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Executive Orders

EXECUTIVE ORDER EWE 86-17

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 85-93 dated December 23, 1985, 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
\$3,700,000	La. Public Facilities Authority	Quality Shipyards J & H Investments

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 85-93 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 13th day of June, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-18

WHEREAS, The State of Louisiana ("state") has been awarded in excess of \$51 million in overcharge funds as a result of the judgment in United States vs. Exxon Corporation, C.A. 78-1035; and

WHEREAS, said judgment mandates that the overcharge funds be distributed by the state in accordance with and for the purposes of certain enumerated energy conservation programs; and

WHEREAS, similar previous overcharge fund disbursements have been administered by the Louisiana Department of Natural Resources which has jurisdiction over the majority of the energy conservation programs designated in the judgment; and

WHEREAS, it is essential that there be continuity in the administration of such overcharge funds currently held by the state and those to be received pursuant to the aforementioned judgment in order that the citizens of Louisiana will continue to derive the greatest benefit possible from these monies;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct the Louisiana Department of Natural Resources to administer and disburse all overcharge funds currently in the possession of the state and those received as a result of the judgment in United States vs. Exxon Corporation, C.A. 78-1035.

IN WITNESS THEREOF, 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 the 25th day of June, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-19

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 85-93 dated December 23, 1985, 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
\$520,000	La. Public Facilities Authority	Campisi and Whorton Plantation Square #2

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 85-93 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 26th day of June, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-20

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 85-93 dated December 23, 1985, 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
\$ 1,100,000	La. Public Facilities Authority	R. E. Heidt Construction Co., 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 85-93, 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 third day of July, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Civil Service

At its July 2, 1986 meeting, the State Civil Service Commission adopted one emergency rule, according to the provisions of Civil Service Rule 2.10(f). This rule will be proposed to be adopted on a regular basis at the August 6, 1986 Civil Service Commission meeting which will be held at 8 a.m. at the Republic Tower Building at 5700 Florida Boulevard, Baton Rouge, LA, in the 12th Floor Commission Hearing Room.

The emergency rule is as follows:

CHAPTER 17

17.3(c) The director may give approval to any furlough, for a period not to exceed 45 calendar days, when such furlough is needed to develop and work a layoff plan and prevent a deficit or further deficit in an agency's budget.

EXPLANATION

The rule allows the director alone, without subsequent ratification by the commission, to approve furloughs needed immediately in order to remove employees from an agency's payroll. The present rules did not envision the need to use furloughs in this type of fiscal crisis and are thus too cumbersome to apply in such a situation. Agencies need to be assured that they can take immediate action without such action being possibly overturned at a later date.

Persons interested in making comments relative to this emergency rule may do so by appearance at the public hearing or by writing to the director of the Department of Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Hebert L. Sumrall
Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Fee Schedule for Students Attending Vocational-Technical Schools

The State Board of Elementary and Secondary Education, at its meeting of June 26, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the fee schedule for students attending vocational-technical schools, effective July 1, 1986 as follows:

FEE SCHEDULE FOR STUDENTS ATTENDING VOCATIONAL-TECHNICAL SCHOOLS

Effective July 1, 1986 persons enrolled in full-time or part-time classes at vocational-technical schools shall be charged fees in compliance with the following provisions:

1. Registration and tuition fee schedule:

(1) Registration fee: A registration fee of \$5 shall be charged each student upon registration or re-enrollment.

(2) Residents shall pay in advance, the following tuition fees:

TUITION FEES

	Year	Quarter	Term
Full-time	\$100	\$25.00	\$20
3/4 time	\$ 75	\$18.75	\$15
1/2 time	\$ 50	\$12.50	\$10

NOTE: A school year contains either four quarters of three months or five terms of 45 days.

(4) Non-residents shall pay tuition fees twice the amount charged students who are residents.

2. Louisiana high school students will NOT be charged any fees during the regular school year. High school students will be considered full-time vocational technical students during the summer.

3. Enrollment or re-enrollment payments, or acceptable evidence of indebtedness, shall be due upon registration or re-enrollment, as part of the enrollment process. These fees are non-refundable, except where the class is cancelled or closed.

4. Tuition fees may be paid by another agency on behalf of a student.

5. For enrollment and fee purposes, students of Louisiana high schools and military personnel stationed in Louisiana under Active Duty orders, and their dependents, are deemed to be Louisiana residents.

6. Extension courses of instruction shall include:

a. programs, including apprenticeship, which are offered in the evening, or on weekends.

b. programs totaling less than 170 hours.

7. Persons who attend classes or programs for which the school does not claim enrollment credit will NOT be charged registration or tuition fees.

8. Students being "carried over" into the fiscal year beginning in 1986 shall pay fees on the first day of class in the new fiscal year. Those continuing training into other payment periods shall pay the appropriate fee by the end of the preceding month or term.

9. Each school will establish internal fiscal and accounting procedures to collect the appropriate fees according to any one, or all, of the following schedules:

a. Annual b. Quarter c. 45 day term

10. The fee schedules provided herein shall become effective July 1, 1986, provided they are not in conflict with state law, that all revenues derived from enrollment and tuition fees shall be utilized by the school where fees are collected.

11. Any funds derived from fees collected by a school may

be expended by that school for supplies and equipment over and above legislative appropriations for the school, subject to the approval of BESE and in compliance with state law.

12. The fees collected for extension courses may be used to defray costs of extension courses with approval by the board.

13. It is the intent of this section to provide necessary funds over and above the regular appropriations for each school, and is not to replace appropriated funds.

This emergency adoption is necessary in order to place the fee schedule in place for the effective date of July 1, 1986.

James Meza, Jr., Ed.D.
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Passing Score on the NTE Educational Administration and Supervisor Test

The State Board of Elementary and Secondary Education, at its meeting of June 26, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted a passing score of 620 to be required on the National Teacher Examinations Educational Administration and Supervision Test as criterion for initial certification as principal or assistant principal in Louisiana.

This emergency adoption is to ensure passing score is in place by August 16, 1986 as mandated by Act 190 of 1985 Regular Session.

James Meza, Jr., Ed.D.
Executive Director

DECLARATION OF EMERGENCY

Office of the Governor Office of Elderly Affairs

The Governor's Office of Elderly Affairs (GOEA) has exercised the emergency provisions of the Administrative Procedure Act, L.R.S. 49:953-B to amend the GOEA Policy Manual to bring reporting requirements of GOEA subcontractors into compliance with the Single Audit Act of 1984. A notice of intent to adopt this change as a final rule appears in this issue of the *Louisiana Register* (Volume 12, Number 7).

RULE

Effective June 30, 1986, Subsections VI, VII, and IX of the Governor's Office of Elderly Affairs Policy Manual Appendix have been revised to include the proper forms and schedules that are now required by the Single Audit Act of 1984. These requirements are effective for Fiscal Year 1986 audit reports. Copies of the affected pages of the Manual have been distributed to area agencies on aging. Additional copies may be obtained at the following address: Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams
Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of Ad-

Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

SUMMARY

The current dispensing fee for pharmacy providers who participate in the Pharmacy Program under Medicaid is \$3.67 and is now ranked as 15th in the nation. Circumstances have necessitated the review of all optional Medicaid services. As a result, a determination has been made that the pharmacy dispensing fee may be reduced and maintain reimbursement rates which meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards.

Under this emergency rule the Louisiana Pharmacy Program dispensing fee will be reduced to \$3.30 and then will be ranked as the 31st in the nation. This rule is allowed under 42 CFR 447.333 and has been approved by the Health Care Financing Administration.

RULE

Effective July 1, 1986, the dispensing fee for pharmacies participating in Medicaid shall be \$3.30 per prescription. The dispensing fee shall be utilized by the agency in its determination of the lesser of estimated acquisition cost plus a dispensing fee or the pharmacy's usual and customary charge.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

SUMMARY

Currently, Early Periodic Screening, Diagnosis and Treatment (EPSDT) services are reimbursed by the Medical Assistance Program based on cost.

Circumstances have necessitated the review of reimbursement methodologies for all Medicaid services. As a result, a determination has been made that EPSDT services should be reimbursed on a fee for service basis. This change will enable the Medical Assistance Program to maintain mandatory services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards. This change is in accordance with 42 CFR 447.200 and 447.300.

RULE

Effective for EPSDT services provided July 1, 1986 and after, payment to EPSDT medical/dental contract providers shall be a negotiated fee for screening services. Payment for diagnosis and treatment services will be paid the lower of billed charges or the state's established schedule of fees for that service.

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

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 Medical Assistance Program.

SUMMARY

This emergency rule is required to implement the federal regulation in Subtitle B, Section 9503(D) of Title IX of Public Law 99-272 which requires that a person furnishing services under the state plan may not refuse to furnish services to an individual (who is entitled to have payment made under the state plan for the services the person furnishes) because of a third party's potential liability for payment of the service.

Beginning with Medicaid claims involving third party liability processed on or after May 12, 1986, the Office of Family Security had to change its claim payment method for these type claims. Recent amendments by the Health Care Financing Administration to federal regulations contained in 42 CFR 433.139 required that the Office of Family Security abandon the "pay and chase" method of claims payment and substitute a "cost avoidance" method for all claims processed on or after May 12, 1986, where probable Third Party Liability is established at the time the claims are filed. (See Potpourri Notice, *Louisiana Register*, Vol. 12, No. 2, of February 20, 1986.)

Due to this claims payment method change, a provider can no longer receive immediate Medicaid payment on claims where probable third party liability exists, but must instead secure a determination of the amount of third party liability before the agency will process the claim for Medicaid payment determination. According to the Consolidated Omnibus Budget Reconciliation Act, because of the mandatory denial of Medicaid claims for recipients who have other insurance, some providers may be discriminating against Medicaid recipients who carry other health insurance by refusing to provide services to these recipients. It is necessary to adopt this emergency rule to prevent such discrimination and to ensure that Medicaid recipients covered by third party insurers shall retain availability to provider services and thus shall receive adequate and proper medical care of the same duration and scope as that afforded to other Medicaid recipients.

EMERGENCY RULEMAKING

Effective July 1, 1986, Medicaid providers enrolled to participate in the Medical Assistance Program shall not refuse to provide services to any Medicaid recipient because of a third party's potential liability for payment of the service.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

SUMMARY

Currently, non-emergency transportation services are provided by the Medical Assistance Program as a covered service under Title XIX. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the following change must be made to maintain provision of these

services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards. These changes are in accordance with 42 CFR 440.170 and 440.230.

RULE

Effective July 1, 1986 Medicaid recipients no longer have the right to choose the non-emergency medical transportation provider they wish to use. The means of transportation utilized shall be the least expensive available which is suitable to meet the recipient's needs as determined by the agency.

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

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. 49:953-B to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, non-emergency transportation services are provided by the Medical Assistance Program as a service under Title XIX. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the following change must be made to maintain provision of these services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulation and quality and safety standards. These changes are in accordance with 42 CFR 440.170 and 440.230.

RULE

Effective July 1, 1986 the Medical Assistance Program shall amend its policy in the Non-Emergency Transportation Program to require that providers shall notify the state Office of Family Security of their rate which shall remain in effect for an entire calendar quarter. To change the rate the provider must petition the Office of Family Security for approval prior to the first day of the month before the end of the calendar quarter.

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

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

Administration Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, non-emergency medical transportation services are provided by the Medical Assistance Program as a covered service under Title XIX. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the following changes must be made to maintain provision of these services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards. These changes are in accordance with 42 CFR 440.170 and 440.230.

