-2657

George J. France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in Lake Pontchartrain, north of Chef Menteur Pass, encountered an unidentified submerged obstruction on July 19, 1985, at approximately 10 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$720

CLAIM NO. 85-2661

Lenny Serpas, Jr., of Delacroix Island, LA, while trawling on the vessel, "BLUE EYES," in Black Bay, northwest of Mozambique Point, Plaquemines Parish, encountered an unidentified submerged obstruction on August 19, 1985, at approximately 2 a.m., causing loss of his trawl, boards and light. Amount of Claim: \$994.18

CLAIM NO. 85-2664

Barry J. Melerine, of Braithwaite, LA, while trawling on the vessel, "LUCKY LADY," in Lake Machias, at the north end of the lake, encountered an unidentified submerged metal obstruction on August 19, 1985, at approximately 10:30 a.m., causing loss of his 42 foot trawl, boards and cable. Amount of Claim: \$1,125.50

CLAIM NO. 85-2674

Warren J. Thibodeaux, Jr., of New Orleans, LA, while trawling on the vessel, "HONEY SUCKER," in Breton Sound, west of Chicot Island at LORAN-C readings of 29,081.9 and 46,962.1, St. Bernard Parish, encountered an unidentified submerged obstruction on August 12, 1985, at approximately 2:15 a.m., causing

loss of his 50 foot Siamese trawl and tickle chain. Amount of Claim: \$870

CLAIM NO. 85-2676

Anthony J. Rinkus, of Chalmette, LA, while trawling on the vessel, "MARY E," in the Gulf of Mexico, south of Tiger Pass, at approximate LORAN-C readings of 28,820.0 and 46,804.5, Plaquemines Parish, encountered an unidentified submerged obstruction on August 20, 1985, causing loss of his 50 foot trawl, boards, chain, shackles, and winch motor. Amount of Claim: \$1,396.56

CLAIM NO. 85-2678

Bruce Guerra, of St. Bernard, LA, while trawling on the vessel, "MR. FABRICIANO," in Morgan Harbor, south of White Log Lake, encountered a submerged pipe on August 23, 1985, at approximately 7 a.m., causing damage to his vessel. Amount of Claim: \$2,224.69

CLAIM NO. 85-2681

Johnny M. Gallardo, of Arabi, LA, while trawling on the vessel, "LADY JULIETTE," in Lake Lery, in the northwest section of the lake, St. Bernard Parish, encountered an unidentified submerged obstruction on July 7, 1985, at approximately 2:30 a.m., causing loss of his 50 foot trawl, boards and tickle chain. Amount of Claim: \$1,540.93

CLAIM NO. 85-2686

Rodney J. Weiskopf, of Braithwaite, LA, while trawling on the vessel, "CAPT. RODNEY," in Fishing Smack Bay, near Catfish Pass, St. Bernard Parish, encountered submerged iron or pilings on August 19, 1985, at approximately 10 a.m., causing loss of his 55 foot trawl and boards, test trawl and test boards. Amount of Claim: \$1,481.77

CLAIM NO. 85-2687

Warren A. Perez, Sr., of St. Bernard, LA, while trawling on the vessel, "LA-3413-BH," in Eloi Bay, north of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on August 19, 1985, at approximately 2 a.m., causing loss of his 35 foot trawl. Amount of Claim: \$434.15

CLAIM NO. 85-2694

James Daspit, of Pearl River, LA, while trawling on the vessel, "COUNTRY GIRL," in The Rigolets, north of Fort Pike, Orleans Parish, encountered an unidentified submerged obstruction on July 3, 1985, at approximately 6 a.m., causing loss of his 50 foot balloon trawl, boards and cable. Amount of Claim: \$1,254.91

CLAIM NO. 85-2697

Brian G. Thibodeaux, of New Orleans, LA, while trawling on the vessel, "MASTER BRIAN," in Breton Sound, at approximate LORAN-C readings of 29,043.0 and 46,929.8, Plaquemines Parish, encountered an unidentified submerged obstruction on August 22, 1985, at approximately 1:30 a.m., causing damage to his vessel. Amount of Claim: \$4,270

CLAIM NO. 85-2708

William Andrew Thonn, of New Orleans, LA, while trawling on the vessel, "MASTER SHAWN," in Bayou St. Denis, Jefferson Parish, encountered an unidentified submerged obstruction on August 25, 1985, at approximately 10 a.m., causing loss of his 50 foot bib net and boards. Amount of Claim: \$1,400

CLAIM NO. 85-2716

Raymond C. Gilham, of Metairie, LA, while trawling on the vessel, "LA-2201-AP," in Lake Pontchartrain, west of the causeway, at approximate LORAN-C readings of 28,632.0 and 47,035.0, Jefferson Parish, encountered an unidentified submerged obstruction on September 13, 1985, at approximately 8:30 a.m., causing loss of his 12 foot try net, boards and rope. Amount of Claim: \$137.95

CLAIM NO. 85-2729

Mark Allen Barbe, of New Orleans, LA, while trawling on

the vessel, "MISS PAT," in Lake Pontchartrain, 1 ¼ mile southwest of Goose Point, at approximate LORAN-C readings of 28,777.0 and 47,066.2, St. Tammany Parish, encountered an unidentified submerged obstruction on August 20, 1985, at approximately 1:30 p.m., causing loss of his 55 foot trawl and boards. Amount of Claim: \$893.50

CLAIM NO. 85-2730

Mark Allen Barbe, of New Orleans, LA, while trawling on the vessel, "MISS PAT," in Lake Pontchartrain, west of Goose Point, at approximate LORAN-C readings of 28,772.7 and 47,067.2, St. Tammany Parish, encountered an unidentified submerged obstruction on August 27, 1985, at approximately 7 a.m., causing loss of his trawl. Amount of Claim: \$528

CLAIM NO. 85-2731

Mark Allen Barbe, of New Orleans, LA, while trawling on the vessel, "MISS PAT," in Lake Pontchartrain, northwest of South Point, at approximate LORAN-C readings of 28,821.5 and 47,052.1, Orleans Parish, encountered an unidentified submerged obstruction on September 8, 1985, at approximately 7:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$568

CLAIM NO. 85-2739

Wallace Perez, Sr., of St. Bernard, LA, while trawling on

the vessel, "LADY LORAINÉ," in Breton Sound, 1/2 mile southeast of Fiddler Point, St. Tammany Parish, encountered an unidentified submerged obstruction on September 13, 1985, causing loss of his 50 foot trawl. Amount of Claim: \$883.60

CLAIM NO. 85-2740

Wallace Perez, Sr., of St. Bernard, LA, while trawling on the vessel, "LADY LORAINÉ," in Breton Sound, one mile southeast of Grace Point, St. Bernard Parish, encountered an unidentified submerged obstruction on September 16, 1985, at approximately 9 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$883.60

Any written objections to these claims must be received by the close of business on February 3, 1986. Any person may submit evidence or make objections in person at the hearings. Written comments should be mailed to: B. Jim Porter, Secretary, Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 44124, Capitol Station, Baton Rouge, LA 70804.

B. Jim Porter
Secretary

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