RULE

Effective July 1, 1986, the Medical Assistance Program shall amend policy in the non-emergency medical transportation program to require that:

1) transportation providers must notify the state and parish Office of Family Security of the location of their base and sub-offices at the time of certification and when any changes take place relating to the location of their base or sub-offices; and

2) the transportation provider must notify the state and parish Office of Family Security if he decides to charge mileage from the pick up point of the recipient in a specified service area in lieu of opening up a sub-office.

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

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 Medical Assistance Program.

SUMMARY

Currently, clinical laboratory services provided by physicians, independent laboratories or outpatient hospital departments are reimbursed the lower of billed charges or the fee for service amount established by the Medicare carrier. The Health Care Financing Administration (HCFA) has notified all state Medicaid agencies that for services provided after July 1, 1986, the reimbursement for clinical laboratory services cannot exceed the National limitation amount established under the Consolidated Omnibus Reconciliation Act of 1985 (P.L. 99-272).

RULE

Effective July 1, 1986 the Medical Assistance Program shall amend its reimbursement methodologies for reimbursement of clinical laboratory services provided by physicians, independent laboratories or outpatient hospital departments to pay the lower of: 1) billed charges; 2) state maximum fee for service; or 3) Medicare fee for service.

Those services not subject to the Medicare fee schedule shall continue to be reimbursed to physicians and independent laboratories, based on reasonable charges; and to outpatient hospital departments based on reasonable charges subject to adjustment to cost at year end settlement.

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

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 Medical Assistance Program.

SUMMARY

Current policy provides for a freeze in inpatient hospital cost per discharge limitations for a one-year period. This rule continues the freeze on the limitation and imposes a freeze on the per diem limitation applicable to certain special care units. Federal regulations (May 6, 1986 *Federal Register*, Vol. 51, No. 87, p. 16786) permitted an inflation factor of only $\frac{5}{24}$ of one percent for cost reporting periods beginning October 1, 1985. Currently proposed regulations (June 3, 1986 *Federal Register*, Vol. 106, p. 20033) would allow a further increase of only one-half of one percent for cost reporting periods beginning October 1, 1986. The cost per discharge limitation applies only to inpatient operating costs and does not affect pass-through costs for capital and education related costs, and malpractice costs. Routine and ancillary costs for certain special intensive care units are carved out and reimbursed in accordance with a per diem limitation. Additionally, the provision which permits request for exceptions to adjust the limitation for changes in case mix and/or other specified circumstances remains as an avenue for incorporating allowable additional costs into the limitation.

Thus, the agency has determined that the continued freeze will not significantly alter reimbursement rates and that these rates remain reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards. This change is in accordance with 42 CFR 447.250 and 405.463.

RULE

Effective for cost reporting periods beginning on or after July 1, 1986, the Medical Assistance Program shall amend its reimbursement methodology for inpatient hospital services to provide that the target rate percentage established by the Health Care Financing Administration (HCFA) as an adjustment factor to the cost per discharge limitation and the per diem limitation for certain special care units shall not be applied. Limitations remain the same as that for fiscal years beginning July 1, 1985 or after for cost per discharge rates and fiscal years beginning October 1, 1985 or after for per diem limitations for specified special care units (NICU/PICU/Burn/Transplant).

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

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 Administration Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

SUMMARY

Current agency policy provides for an automatic cost of living increase for nursing home providers of SNF and ICF I and II services. The rate is broken into several components, which are inflated annually based on various consumer price indices.

Following reviews of providers cost reports and audits of facilities conducted during the past fiscal year, the agency has found that the current rate reasonably and adequately meets the costs which must be incurred by efficiently and economically operated providers to provide services in conformity with applicable rates, regulations, quantity and safety standards.

This proposed rule will suspend the automatic cost of living increase mandated in the reimbursement methodology. This will have the effect of freezing the rates at FY 85-86 levels for FY 86-87.

This rule is allowable under federal regulations set forth in 42 CFR 447.252-.253 which authorizes the state agency to establish Medicaid reimbursement rates for long term care services.

RULE

Effective July 1, 1986, the Inflation Adjustment Factor for the various base rate components of the SNF, ICF/I and ICF/II reimbursement methodology shall be set at zero. The effect of this action will be to freeze rates for providers of those services for one year.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to clarify the wording of the rules on rate setting for residential care providers, other than nursing homes and hospitals, to include provisions for exception to the inflation screen for reductions in licensed capacity. This clarification is effective June 30, 1986.

This clarification brings the department into clear compliance with recent federal rulings at the appellate level and eliminates the potential for disallowances of federal financial participation in both public and private facilities.

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

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of State Fire Marshal

As Fire Marshal for the State of Louisiana, I plan to adopt the following as an emergency ruling:

Section L.A.C. 17-4:25 Specifications for Inspections of Child Care Food Program Homes.

4:25.1 For the purpose of complying with the fire safety requirements of R.S. 40:1563.2 and the provisions of 42 U.S.C. 1766 and the regulations promulgated thereunder 7 C.F.R. 226 et seq., the Fire Marshal and his deputies will utilize the provisions of the appropriate life safety code as adopted under the provisions of L.A.C. 17:4.4 and more specifically those regulations regarding family day care homes (Section 10.9 of the 1985 Life Safety Code).

4:25.2 The Fire Marshal will require a \$35 fee for the initial inspection, and one follow-up inspection if needed. If further inspections are required an additional \$35 fee shall be charged.

4:25.3 The Fire Marshal is required to make inspections at least on an annual basis. If violations of the regulations are discovered, the person responsible for the maintenance of the Child Care Food Program Home in question shall be given 30 days for complying with the order of the Fire Marshal to remedy the violations in question. After 30 days have elapsed from the initial inspection, the private home in question shall be reinspected. If upon reinspection the deputy state fire marshal is satisfied that the person responsible is making an effort to comply with the original order of correction, an additional 30 days may be granted said person for complete compliance. After 60 days have elapsed from the initial inspection, if compliance with the original order of correction has not been met, the Department of Education shall be notified by the Office of State Fire Marshal via the sponsoring agency for the purpose of terminating the funding for the Child Care Food Program Home in question.

Anyone having any questions with regard to this proposed ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street, New Orleans, LA 70115, 504-897-6600 or D. Jeffrey Gleason, Chief Administrative Fire Marshal, 1033 North Lobdell Boulevard, Baton Rouge, LA 70806, 504-925-4911. There will be a hearing in the Office of the attorney for the State Fire Marshal on May 6, 1986 at 12 noon at which time and place any person may present their views orally or up until which time they may present their views in writing.

Willie Miller
State Fire Marshal

Rules

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it amends rule LAC 35:1.1787 "Pre-Race Testing," part G. relative to pre-race blood levels of Phenylbutazone and Oxyphenbutazone, and penalties thereof.

§1787. Pre-Race Testing

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 5.0 micrograms Phenylbutazone per milliliter of blood or 5.0 micrograms Oxyphenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon second or multiple offenses for positive tests, the stewards shall take

whatever action they deem appropriate, consistent with law and the rules of racing.

Albert M. Stall
Chairman

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it adopted rule LAC 35:XIII.11201 "Twin Trifecta," relative to twin trifecta races, wagering and pool calculations.

Chapter 112. Twin Trifecta

§11201. Twin Trifecta

A. No twin trifecta wagering shall be conducted without permission of the commission. The races in which the twin trifecta type pari-mutuel wagering will be permitted shall only be those designated by the commission and a separate pool shall be established therefor.

B. The twin trifecta is a form of pari-mutuel wagering in which the bettor selects the three horses that will finish first, second and third in each of two designated races in the exact order as officially posted.

C. Twin trifecta wagers will be sold at all windows unless the association chooses to use designated windows for the twin trifecta and exchange.

D. Each bettor purchasing twin trifecta tickets shall designate his three selections as the first three horses to finish in that order in the first race of the two designated races.

E. After wagering closes for the first half of the twin trifecta, the commissions will be deducted from the pool in accordance with laws of the state. The remaining pool will then be divided into two separate pools of equal amounts.

F. The monies in the first part of the divided pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in order, on the first designated twin trifecta race, in accordance with established pari-mutuel practice.

G. The second part of the divided pool will be placed in a separate pool to be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in order, on the second designated twin trifecta race, in accordance with established pari-mutuel practice.

H. In the first half of the twin trifecta only, if no ticket is sold on a winning combination of a trifecta pool, the net pool shall then be distributed to the holders of tickets selecting the first place and second place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first and third place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first place horse. If no ticket is sold as abovementioned, the net pool shall then be distributed to holders of tickets selecting the second and third place horses. If no ticket is selected as abovementioned, all twin trifecta tickets shall be refunded.

I. After the official declaration of the first three horses to finish in the first race of the twin trifecta, each bettor holding a ticket combining the first three horses in the exact order of finish or as described in Paragraph H must, prior to the running of the second twin trifecta race, exchange such winning tickets for both the monetary value established by the mutuel department and a twin trifecta exchange ticket at designated windows and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be

required of the holders of the winning tickets in order to make the exchange.

J. No twin trifecta exchange ticket upon the second race shall be issued except upon the surrender of the twin trifecta ticket from the first race as described in these rules. Designated windows, for the purpose of cashing and exchanging winning tickets, shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at the start of the second race of the twin trifecta races.

K. If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket but forfeits all rights to any distribution of the second race of the twin trifecta pool.

L. If a horse is scratched in the first race of the twin trifecta races, all twin trifecta tickets on the scratched horse will be refunded. If a horse is scratched in the second race of the twin trifecta races, public address announcements will be made and reasonable time will be given for the exchange of tickets on the scratched horse. For the second race of the twin trifecta only, all horses will be considered official starters once the starting gate has opened.

M. In the event of a dead heat(s) in either the first or second race of the twin trifecta, all twin trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in any position dead heated, shall be winning tickets.

N. In the event there are no twin trifecta tickets issued accurately selecting the officially declared first three finishers of the second twin trifecta race in exact order, such second race pool as divided earlier shall be held for the next consecutive day or night and combined with that programs' second race twin trifecta pool. Distribution of this special cumulative second race twin trifecta pool will be made only upon the accurate selection, in exact order, of the first three officially declared finishers of the second twin trifecta race.

O. However, on the final program of any official race meeting, the entire accumulated second race twin trifecta pool must be distributed. In the event, on the final racing program, no second half twin trifecta ticket accurately selects the officially declared first three finishers in exact order, then all second half twin trifecta tickets on that specific race shall be declared winners and the pool shall be distributed equally among them.

P. If for any reason, the second half of the twin trifecta is cancelled, not declared 'official' or less than three horses finish the race, the winning ticket holders on the first half will be entitled to proportionate distribution of the remaining amount of the current program's divided pool. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next scheduled racing program.

Q. Sales of the twin trifecta tickets other than from pari-mutuel machines shall be deemed illegal and prohibited.

R. The twin trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, quinella, (regular) trifecta, super six or any other wagering pool.

Albert M. Stall
Chairman

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on April 20, 1986 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 4.00.72.c(3)

Amend Bulletins 741 and 1196 to change the terminology from "Registered School Food Service Managers" to "Certified Nutrition Program Managers."

James Meza, Jr., Ed.D.
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 April 20, 1986 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 3.01.07.a

The board adopted the Compensatory Education Guidelines Revisions, effective June 1, 1986. (See page 252 of April, 1986 issue of *Louisiana Register* for complete text of revisions.)

James Meza, Jr., Ed.D.
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 April 20, 1986 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.aa

The board mandated that Biology II, Chemistry II, and Physics II will be acceptable to meet high school graduation requirements in science, effective August, 1988 (unless curriculum guides can be completed earlier).

James Meza, Jr. Ed.D.
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 April 20, 1986 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 3.05.01

The board adopted the Migrant Education State Plan for FY 1987.

James Meza, Jr., Ed.D.
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

April 20, 1986 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.bb

The board adopted the revised secondary summer school standards for public schools to be the same as the revised requirements for the secondary nonpublic sector and as follows:

1. Standard 2.116.13, page 110 of Bulletin 741 (Attendance): Delete the Standard as written and insert in lieu thereof the following:

(1) 70 hours for one-half unit new credit;

(2) 47 hours for removal of one-half unit deficiencies. (The local system may impose a stricter minimum attendance policy.)

2. Standard 2.116.15, page 111 of Bulletin 741 (Time Requirements): Delete the Standard as written and insert in lieu thereof the following: "Daily time requirements are as follows:

	Length of Summer School	Total Hours
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New subjects		90
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Repeated subjects		60
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(Any deviation from the above time allotments must be approved by the department.)

James Meza, Jr., Ed.D.
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 April 20, 1986 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 3.07.14

The board adopted as policy: "Eligible students who desire to exit the K-12 program and transfer into Adult Education, with the permission of their parents and the authorization of the principal or counselor, will be considered as transfer students rather than dropouts."

James Meza, Jr., Ed.D.
Executive Director

RULE

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

The Department of Health and Human Resources, Offices of Human Development and Family Security, will adopt the following rule in the Adoption Subsidy Program and the Medical Assistance Program.

Effective immediately, DHHR, Offices of Human Development and Family Security shall implement the provisions of the Interstate Compact on Adoption and Medical Assistance.

Louisiana became signatory to the Interstate Compact on Adoption and Medical Assistance, January 31, 1986. Louisiana had the authority to officially enter this compact pursuant to Act 810 of the 1985 Legislature. The compact provides that a IV-E eligible child covered by an adoption subsidy agreement of a state party to the compact, who is living in another party state, shall be issued

a medical identification document of the residence state. Reimbursement for any medical services and benefits specified under the terms of the adoption subsidy agreement which are not available to the child under the Title XIX program of the residence state shall be made by the adoption subsidy state as required by its law. Additionally, states party to the compact agree to provide social service information and referral to beneficiaries of adoption assistance agreements.

Pursuant to Act 810 and to the Interstate Compact on Adoption and Medical Assistance, the Office of Human Development, Division of Children, Youth, and Family Services, will issue a medical card to any IV-E eligible child who moves to Louisiana when that child is covered by an adoption subsidy agreement with a party state. Conversely, IV-E eligible children covered by adoption agreements with Louisiana, who move to party states will be issued medical identification cards by their residence states. Because more providers will be enrolled in their own states of residence, it is anticipated that there will be less expense incurred by Louisiana in reimbursement for medical services not available by Title XIX providers.

The 10 states that are signatory to the compact are Arkansas, Colorado, Delaware, Kansas, Louisiana, Maine, Missouri, Nebraska, New Hampshire, and Utah.

The compact is as follows:

INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

ARTICLE I. FINDINGS

The states which are parties to this compact find that:

(a) In order to obtain adoptive families for children with special needs, states must assure prospective adoptive parents of substantial assistance (usually on a continuing basis) in meeting the high costs of supporting and providing for the special needs and the services required by such children.

(b) The states have a fundamental interest in promoting adoption for children with special needs because the care, emotional stability, and general support and encouragement required by such children can be best, and often only, obtained in family homes with a normal parent-child relationship.

(c) The states obtain fiscal advantages from providing adoption assistance because the alternative is for the states to bear the higher cost of meeting all the needs of children while in foster care.

(d) The necessary assurances of adoption assistance for children with special needs, in those instances where children and adoptive parents live in states other than the one undertaking to provide the assistance, include the establishment and maintenance of suitable substantive guarantees and workable procedures for interstate cooperation and payments to assist with the necessary costs of child maintenance, the procurement of services, and the provision of medical assistance.

ARTICLE II. PURPOSES

The purposes of this compact are to:

(a) Strengthen protections for the interests of children with special needs on behalf of whom adoption assistance is committed to be paid, when such children are in or move to states other than the one committed to provide adoption assistance.

(b) Provide substantive assurances and operating procedures which will promote the delivery of medical and other services to children on an interstate basis through programs of adoption assistance established by the laws of the states which are parties to this compact.

ARTICLE III. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

(a) *Child with special needs* means a minor who has not

yet attained the age at which the state normally discontinues children's services, or a child who has not yet reached the age of 21 where the state determines that the child's mental or physical handicaps warrant the continuation of assistance beyond the age of majority, for whom the state has determined the following:

(1) that the child cannot or should not be returned to the home of his or her parents;

(2) that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical condition or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance;

(3) that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child, a reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance.

(b) *Adoption assistance* means the payment or payments for the maintenance of a child which are made or committed to be made pursuant to the adoption assistance program established by the laws of a party state.

(c) *State* means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of the United States.

(d) *Adoption assistance state* means the state that is signatory to an adoption assistance agreement in a particular case.

(e) *Residence state* means the state in which the child is a resident by virtue of the residence of the adoptive parents.

(f) *Parents* means either the singular or plural of the word "parent."

ARTICLE IV. ADOPTION ASSISTANCE

(a) Each state shall determine the amounts of adoption assistance and other aid which it will give to children with special needs and their adoptive parents in accordance with its own laws and programs. The adoption assistance and other aid may be made subject to periodic reevaluation of eligibility by the adoption assistance state in accordance with its laws.

(b) The adoption assistance, medical assistance, and other services and benefits to which this compact applies are those provided to children with special needs and their adoptive parents from the effective date of the adoption assistance agreement.

(c) Every case of adoption assistance shall include a written adoption assistance agreement between the adoptive parents and the appropriate agency of the state undertaking to provide the adoption assistance. Every such agreement shall contain provisions for the fixing of actual or potential interstate aspects of the assistance so provided as follows:

(1) an express commitment that the assistance so provided shall be payable without regard for the state of residence of the adoptive parents, both at the outset of the agreement period and at all times during its continuance;

(2) a provision setting forth with particularity the types of care and services toward which the adoption assistance state will make payments;

(3) a commitment to make medical assistance available to the child in accordance with Article V of this compact;

(4) an express declaration that the agreement is for the benefit of the child, the adoptive parents and the state and that it is enforceable by any or all of them; and

(5) the date or dates upon which each payment or other benefit provided thereunder is to commence, but in no event prior to the effective date of the adoption assistance agreement.

(d) Any services or benefits provided for a child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. To this end, the personnel of the child welfare agencies of the party states will assist each other, as well as the beneficiaries of adoption assistance agreements, in assuring prompt and full access to all benefits expressly included in such agreements. It is further recognized and agreed that, in general, all children to whom adoption assistance agreements apply will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

(e) Adoption assistance payments on behalf of a child in another state shall be made on the same basis and in the same amounts as they would be made if the child were living in the state making the payments, except that the laws of the adoption assistance state may provide for the payment of higher amounts.

ARTICLE V. MEDICAL ASSISTANCE

(a) Children for whom a party state is committed, in accordance with the terms of an adoption assistance agreement to provide federally aided medical assistance under Title XIX of the Social Security Act, are eligible for such medical assistance during the entire period for which the agreement is in effect. Upon application therefor, the adoptive parents of a child who is the subject of such an adoption assistance agreement shall receive a medical assistance identification document made out in the child's name. The identification shall be issued by the medical assistance program of the residence state and shall entitle the child to the same benefits, pursuant to the same procedures, as any other child who is covered by the medical assistance program in that state, whether or not the adoptive parents are themselves eligible for medical assistance.

(b) The identification document shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance. However, if the identification is issued pursuant to such an adoption assistance agreement, the records of the issuing state and the adoption assistance state shall show the fact, and shall contain a copy of the adoption assistance agreement and any amendment or replacement thereof, as well as all other pertinent information. The adoption assistance and medical assistance programs of the adoption assistance state shall be notified of the issuance of such identification.

(c) A state which has issued a medical assistance identification document pursuant to this compact, which identification is valid and currently in force, shall accept, process and pay medical assistance claims thereon as it would with any other medical assistance claims by eligible residents.

(d) The federally aided medical assistance provided by a party state pursuant to this compact shall be in accordance with Paragraphs (a) through (c) of this Article. In addition, when a child who is covered by an adoption assistance agreement is living in another party state, payment or reimbursement for any medical services and benefits specified under the terms of the adoption assistance agreement, which are not available to the child under the Title XIX medical assistance program of the residence state, shall be made by the adoption assistance state as required by its law. Any payments so provided shall be of the same kind and at the same rates as provided for children who are living in the adoption assistance state. However, where the payment rate authorized for a covered service under the medical assistance program of the adoption assistance state exceeds the rate authorized by the residence state for that service, the adoption assistance state shall not be required to pay the additional amounts for the services or benefits covered by the residence state.

(e) A child referred to in paragraph (a) of this Article, whose residence is changed from one party state to another party state

shall be eligible for federally aided medical assistance under the medical assistance program of the new state of residence.

ARTICLE VI. COMPACT ADMINISTRATION

(a) In accordance with its own laws and procedures, each state which is a party to this compact shall designate a compact administrator and such deputy compact administrators as it deems necessary. The compact administrator shall coordinate all activities under this compact within his or her state. The compact administrator shall also be the principal contact for officials and agencies within and without the state for the facilitation of interstate relations involving this compact and the protection of benefits and services provided pursuant thereto. In this capacity, the compact administrator will be responsible for assisting child welfare agency personnel from other party states and adoptive families receiving adoption and medical assistance on an interstate basis.

(b) Acting jointly, the compact administrators shall develop uniform forms and administrative procedures for the interstate monitoring and delivery of adoption and medical assistance benefits and services pursuant to this compact. The forms and procedures so developed may deal with such matters as:

- (1) documentation of continuing adoption assistance eligibility;
- (2) interstate payments and reimbursements; and
- (3) any and all other matters arising pursuant to this compact.

(c)(1) Some or all of the parties to this compact may enter into supplementary agreements for the provision of or payment for additional medical benefits and services, as provided in Article V(d); for interstate service delivery, pursuant to Article IV(d); or for matters related thereto. Such agreements shall not be inconsistent with this compact, nor shall they relieve the party states of any obligation to provide adoption and medical assistance in accordance with applicable state and federal law and the terms of this compact.

(2) Administrative procedures or forms implementing the supplementary agreements referred to in Paragraph (c)(1) of this Article may be developed by joint action of the compact administrators of those states which are party to such supplementary agreements.

(d) It shall be the responsibility of the compact administrator to ascertain whether and to what extent additional legislation may be necessary in his or her own state to carry out the provisions of this Article or Article IV or any supplementary agreements pursuant to this compact.

ARTICLE VII. JOINDER AND WITHDRAWAL

(a) This compact shall be open to joinder by any state. It shall enter into force as to a state when its duly constituted and empowered authority has executed it.

(b) In order that the provisions of this compact may be accessible to and known by the general public, and so that they may be implemented as law in each of the party states, the authority which has executed the compact in each party state shall cause the full text of the compact and a notice of its execution to be published in his or her state. The executing authority in any party state shall also provide copies of the compact upon request.

(c) Withdrawal from this compact shall be by written notice, sent by the authority which executed it, to the appropriate officials of all other party states, but no such notice shall take effect until one year after it is given in accordance with the requirements of this paragraph.

(d) All adoption assistance agreements outstanding and to which a party state is a signatory at the time when its withdrawal from this compact takes effect shall continue to have the effects given to them pursuant to this compact until they expire or are terminated in accordance with their provisions. Until such expiration or termination, all beneficiaries of the agreements involved shall

continue to have all rights and obligations conferred or imposed by this compact, and the withdrawing state shall continue to administer the compact to the extent necessary to accord and implement fully the rights and protections preserved hereby.

ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or where the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

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 Food Stamp Program.

Summary

The Food Stamp Program requested a waiver of 7 CFR 273.21(f)(2) to allow annualization of interest income for retroactively budgeted monthly reporting households. The United States Department of Agriculture (USDA) approved the waiver for one year.

The waiver was requested to simplify budgeting procedures and to make it consistent with prospective budgeting procedures which are used in the majority of the caseload. This waiver will reduce client error and worker error which will result in the more effective and efficient administration of the program. An emergency rule was necessary so that we can immediately reduce our error rate in this area in an effort to avoid or reduce federal fiscal sanctions which result in reduced program funding and would have an adverse impact on Food Stamp Households. The emergency rule is in the April, 1986, issue of the *Louisiana Register*.

RULE

Effective May 1, 1986, interest income received by retroactively budgeted monthly reporting households shall be annualized.

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 rules in the Food Stamp Program.

Summary

These rules are mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 62, Tuesday, April 1, 1986, pages 11009-11012 and 11086-11087. It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a May 1, 1986, implementation date.

The following Food Stamp Program changes are effective May 1, 1986:

1. the earned income deduction increases from 18 percent to 20 percent of total countable gross earnings;
2. the resource limit for a household which does not include an elderly member increases from \$1,500 to \$2,000;
3. the \$3,000 resource limit has been expanded to include any household which has at least one elderly member;
4. the shelter/dependent care deduction has been separated into two separate deductions;
5. the maximum dependent care deduction shall be \$160 for a household which does not include a member who is elderly or disabled;
6. the maximum dependent care deduction shall be \$147 for a household which includes a member who is elderly or disabled;
7. the maximum shelter deduction increases from \$139 to \$147 for households which do not include a member who is elderly or disabled. The amounts in Items 6 and 7 will be adjusted October 1, 1986, and each October 1 thereafter.

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 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, and in the *Louisiana Administrative Code*, Title 50, Part III, Subpart C, are being amended as follows:

1. General instructions for cost reports are being amended to include a formula for allocating nursing service expense at the various levels of care. This formula may be used by providers in cases where nursing service expense at the various levels of care is not kept separate.
2. The overall plan of care content requirements are being amended to delete duplicate requirements for medical information.
3. SNF, ICF, and ICF-MR Policy on temporary absences is being amended to clarify that payment cannot be made to reserve a bed in a facility while the recipient is a patient in a swing bed or distinct part nursing home being paid by Medicare.

As a result of comments received concerning this rule, the proposed amendment to nursing care service requirements is being withdrawn for further development by the agency.

This proposed rule is authorized under 42 CFR 447.252, and 447.340-342 which sets the standards for care of clients and 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.

RULE

**Title 50
Public Health—Medical Assistance
Part III. Medical Assistance
§2307**

* * * *

A. 8. Payment cannot be made to reserve a bed in the facility while the recipient is a patient in a swing bed or distinct part

nursing home just as payment cannot be made to two free standing nursing homes simultaneously.

§2329

* * * *

A. 2. (h) Payment cannot be made to reserve a bed in the facility while the recipient is a patient in a swing bed or distinct part nursing home just as payment cannot be made to two free standing nursing homes simultaneously.

§3107. General Instructions for Completing Cost Reports

* * * *

H. In cases where nursing service expense at the various levels of care is not kept separate, the formula shown below may be used for allocating these costs.

1. Allocation of Nursing Services Expense					
Level of Care	Number of Patient Days		Weight by Required Nursing Hours	Weighted Days	Weighted Expense
SNF	100	x	2.25	= 225	5.4%
ICF I	1,000	x	2.00	= 2,000	47.6%
ICF II	400	x	1.00	= 400	9.5%
OTHER	700	x	2.25*	= <u>1,575</u>	<u>37.5%</u>
				4,200	100%

*OTHER - Weight by required nursing hours should be the highest level of care for that particular facility.

TOTAL NURSING SERVICE EXPENSE				\$100,000.00
SNF	ICF I	ICF II	OTHER	
5.4%	47.6%	9.5%	37.5%	= 100%
Expense Allocation				
<u>\$5,400</u>	<u>\$47,600</u>	<u>\$9,500</u>	<u>\$37,500</u>	= \$100,000.00

GENERAL INSTRUCTIONS:

Step 1. Multiply the number of patient days at each level of care by the weighting factor. (NOTE: The factor represents the number of nursing hours required per patient per day at each level of care).

Step 2. Compute the weighted percentage of patient days for each level of care.

Step 3. Apply the percentage computed in Step 2 to the Total Nursing Service Expense for the period.

Step 4. The result obtained in Step 3 is carried in line 4 of Schedule E of the Cost Report.

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§3735 Overall Plan of Care

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C. 7. Diet (Sub-items a - g are deleted)

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§3935. Overall Plan of Care

* * * *

C. 7. Diet (Sub-items a - g deleted)

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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 Mental Retardation/ Developmental Disabilities

TITLE 48

Part IX. Mental Retardation/Developmental Disabilities Services

Chapter 1. Adult Day Services

Section 109 Unit of Service Payment System

Effective July 20, 1986, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities, has implemented a change in its method of payment to OMR/DD-funded providers of adult day programs from a cost reimbursement system to a system which establishes and pays rates for units of service. A unit of service is defined as six hours of habilitation programming for a client.

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

RULE

Department of Health and Human Resources Office of the Secretary Council on Purchases of Products and Services of Severely Disabled Persons

Effective May 1, 1986, the Department of Health and Human Resources adopted through emergency rulemaking the rules of operation for the Louisiana Department of Health and Human Resources, Council on the Purchase of Products and Services of Severely Disabled Persons.

These rules allow the council to operate and distribute contracts to the state operated and state supported sheltered workshops which provide employment opportunities to the severely disabled citizens of Louisiana.

Act 109 of 1984 authorizes the Department of Health and Human Resources to adopt these rules. Act 109 gives a preference in State Purchasing to the products and services of the severely disabled in state supported sheltered workshops.

I. GENERAL

A. The purpose of this program for the Purchase of Products and Services is to further the State of Louisiana/D.H.H.R. policy of encouraging and assisting handicapped citizens to achieve maximum personal independence by engaging in useful and productive activities, to furnish products and services to the state, and to reduce the need for institutionalization. This program will provide job opportunities needed by severely disabled persons.

B. The program for the Purchase of Products and Services of Severely Disabled Persons is designed to facilitate the Amendment of Title 38 Section 2261 and Title 39 Section 1595.3 of the Louisiana Revised Statutes of 1950 which provides for:

a preference in state agency purchasing practices for goods manufactured, or services performed, by severely handicapped individuals in state operated or state supported sheltered workshops.

C. The Council on Purchase of Products and Services of Severely Disabled Persons, established by the secretary of the Department of Health and Human Resources (D.H.H.R.), shall be responsible for the implementation, policies, supervision, and monitoring of the program.

D. All suitable products or services approved by the council in accordance with applicable specifications by or for any state agency shall be procured from such nonprofit workshops where such products or services are available within the period specified

at the fair market price determined by the council unless otherwise excluded.

II. DEFINITIONS

A. *State purchasing agency* when used in these rules shall refer to the Office of State Purchasing, Division of Administration.

B. *Council* when used in these rules shall refer to the Louisiana D.H.H.R. Council on the Purchase of Products and Services of Severely Disabled Persons.

C. *Fair market price* when used in these rules shall refer to that price determined by the council to be applicable to all suitable products and services provided by workshops and offered for sale to the various agencies and departments of the government of the State of Louisiana and political subdivisions.

D. *Sheltered Workshop* means a facility designed to provide gainful employment for severely disabled individuals who cannot be absorbed into the competitive labor market or to provide interim employment for such individuals when employment opportunities for them in the competitive labor market do not exist.

E. *Suitable products and services* when used in these rules shall refer to products or services selected by the council for sale to governmental agencies and capable of being timely produced and delivered by a workshop.

III. ORGANIZATION OF THE COUNCIL

A. The council will be composed of 11 members to be known as the Council on the Purchase of Products and Services of Severely Disabled Persons, composed of five state agency members and seven appointed members. The state agency members shall be the director of the purchasing of the Division of Administration; and the assistant secretaries of the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, the Office of Human Development, Division of Rehabilitation Services and the undersecretary of the Office of Management and Finance, or their designees. The seven appointed members shall be recommended by the assistant secretaries of the Office of Mental Health, Office of Human Development, Office of Mental Retardation and Developmental Disabilities and approved by the secretary of the Department of Health and Human Resources. The appointed members shall be the representatives of nonprofit organizations for the severely handicapped, or representatives of private business and industry. The appointive members shall serve as follows: two members shall serve for a term of four years and three members shall serve for a term of three years and two members to serve a term of two years, thereafter, all appointive members shall serve for terms of four years each. The secretary shall select one council member to serve as chairman. The chairman shall serve until the end of the term for which appointed.

B. Reimbursement for necessary expenses actually incurred in the performance of services in connection with the work of the council will be made as authorized by the secretary of D.H.H.R. Appointed members who are not representatives of state agencies shall be reimbursed from funds provided in equal amounts by the Office of Human Development, Division of Rehabilitation Services, Office of Mental Retardation/Developmental Disabilities and Office of Mental Health. The Office of Secretary/D.H.H.R. is the paying agency for these reimbursements. State agency members of the council who are representatives of state agencies shall be reimbursed by the agencies they represent.

C. Regular meetings of the council shall be held at least quarterly at the call of the chairman unless, in the opinion of the chairman, the amount of business to be conducted is insufficient to call a regular meeting during a particular quarter.

D. Special meetings may be set at the call of the chairman for any purpose.

E. Six members of the council shall constitute a quorum for the transaction of business. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the council.

IV. DUTIES AND RESPONSIBILITIES OF THE COUNCIL

The duties and responsibilities of the council are:

1. certification of eligibility of participating programs;
2. determination of a fair market price;
3. selection of suitable products and services;
4. appointment of a central nonprofit agency;
5. suspension and reinstatement of a workshop;
6. preparation and distribution of a catalog or procurement list of suitable products and services.

V. CERTIFICATION OF ELIGIBILITY OF PARTICIPATING WORKSHOPS

The council shall certify each workshop making application for participating in the program for the purchase of products and services of the severely disabled based on the following criteria:

1. The applicant meets the necessary definition of a sheltered workshop as specified in Act 109 L.R.S., 1984.
2. The applicant meets the necessary definition of a qualified nonprofit agency for the severely handicapped as specified in Act 109 L.R.S., 1984, only if qualified nonprofit status is a requirement that the program must have obtained to function legally as a sheltered workshop under federal and/or state statutory requirements.
3. The applicant conforms to the requirement for "Goods manufactured and services performed by severely handicapped individuals" Section 1. Act 109 L.R.S., 1984.
4. The applicant has demonstrated to the council's satisfaction that it is capable of providing goods and services for sale to the state that conform to the criteria for same, as established by the rules pursuant to Act 109 L.R.S., 1984.

VI. DETERMINATION OF A FAIR MARKET PRICE

A. The council shall determine a fair market price for all suitable products and services provided by workshops hereunder and offered for sale to the various agencies and departments of state government and political subdivisions.

B. The workshop offering the product or service shall submit all labor costs, overhead costs, and all other relevant data requested by the council.

C. In determining the fair market price of products and services offered for sale, the council shall give due consideration to the following factors:

1. to the extent applicable, the amounts being paid for similar articles in similar quantities by federal or state agencies purchasing the products or services under an authorized program of like effect;
2. to the extent applicable, the amounts which private business would pay for similar products or services in similar quantities if purchasing from a reputable corporation engaged in the business of selling similar products or services;
3. to the extent applicable, the amount paid by the state in any recent purchases of similar products or services in similar quantities, making due allowance for general inflationary or deflationary trends;
4. the actual cost of manufacturing the product or services at a sheltered workshop offering employment services to severely handicapped individuals, with adequate weight to be given to legal imperative to pay severely handicapped workers equitable wages; and
5. the usual, customary, and reasonable costs of manufacturing, research and development, marketing, and distribution, in addition to general administrative and selling expenses.

D. The fair market price for a product or service, deter-

mined after consideration of relevant factors, may not be excessive or unreasonable; however, the fair market price may include a reasonable charge for overhead and a charge to provide an acceptable economic rate of return on investment to provide for continuity of operations.

E. The council is authorized to enter into cooperative agreements with Louisiana Department of Corrections, Prison Enterprises Program or the Louisiana Division of Blind Services, in order to coordinate its selection of products or services so as to be consistent with requirements and/or performances contained in Louisiana State Purchasing statutes.

VII. SELECTION OF SUITABLE PRODUCTS AND SERVICES

A. The council or designee, from time-to-time shall conduct feasibility studies to determine what products and services can be included within the program. These studies shall include inquiries into the need of the state and into the manufacturing and delivery capabilities of the various workshops included within the program. It shall be the duty of the state purchasing agency to review and approve all necessary specifications for proposed products and services for sale to the state.

B. The council shall review all applications for selection received from a workshop. In conducting this review, the council shall:

1. satisfy itself that the proposed product or service offered for sale to any office, department, institution, or agency of the state shall be manufactured or produced according to specifications developed by the state purchasing agency. If the state purchasing agency has not adopted specifications for a particular product, the production shall be based on commercial or federal specifications in current use by industry for the manufacture of the product for sale to the state;
2. be advised by the state purchasing agency whether the proposed product or service meets or exceeds the specifications. All products or services selected for sale to the state must have the prior approval of the state purchasing agency as meeting or exceeding specifications;
3. determine the applicant's capability of supplying and delivering the product or service in the quantity and quality normally purchased;
4. decide whether the product or service to be selected is needed by the state. In making this determination, the council shall consult the state purchasing agency as to what the state's need has been for the particular product or services; and
5. determine alternate sources of supply for the product or service in question from among other workshops. The council shall select a product or service as suitable for purchase by the state only after carrying out this review.

C. The council shall set a fair market price for any product or service selected by a majority vote of the council.

D. All applicants shall be advised that no purchase order may be issued to a workshop nor payment made to them for any delivered product or service that does not meet specifications.

E. No product or service shall be selected by the council under this act for sale to the state which is already being supplied to state agencies by the Louisiana Division of Blind Services under the authority RS: 46-334 and RS: 46-335. In this regard, the council shall coordinate its selection responsibilities with the Louisiana Division of Blind Services.

VIII. CENTRAL NONPROFIT AGENCY

A. The council may designate a central nonprofit agency to assist workshops in submitting applications for eligibility, suspension, and reinstatement in the state use program, for the selection of suitable products and services, in facilitating the distribution of orders among qualified workshops in quality control, and in assisting the council in carrying out certain specified responsibilities. The CNA may also assist workshops in training, contract

negotiations and procurement, costing, cash advancements against billing, no interest loans, credit checks and collections, public relations, consultations, product development, market research, networking, industry referrals, production, management, contract administration, and liaison with government.

B. Payment, if any, for such assistance shall be by agreement with the individual workshop. The council shall establish rates for marketing services to be charged the workshop by the central nonprofit agency.

C. Purchase orders shall be issued by the state purchasing agency for suitable products and services directly to a workshop with copies to a central nonprofit agency, but no vouchers from that agency will be approved for payment by the state purchasing agency. The state purchasing agency will consult with the central nonprofit agency on questions of allocation before issuing a purchase order to any workshop. Provision may also be made to issue purchase orders directly to the central nonprofit agency which will in turn make payment to the workshop.

D. If such assistance is authorized in the designation, the council may instruct the central nonprofit agency to assist it in carrying out certain specified council responsibilities.

E. The central nonprofit agency will submit annually a detailed written report of its program and budget to the council. This report shall include:

1. the number of disabled persons according to their type of disability who are employed in workshops participating in the program for the purchase of products and services covered by these rules;
2. the amount of annual wages paid to a person participating in the program;
3. a summary of the sale of products offered by a workshop;
4. a list of products and services offered by a workshop;
5. the geographic distribution of the workshop; and
6. other information specified by the council for its determination of rates for marketing services to be charged the workshops by the central nonprofit agency.

IX. PREPARATION AND DISTRIBUTION OF THE CATALOG PROCUREMENT LIST

The council or designee shall establish and publish a procurement list to be distributed to all purchasing offices of the state and become part of the state contract list within the Division of Administration.

The list shall contain:

1. the delivery schedule for each suitable product determined by the council for shipping requirements on all products, and include;
2. minimum order quantities, below which using agencies will be charged for direct freight;
3. requirements and price adjustment for special packaging; and,
4. price list.

X. SUSPENSION AND REINSTATEMENT OF A WORKSHOP

A. The council, after notice and hearing in accordance, may suspend a workshop from its right to receive purchase orders from the state purchasing agency for suitable products and services under any or all of the following circumstances:

1. failure of delivered products and services to meet or exceed specification;
2. failure to deliver ordered products and services as required in the specifications.

B. The council may reinstate a workshop after a suspension only if the council makes an affirmative finding on each of the following:

1. that the workshop has reimbursed the state for dam-

ages suffered by reason of any of the failures giving rise to suspension;

2. that the workshop has made the necessary corrections to avoid these failures in the future.

XI. ALTERNATE SOURCES OF SUPPLY

In the event a workshop fails to deliver ordered products and services meeting specifications, the state purchasing agency may:

A. issue a new purchase order to another workshop capable of meeting specifications and delivery requirements; or

B. if no other workshop is available, purchase the needed products and services under the normal state agency purchasing procedures.

XII. ISSUANCE OF PURCHASE ORDERS

State agencies will submit a request to the state purchasing agency which will issue a purchase order to a central nonprofit agency as capable of performing to the required specifications. The CNA will invoice the using agency in accordance with applicable state procedures established by law for the payment of merchandise received. The using agency will prepare appropriate vouchers and submit them with the attached invoices to the state purchasing agency for approval. Prompt payment will be made to the central nonprofit agency.

XIII. VALUE ADDED

It is the intent of the council that the workshops providing services or products to a state agency should purchase raw materials or components through competitive bidding whenever possible. A workshop may not act merely as a receiving and shipping facility.

XIV. INSPECTIONS

The state purchasing agency, at its option, may monitor workshop manufacturing activities for compliance with specifications under existing contracts.

XV. RECORDS

A. The records of the council and of any nonprofit agency participating in this program which pertain to state purchases of the products and services of severely disabled persons, shall be made available upon request to the inspection of representatives of the state auditor, the Governor's Budget Office, or the Legislative Budget Board on the assurance that the information will be safeguarded, used only for the purpose for which provided, and not released to unauthorized persons.

B. A request for information from other records of the council which identifies severely disabled persons as a client or former client of the Louisiana Division of Rehabilitation Services, OMR/DD and OMH will be forwarded to the appropriate agency for release.

C. The Office of the Secretary/DHHR is the depository for all records concerning the council's operations.

XVI. EXCEPTIONS

A. Exceptions from the operation of the mandatory provisions of these rules may be made in any case where under the rules of the state purchasing agency, the product or service so produced or provided does not meet the reasonable requirements of the office, department, institution, or agency.

B. No office, department, institution, or agency may evade the intent of these rules by slight variations from standards adopted by the state purchasing agency, when the products or service produced or provided by the severely disabled person, in accordance with established standards, are reasonably adapted to the actual needs of the office, department, institution, or agency.

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

RULE
Department of Labor
Office of Labor

Under the authority of Act 364, 1938, Regular Legislative Session (R.S. 23:381-391), and pursuant to the provisions of R.S. 49:950 et seq., the assistant secretary of the Louisiana Office of Labor has promulgated such rules and procedures as are deemed necessary to carry out the requirements of said statute. Preceding final adoption by the assistant secretary, a public hearing was conducted for review and consideration of the subject rules. Copies of these rules were forwarded to The Senate Labor and Industrial Relations Committee and The House Labor and Industrial Relations Committee. No opposition was indicated by either committee. These rules are established by the assistant secretary of the Office of Labor and are subject to change by the assistant secretary, in accordance with provisions of the Administrative Procedure Act.

The following rules and standards, promulgated by the State Apprenticeship Council and the director of Apprenticeship, and approved by the assistant secretary of labor, Office of Labor, shall govern the administration of all apprenticeship programs in the State of Louisiana pursuant to LSA R.S. 23:381, et seq.

Title 40
Labor and Employment
Part IX. Apprenticeship
Chapter 1. Apprenticeship Laws

§101. Apprentice Defined

The term *apprentice* as used herein, means a person at least 16 years of age, who has entered into a written apprenticeship agreement with an employer, an association of employers, or an organization of employees, providing for not less than 2,000 hours of reasonable continuous employment and for participation in an approved program of training through employment and through education in related and supplemental subjects. No local ordinance of any political subdivision of the state shall cause any person identified as an apprentice by such political subdivision to be recognized as an apprentice by the Louisiana Office of Labor or the State Apprenticeship Council.

§103. Purpose of the Louisiana Apprenticeship System

A. To provide for voluntary apprenticeship under approved apprenticeship agreements and for the execution and approval of such agreements.

B. To open to the young people of Louisiana the opportunity to obtain special training which will equip them for profitable employment and a high type of citizenship.

C. To set up as a means to this end a program of voluntary apprenticeship under approved apprenticeship agreements reviewed by the Federal Committee on Apprenticeship and registered with the Louisiana State Apprenticeship Council, providing facilities for apprenticeship training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education.

D. To relate the supply of skilled workers to employment demands.

E. To establish standards for apprenticeship training.

F. To establish local and state joint apprenticeship committees to assist in accomplishing this end.

G. To provide for a director of Apprenticeship within the Department of Labor.

H. To provide for reports to the legislature and the public regarding the status of apprenticeship training in the state.

I. To establish a procedure for the hearing and adjustment of apprenticeship agreement controversies.

J. To accomplish related ends.

§105. State Apprenticeship Council

The assistant secretary of labor shall appoint a State Apprenticeship Council as follows:

A. Three representatives of employers and three representatives of employee organizations who are party to a Louisiana approved apprenticeship program.

B. Two members representing the general public.

C. The state official in charge of Trade and Industrial Education shall serve in an ex-officio capacity.

D. Each member shall be appointed for three years.

E. Any member appointed to fill a vacancy occurring prior to the expiration of the term of their predecessor shall be appointed for the remainder of said term.

F. Each member of the council not otherwise compensated by public funds, shall be reimbursed for transportation and shall be paid not more than \$35 per day for each day spent in attendance at meetings of the Apprenticeship Council, which shall meet at the call of the assistant secretary of labor, Office of Labor.

§107. Duties and Responsibilities of the State Apprenticeship Council

The State Apprenticeship Council shall:

A. Aid in formulating policies for the effective administration of the State Apprenticeship Program.

B. Establish standards which shall represent the minimum standards required for approval of apprenticeship program standards for any proposed apprenticeship program sponsor making application for registration of a program.

C. Issue such rules and regulations as may be necessary to carry out the purpose and intent thereof.

D. Perform such other functions as the assistant secretary of labor may direct.

E. Assure an opportunity for young people to obtain training that will equip them for profitable employment and promote employment opportunities for these young people under conditions providing adequate training and reasonable earnings as stated in Section 381 of the Louisiana Apprenticeship Law.

F. Appoint a committee in a trade or group of trades in which there is no bona fide employer or employee organization, from persons known to represent interests of employers and employees respectively.

G. When the State Apprenticeship Council determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with these rules and the Louisiana Apprenticeship Law, and voluntary corrective action has not been taken by the program sponsor, the State Apprenticeship Council shall recommend that the assistant secretary of labor institute proceedings to deregister the apprenticeship program and shall request the assistant secretary of labor to make a final decision on the basis of the records before him. Upon receipt by the Louisiana Office of Labor of proposed standards, whether of new programs or previously approved programs, such standards shall be submitted to the State Apprenticeship Council for its review and recommendation to the assistant secretary of labor, who will make the final decision regarding approval or disapproval thereof. When an apprenticeship program has been deregistered for cause or voluntarily deregistered after the program sponsor has received a notice to show cause, he shall not be granted another program for at least one year from the date of deregistration. A compliance review is to be conducted and the program must be in compliance with these rules, standards and the Louisiana plan for EEO.

§109. Powers and Duties of the Director of Apprenticeship

The director of apprenticeship, under the supervision of the assistant secretary of labor, and with the advice and guidance of the Apprenticeship Council, is authorized to administer the pro-

visions of the Louisiana Apprenticeship Law, (LSA R.S. 23:381, et seq). He shall perform the following functions:

A. In cooperation with the Apprenticeship Council and local and state joint apprenticeship committees, set up conditions and training standards for apprenticeship agreements, which shall in no case be lower than those prescribed by the Louisiana Apprenticeship Law.

B. Act as secretary of the Apprenticeship Council and each State Joint Apprenticeship Committee.

C. Approve any apprenticeship agreement which meets the standards established for an apprenticeship program properly registered with the Apprenticeship Division of the Louisiana Office of Labor.

D. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement or the minimum standards for that approved program.

E. Keep a record of apprenticeship agreements and their disposition.

F. Issue certificates of completion of apprenticeship.

G. Perform such other duties as are necessary to carry out the terms and conditions provided in the State Apprenticeship Standards and local Apprenticeship Committee Standards and Agreements.

H. When in his opinion or in the opinion of the State Apprenticeship Council it is needed, the director of apprenticeship may request survey information to justify journeyman wages being paid by employers. This information shall include employer's name, address and telephone number, journeyman wage and any other information the director of apprenticeship feels is needed. Failure to submit all of such information as requested shall constitute a violation of these rules and shall subject the Apprenticeship Program Sponsor to deregistration of its apprenticeship program.

Chapter 3: Apprenticeship Council's Standards and Procedure

§301. Standards of Apprenticeship

An apprenticeship program, to be eligible for registration/approval by the Louisiana Office of Labor/Division of Apprenticeship shall conform to the following standards:

A. All apprenticeship programs proposed for adoption shall be required to submit standards of apprenticeship on forms supplied by the Office of Labor/Division of Apprenticeship. All Standards of Apprenticeship shall first be submitted to the appropriate Statewide Apprenticeship Committee, who shall make its recommendation to the State Apprenticeship Council. In the absence of a Statewide Joint Apprenticeship Committee, the Standards of Apprenticeship shall be submitted to the State Apprenticeship Council for action. Upon proper notification from this office, all previously approved program sponsors will be required to submit new Apprenticeship Standards on forms supplied by this agency in order to be assigned a program number and to be properly registered with this agency. Failure to submit new standards within 90 days from their receipt of notice to submit same, shall result in initiation of cancellation proceedings against such program sponsors.

B. The program shall have an organized, written plan embodying the terms and conditions of employment, training, and supervision of one or more apprentices in the apprenticeable occupation, as defined in this part, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program and shall contain a statement as to whether or not the apprentice will be compensated for the required school time. The written plan shall also state the names and affiliation of each employer and employee representative on its Joint Apprenticeship Committee.

C. The program standards shall contain the state plan for implementing Title 29 CFR Part 30, Equal Employment Oppor-

tunity in Apprenticeship and Training, which plan is made a part of these rules and additional provisions concerning the following:

1. the employment and training of the apprentice in a skilled trade;

2. a term of apprenticeship, not less than 2,000 hours of reasonably continuous employment, consistent with training requirements as established by industry practice;

3. an outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;

4. provision for organized, related and supplemental instruction in technical subjects related to the trade. A minimum of 144 hours of instruction for each year of the apprenticeship shall be required. Such instruction may be given in a classroom through trade or industrial courses, or by correspondence courses of equivalent value, or other forms of self-study approved by the Louisiana Department of Labor/Division of Apprenticeship. Also a statement showing where and when the related instruction will be administered shall be contained in the standards.

5. a progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired. The entry wage shall not be less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable federal law, state law, respective regulations, or by collective bargaining agreements;

a. the journeyman wage rate upon which the apprentices' wages are to be based shall be set by the State Apprenticeship Council in accordance with the following criteria listed in priority order:

i. the journeyman wage rate set by the applicable collective bargaining agreement pertinent to an existing registered apprenticeship program in the same area and for the same trade as the proposed apprenticeship program;

ii. the higher of the prevailing wage for the craft for the area as set by the assistant secretary of labor, Office of Labor, pursuant to LSA R.S. 38:2301 and that set by the U.S. Department of Labor pursuant to the Davis-Bacon Act and published in the *Federal Register*;

iii. in the event that an apprenticeship program is proposed for a craft in an area where there is no pertinent collective bargaining agreement, Davis-Bacon prevailing wage rate, or Louisiana Office of Labor prevailing wage rate, the State Apprenticeship Council, based on information gathered by its staff, shall set a journeyman wage rate for the specific area and craft, to be incorporated into the proposed standards.

6. periodic review and evaluation of the apprentice's progress in job performance and related instruction; and the maintenance of appropriate progress reports. All programs registered with the Louisiana Office of Labor/Division of Apprenticeship shall maintain records on each apprentice in their program as to the hours of employment, work experience and related supplemental instruction, and shall submit same to the Division of Apprenticeship on a monthly basis.

7. the numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language shall be specific and clear as to application in terms of jobsite, work force, department or plant; and in no instance shall such ratio provide for more than one apprentice for the first journeyman employed per jobsite and one apprentice for every three journeymen employed thereafter;

8. a probationary period reasonable in relation to the full

apprenticeship term, with full credit given for such period toward completion of apprenticeship;

9. adequate and safe equipment and facilities for training, and supervision, and safety training for apprentices on the job and in related instruction;

10. the minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age not less than 16 years;

11. the placement of an apprentice under a written apprenticeship agreement as required by the state apprenticeship law and regulations. The agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;

12. the granting of credit for previously acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted;

13. transfer of employer's training obligation when the employer is unable to fulfill his obligation under the apprenticeship agreement to another employer under the same program with consent of the apprentice and apprenticeship committee or program sponsor subject to the approval of the director and the State Apprenticeship Council;

14. assurance of qualified training personnel and adequate supervision on the job;

15. recognition for successful completion of apprenticeship is evidenced by an appropriate certificate of completion;

16. identification of the registration agency;

17. provision for the registration, cancellation and deregistration of the program; and requirement for the prompt submission of any proposed modification or amendment thereto;

18. provision for registration of apprenticeship agreements, modifications, and amendments; notice to the registration office of persons who have successfully completed apprenticeship programs; and notice of cancellations, suspensions and terminations of apprenticeship agreements and causes therefor;

19. authority for the termination of an apprenticeship agreement during the probationary period by either party without stated cause;

20. name and address of the appropriate person authorized by the program sponsor to receive, process and make disposition of complaints;

21. recording and maintenance of all records concerning apprenticeship as may be required by Louisiana Office of Labor/ Division of Apprenticeship and other applicable laws; and

22. any trade having been previously approved for training for a particular apprenticeship training program sponsor which has had no activity for a period of two years, shall be cancelled from the list of approved trades contained in the apprenticeship standards for such program sponsor.

§303. Apprenticeship Agreements

A. The apprenticeship agreement form will be supplied by the director of apprenticeship to apprenticeship committees and to individual establishments interested in apprenticeship.

B. The date of an apprenticeship agreement will be the actual date the apprentice entered employment as an apprentice as agreed to by the employer, the apprentice, and approved by the State Department of Labor.

C. Apprenticeship agreements to be submitted and processed as follows:

1. original to be registered with the Louisiana Office of Labor, Division of Apprenticeship;

2. first copy for the apprentice;

3. second copy for the apprenticeship program sponsor.

D. Every apprenticeship agreement entered into shall be signed by the employer, or by an association of employers or an organization of employees, or the chairman or director of the local

apprenticeship committee, and by the apprentice; and, if the apprentice is a minor, by the minor's father, provided that, if the father be dead or legally incapable of giving consent or has abandoned his family, then by the minor's mother; if both father and mother be dead or legally incapable of giving consent, then by the tutor of the minor. If the minor is without a tutor, a tutor ad hoc may be appointed, who shall be the authority to consent to and sign the apprenticeship agreement for a period of training extending into the majority; the apprenticeship agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

E. Where a trade is covered by a city, parish or state license law or ordinance requiring the journeyman or skilled worker to procure a license to follow the trade, it will be necessary that this provision of the law be observed before an apprentice employed in such establishment can be registered.

F. Every apprenticeship agreement entered into under the provisions of the Louisiana Apprenticeship Law shall contain:

1. the names of the contracting parties;

2. the date of birth of apprentice;

3. a statement of the trade or craft in which the apprentice is to be taught, and the time at which the apprenticeship will begin and end;

4. a statement showing the number of hours to be spent by the apprentice in work, and the number of hours to be spent in related and supplemental instruction which shall not be less than 144 hours per year. Provided that in no case shall the combined weekly hours of work and of required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age of the apprentice;

5. a statement setting forth a schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process;

6. a statement of the graduated scale of wages to be paid the apprentice;

7. a statement providing for a period of probation of not more than five hundred hours of employment and instruction extending over not more than four months, during which time the apprenticeship agreement shall be terminated by the director of apprenticeship at the request, in writing, of either party, providing that after such probationary period the apprenticeship agreement may be terminated by the director of apprenticeship by mutual agreement of all parties thereto, or cancelled by the director of apprenticeship for good and sufficient reason. If a collective agreement exists, a probationary period may be granted for more than 500 hours but not more than one quarter of the length of the term of apprenticeship. If no collective agreement exists, 500 hours will be the maximum time allowable for probationary period;

8. a provision that all controversies or differences concerning the apprenticeship agreement which cannot be adjusted locally in accordance with R.S. 23:385 shall be submitted to the director of apprenticeship for determination, as provided in R.S. 23:390;

9. a provision that an employer who is unable to fulfill his obligation under the apprenticeship agreement may, with the approval of the director of apprenticeship transfer such contract to any other employer, provided that the apprentice consents and that such other employer agrees to assume the obligations of the apprenticeship agreement. In an instance of an apprentice being transferred to a new employer, all of the provisions of the old agreement must be retained in the new agreement;

10. such additional terms and conditions as may be prescribed or approved by the director of apprenticeship, not incon-

sistent with the provisions of the Louisiana Apprenticeship Law;

11. a reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended during the period of the agreement;

12. a statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin or sex;

13. any proposed change in the terms of a registered apprenticeship agreement must be submitted to this office for approval by the director of apprenticeship;

14. wages of the apprentice will vary with the occupation and locality. The agreement shall contain a statement of the graduated scale of wages to be paid the apprentice (and whether or not the required school time shall be compensated). When the graduated wage rate of the apprenticeship is set on a six month basis, in no instance shall the increase each six months be less than five percent. When the wage increase is set on a yearly basis, in no instance shall the increase be less than 10 percent each year. Provided, however, that a program that has at least a minimum starting wage rate of 35 percent of the journeyman hourly wage rate and has reached 75 percent of the journeyman hourly wage rate in the final period will be acceptable. The starting wage rate of an apprentice shall not be less than 35 percent of the journeyman hourly wage or less than the applicable state federal minimum wage. In no case shall the final period of apprenticeship be less than 75 percent of the journeyman hourly wage in a four year trade classification.

§305. Procedure for Approval of Apprenticeship Agreements

The director of apprenticeship shall approve an apprenticeship agreement if:

A. it meets the standards established under the Louisiana Apprenticeship Law and these rules for an apprenticeship program which has been properly registered with the Apprenticeship Division of the Louisiana Office of Labor;

B. the agreement contains all the requisites provided in §303 above; and

C. the proposed apprenticeship standards and apprenticeship agreement(s) has/have been first reviewed by the appropriate state apprenticeship committee. If no state apprenticeship committee exists, then it must be reviewed by the State Apprenticeship Council.

§307. Procedure for the Cancellation or Termination of an Apprenticeship Agreement and Issuance of Certificate of Completion

A. The director may terminate or cancel any apprenticeship agreement in accordance with the provisions of that agreement.

B. In the event that an agreement is terminated by mutual consent of all the parties thereto, no opportunity for a hearing prior to such termination is required.

C. Prior to the cancellation or termination of an agreement for reasons other than mutual agreement of all parties, the parties to such agreement shall be afforded an opportunity for hearing after reasonable notice. Such notice and hearing shall conform to the requirements of the Louisiana Administrative Procedure Law, R.S. 49:955.

D. Upon the satisfactory completion of apprenticeship, the director of apprenticeship shall issue a Certificate of Completion of Apprenticeship showing the trade in which apprenticeship was served, the number of years of training and the related instruction completed. A completion certificate shall be issued only after the

director of apprenticeship has received a written request for such completion certificate, signed by a representative of the pertinent program sponsor, which signature shall certify that the required training and related instruction have been completed, or after the apprentice has furnished to the director of apprenticeship documented evidence which proves that the required training and related instruction has been completed.

§309. Settlement of Controversies or Complaints

A. The director of apprenticeship is empowered to investigate possible violation of the terms of an apprenticeship agreement. Such investigation may be based upon the complaint of any interested person or upon the initiative of the director. The director is further empowered to hold hearings, inquiries and other proceedings necessary to such investigations and determinations. Prior to any determination concerning a possible violation of the terms of an apprenticeship agreement, the director shall conduct a fact finding.

B. Subsequent to his determination, the director of apprenticeship shall file his fact finding with the assistant secretary of labor. If no appeal therefrom is filed with the assistant secretary within 10 days after the date thereof, such determination shall become the order of the assistant secretary.

C. Any person aggrieved by a determination or action of the Director may appeal such action to the assistant secretary, who shall hold a hearing thereon, after due notice to the interested parties. Such hearing shall conform to the requirements of the Louisiana Administrative Procedure Law, R.S. 49:955.

D. Any party to an apprenticeship agreement aggrieved by an order or a decision of the assistant secretary may appeal to the courts on questions of law. In such event, the decision of the assistant secretary as to the facts shall be conclusive if supported by the evidence, and all orders and decisions of the assistant secretary shall be prima facie lawful and reasonable.

E. The decision of the assistant secretary shall be conclusive if no appeal therefrom is filed within 30 days after the date of the order or decision.

F. No person shall institute any action for the enforcement of any apprenticeship agreement, or for damages for the breach thereof, unless he has first exhausted all administrative remedies provided in these rules.

§311. State and Local Area (SMSA) Joint Apprenticeship Committees

A. Statewide Joint Apprenticeship Committees

1. The Apprenticeship Council shall appoint statewide joint apprenticeship committees for a trade or group of trades when two or more local area joint apprenticeship committees have been established in the state for such trade or group of trades for specific industry.

2. The State Apprenticeship Committee will coordinate the activities of local area (SMSA) joint apprenticeship committees in the trade or group of trades which it represents.

3. The State Apprenticeship Committee will be composed of an equal number of representatives of employers and employee organizations, chosen from names submitted by the respective employer or employee organization. In a trade or group of trades in which there is no bona fide representatives of employers or employee organization, the Apprenticeship Council shall appoint such a committee from persons known to represent the interests of employers and of employees respectively.

4. A representative of the State Department of Vocational Education and field representative of the Federal Committee on Apprenticeship, with representatives of any additional state or federal agencies requested by the committee to serve, shall act as consultants to the committee.

B. Local Area-Wide Joint Trade Apprenticeship Committee

1. The Louisiana Apprenticeship Council will cooperate with the state and local trade groups in establishing local area-wide joint trade apprenticeship committees.

2. These committees will be responsible for the promotion, organization, and administration of their apprenticeship training programs.

3. A local Area (SMSA) Joint Apprenticeship Committee shall be composed of an equal number of employer and employee representatives, chosen from names submitted by the respective local employer and employee organizations in such trade or group of trades within the area (SMSA). In a trade or group of trades in which there is no bona fide local representative of employers or employee organizations, a committee shall be appointed from persons known to represent the interest of employers and of employees, respectively.

C. Duties of a Joint or Local Area Apprenticeship Committee

1. establish minimum standards of training for the apprenticeship program subject to the approval of the director of apprenticeship and State Apprenticeship Council;

2. act as clearing house for all apprenticeship activity under their jurisdiction;

3. place apprentices under training agreements;

4. transfer apprentices, with the approval of the director of apprenticeship, providing such transfers conform with §303.F.9;

5. determine the progress of the apprentices;

6. recommend the number of apprentices to be trained;

7. advise the employers as to the work experience of the apprentice;

8. establish apprentice's minimum wage as provided under §301.C.5 herein;

9. submit apprenticeship agreements for registration with the State Apprenticeship Council;

10. determine when the apprentice has completed training;

11. provide the director of apprenticeship with records of apprentices including a record of hours of trade related or classroom instruction; (See §301.C.6)

12. advise the State Apprenticeship Council pertaining to the cancellation of apprenticeship agreements;

13. hear and adjust disputes;

14. notify the director of apprenticeship those apprentices who have completed their apprenticeship in accordance with the provisions of local area and statewide joint apprenticeship standards, and the established procedure of the council;

15. handle such other matters as are considered pertinent to the development and conducting of an effective training program.

D. Transferring of Apprentices

The Louisiana State Apprenticeship Council through the director or a designated agent will cooperate with state and local apprenticeship committees and employers in all matters pertaining to the transfer of apprentices from one job to another within the contracted trade or occupation in order to facilitate the proper training of apprentices in the various processes of the trade.

E. Registration or Approval Reciprocity

Apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirement of Title 29 CFR Part 29 amended March 21, 1977, by any recognized State Apprenticeship Agency/Council or by the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be, if in compliance with statutes and these rules, accorded registration or approval reciprocity of program apprentices by the Louisiana State Apprenticeship Council if such reciprocity is requested by the sponsoring entity.

F. Union Notification

Under a program proposed for registration by an employer or employer's association and where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or "no objection" to the registration is required. Where no such participation is evidenced and practiced, the employer or employers association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained a copy of its application for registration and of the apprenticeship program. The Louisiana State Apprenticeship Council shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.

G. Pre-Apprentices

For the purposes of apprenticeship, the Louisiana Office of Labor/Division of Apprenticeship will not indenture pre-apprentices.

§313. Cooperation with Other Organizations

A. Louisiana State Employment Service shall:

1. assist in the placement of apprentices under the supervision of an apprenticeship committee, and

2. advise youth as to the entrance requirements of apprenticeship.

B. Louisiana State Board for Vocational Education shall:

1. supply related training to apprentice classes, and shall furnish classrooms, aids, technical equipment, and other such training materials necessary to the proper training of the apprentices;

2. supervise the related training of apprentices;

3. advise youth as to the entrance requirements of apprenticeship training;

4. advise employers as to the advantages of apprentice training.

§315. Limitations

In accordance with Act 364 of 1938, Section 391. Nothing in this Chapter or in any apprentice agreement approved under this Chapter shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees.

§317. Criteria for Apprenticeable Occupations (CFR 29.4)

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

A. It is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training.

B. It is clearly identified and commonly recognized throughout an industry.

C. It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.

D. It requires related instruction to supplement the on-the-job training.

Chapter 5. Louisiana State Plan for Equal Employment Opportunity in Apprenticeship

Policies and procedures herein set forth apply to recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. Procedures established provide for reviewing apprenticeship programs, registering apprenticeship programs, processing complaints, and deregistering non-complying apprenticeship programs.

§501. Purpose

The purpose of this plan is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating this plan with other equal opportunity programs.

§503. Definitions

A. *State Apprenticeship Council* is the Louisiana State Apprenticeship Council which is recognized by the U. S. Department of Labor as the appropriate agency for registration of apprenticeship programs for federal purposes.

B. *State Apprenticeship Program* is a program registered with the Louisiana State Apprenticeship Council and meeting the minimum standards of the State Apprenticeship Law and approved by the council.

C. *Employer* is any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization as an employer.

D. *Sponsor* is any person or organization operating a State Apprenticeship Program, irrespective of whether such person or organization is an employer as a sponsor.

E. *Department* is the State Department of Labor.

F. *Assistant Secretary of Labor, Office of Labor* is the assistant secretary of labor, Office of Labor, Louisiana State Department of Labor, or any person specifically designated by the assistant secretary of labor, Office of Labor.

§505. Authority

A. Under the authority vested in the Louisiana State Apprenticeship Council and set out in Louisiana Revised Statutes, 1950 (annotated) as amended, R.S. 23:381 through R.S. 23:391, a policy is hereby formulated for non-discrimination in apprenticeship and training by the Louisiana State Apprenticeship Council.

B. On May 12, 1978, a revised Title 29 CFR Part 30 was established at the request of the Office of the Secretary of Labor, U. S. Department of Labor. Section 30.15, "State Agencies", of Title 29, Part 30, encourages all State Apprenticeship Agencies to adopt and implement the standards of the U. S. Department of Labor's policy.

§507. Equal Opportunity Standards

A. Obligation of Sponsors

Each sponsor of an apprenticeship program shall:

1. recruit, select, employ and train apprentices during their term of apprenticeship without discrimination because of race, color, religion, national origin, or sex;

2. uniformly apply rules and regulations concerning apprentices, including but not limited to equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor;

3. take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this state plan.

B. Equal Opportunity Pledge

Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

"The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of Code of Federal Regulations, Part 30, and the Louisiana State Plan."

C. Programs Presently Registered

Each sponsor of a program registered with the council as of the effective date of this Part shall within 90 days of that effective date take the following action:

1. include in the standards of its apprenticeship program the equal opportunity pledge prescribed by §507.B;

2. adopt an affirmative action plan as required by §509;

3. adopt a selection procedure as required by §511 of this plan. A sponsor adopting a selection method as described under §511.B 1., 2., or 3 shall prepare, and have available for submission upon request copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method as described under §511.B.4 shall submit to the council copies of its standards, affirmative action plan, and selection procedure in accordance with the requirements of §511.B.4.

D. Sponsors Seeking New Registration

A sponsor of a program seeking new registration with the council shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this plan.

E. Programs Subject to the Approved Equal Employment Opportunity Plans

A sponsor shall not be required to adopt an affirmative action plan described under §509 of this plan or a selection procedure described under §511 if it submits to the State Apprenticeship Council satisfactory evidence that it is subject to an equivalent equal employment opportunity program. This program must provide for affirmative action in apprenticeship including goals and timetables for women and minorities and must be approved as meeting the requirements of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or Executive Order 11246, as amended (30 F.R. 12319, 32 F.R. 14303, 34 F.R. 12986) and the implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV, and Title 41 of the Code of Federal Regulations, Chapter 60. Provided, that programs approved, modified, or renewed subsequent to the effective date of this amendment will qualify for this exception only if the goals and timetables for the selection of minorities and female apprentices provided for in such programs are equal to or greater than the goals required under this paragraph.

F. Program with Fewer Than Five Apprentices

A sponsor of a program in which fewer than five apprentices are indentures shall not be required to adopt an affirmative action plan under §509 of this plan or a selection procedure under §511, provided that such program was not adopted to circumvent the requirements of this paragraph.

§509. Affirmative Action Plans

A. Adoption of Affirmative Action Plans

A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

B. Definition of Affirmative Action

Affirmative action is not merely passive non-discrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training, and motivation of present and potential minority and female (minority and nonminority) apprentices, including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the nation's labor force.

C. Outreach and Positive Recruitment

An acceptable affirmative action plan must also include ad-

equate provision for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minority persons and women to become eligible for apprentice selection. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below in order to achieve these objectives.

1. Disseminate information concerning the nature of apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applicants, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for applications at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semiannually. Such information shall be given to the council, U. S. Department of Labor, local schools, employment service offices, women's centers, outreach programs, and community organizations which can effectively reach minority groups and women, and published in newspapers which are circulated in the minority community and among women, as well as the general areas in which the program sponsor operates.

2. Participate in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service, and other appropriate personnel with the apprenticeship system and current opportunities therein.

3. Cooperate with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

4. Provide internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members, and to encourage such persons to take necessary action to aid the sponsor in meeting its obligations under this plan.

5. Engage in programs such as Outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pre-testing experience and training. If no such programs are in existence, the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the U. S. Department of Labor. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor also shall initiate programs to prepare women and encourage women to enter traditionally male programs.

6. Encourage establishment and use of programs of preapprenticeship, preparatory trade training, or other programs designed to afford related work experience or to prepare candidates for apprenticeship. A sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.

7. Utilize journeypersons to assist in the implementation of the sponsor's affirmative action program.

8. Grant advance standing of credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

9. Admit to apprenticeship persons whose age exceeds the maximum age for admission to the program, where such action is necessary to assist the sponsor in achieving its affirmative action obligations.

10. Take any other action necessary to ensure that recruitment, selection, employment, and training of apprentices during apprenticeship, shall be without discrimination because of

race, color, religion, national origin, or sex, such as: General publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority and female apprentices and journeypersons as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between sponsors and employers of apprentices to ensure that equal employment opportunity is being granted including reporting systems, on-site reviews, briefing sessions, etc.

D. Goals and Timetables

1. A sponsor adopting a selection method under §511.B.2 or 3 of this plan which determines on the basis of the analysis described in §509.E of this paragraph that it has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for admission of minority and/or female applicants into the eligibility pool.

2. A sponsor adopting a selection method under §511.B.3 or 4 which determines on the basis of the analysis described in §509.E that it has deficiencies in terms of underutilization of minorities and/or women in craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for selecting minority and female (minority and nonminority) applicants for the apprenticeship program.

E. Underutilization

1. As used in this paragraph, underutilization refers to a condition in which fewer minorities and/or women (minority and nonminority) are employed in the particular craft or crafts represented by the program than would be reasonably expected in view of an analysis of specific factors in §511.E.1 through 5 of this plan.

2. When on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

3. When the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the council determines that the sponsor has deficiencies in terms of underutilization of minorities or women (minority and nonminority) within the meaning of this Paragraph, the council shall establish goals and timetables applicable to the sponsor for admission of minority and female applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with all requirements of this Paragraph.

F. Analysis to Determine if Deficiencies Exist

This analysis shall be set forth in writing as part of the affirmative action plan. The sponsor's determination as to whether goals and timetables shall be established, shall be based on an analysis of at least the following factors:

1. the size of the working age minority and female (minority and nonminority) population in the program sponsor's labor market area;

2. the size of the minority and female labor force in the program sponsor's labor market area;

3. the percentage of minority and female participation as apprentices in the particular craft as compared with the percentage of minorities and women in the labor force in the program sponsor's labor market area;

4. the percentage of minority and female participation as journeypersons employed by the employer and employers participating in the program as compared with the percentage of minorities and women in the sponsor's labor market area and the extent to which sponsor should be expected to correct any deficiencies

through the achievement of goals and timetables for selection of apprentices;

5. general availability of minorities and women with present or potential capacity for apprenticeship in the program sponsor's labor market area.

G. Establishment and Attainment of Goals and Timetables

Goals and timetables shall be established on the basis of the sponsor's analyses of its underutilization of minorities and women and its entire affirmative action program. A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required, for example, if a specific minority group of women were underutilized even though the sponsor had achieved its standards for women generally. In establishing goals, the sponsor should consider results which could be reasonably expected from its good-faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetables, or failing that, whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain maximum effectiveness toward attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under goals and timetables requirements, during the first 12 months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than 50 percent of the proportion women represent in the workforce in the program sponsor's labor market areas, and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first 12 months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels.

H. Data and Information

The assistant secretary of labor, Office of Labor, or a person or agency designated by him, shall make available to program sponsors data and information on minority and female (minority and nonminority) labor force characteristics for each Standard Metropolitan Statistical Area, and for other special areas as appropriate.

§511. Selection of Apprentices

A. Obligations of Sponsors

In addition to development of a written affirmative action plan to ensure that minorities have an equal opportunity for selection as apprentices and otherwise ensure prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that selection of apprentices shall be made under one of the methods specified in §509.B.2 through 4 of this plan.

B. Selection Methods

1. Creation of Pool of Eligibles

A pool of eligibles shall be formed from applicants who meet the qualification of minimum legal working age and the sponsor's minimum physical requirements; or from applicants who meet qualification standards in addition to minimum legal age and the sponsor's minimum physical requirements, provided that any additional qualification standards conform with the following requirements:

a. Qualification Standards

Qualification standards, and procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes which are to be

considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool also shall be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score on the standards, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall follow procedures set forth in the U. S. Department of Labor's testing order of September 9, 1968. Qualifications shall be considered as separately required so that failure of an applicant to attain a specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

b. Aptitude Tests

Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical and practical relationships between the score on the aptitude tests, and the score required for admission to the pool, and performance in the apprenticeship program. In determining such relationships, the sponsor shall follow the procedures set forth in the U. S. Department of Labor's testing order of September 9, 1968. The requirements of this subparagraph also shall be applicable to aptitude tests used by a program sponsor which are administered by a state employment service agency, a private employment agency, or any other person, agency, or organization engaged in selective or evaluation of personnel.

c. Educational Attainments

All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall meet requirements of the U. S. Department of Labor's testing order of September 9, 1968. School records or results of general education development tests recognized by state or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

d. Oral Interviews

Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and before he or she is selected for apprenticeship from the pool, he or she may be required to submit to an oral interview. Oral interviews shall be limited only to such objective questions as may be required to determine fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record his questions and general nature of answers, and shall prepare a summary of any conclusions applicants rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, reasons therefore, and appeal rights available to the applicant.

e. Notification of Applicants

All applicants who meet requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant notice of his or her rejection, including reasons for his or her rejection, requirements for admission to the pool of eligibles, and appeal rights available to the applicant.

f. Goals and Timetables

The sponsor shall establish, where required by §509.D percentage goals and timetables for admission of minority and

women (minority and nonminority) into the pool of eligibles in accordance with provisions of §509.D, E., and F. of this plan.

g. Compliance

A sponsor shall be deemed to be in compliance with its commitment under §511.6.B.1.f of this plan if it meets its goals or timetables or if it makes a good-faith effort to meet these goals and timetables. In the event of failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every good-faith effort to meet its commitments (refer to §509.F). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good-faith efforts have been made.

2. Selection of Basis of Rank from a Pool of Eligible Applicants

A sponsor may select apprentices from a pool of eligible applicants created in accordance with requirements of §511.B.1 on the basis of rank order of scores of applicants on one or more qualification standards, where there is a significant statistical and practical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow procedures set forth in the U.S. Department of Labor Order of September 9, 1968 (33 F.R. 14392, September 24, 1968), covering validation of employment tests of contractors and subcontractors subject to provisions of Executive Order 11246, as amended.

3. Random selection from Pool of Eligible Applicants

a. Selection

A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the council. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following selection at the program sponsor's place of business.

The sponsor adopting this method of selecting apprentices shall meet requirements of §511.1.a through g of this plan relating to creation of the pool of eligibles, oral interviews, and notification of applicants.

b. Goals and Timetables

The sponsor shall establish, where required by §509.D of this plan, percentage goals and timetables for admission of minority and women (minority and nonminority) into the pool of eligibles in accordance with provisions of §509.D., E and F.

c. Compliance

Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with provisions of §511.B.1.g of this plan.

4. Selection from Pool of Current Employees

a. Selection

A sponsor may select apprentices from an eligibility pool of workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for selection of minority and female (minority and nonminority) apprentices, unless the sponsor concludes in accordance with provisions of §509.D., E and F that is does not have deficiencies in terms of underutilization of minorities and/or women in the apprenticeship of journeyperson crafts represented by the program.

b. Compliance

Determinations as to the sponsor's compliance with its ob-

ligations under these regulations shall be in accordance with provisions of §511.B.1.g of this plan.

5. Alternative Selection Methods

A sponsor may select apprentices by means of any other method, including its present selection method, providing that the sponsor meets the following requirements:

a. Selection Method, Goals, and Timetables

Within 90 days of the effective date of this plan, the sponsor shall submit to the council a detailed statement of the selection method it proposes to use, along with the rest of its written affirmative action program. It should include when required by §509.D., its percentage goals and timetables for selection of minority and/or female (minority and nonminority) applicants for apprenticeship and its written analysis upon which such goals and timetables, or lack thereof, are based. Establishment of goals and timetables must be in accordance with provisions of §509.D., E and F of this plan. The sponsor may not implement any such selection method until the council has approved the selection method as meeting requirements of §511.B.4 of this plan and has approved the remainder of its affirmative action program including its goals and timetables. If the council fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor may implement the selection method on the effective date of this plan.

b. Qualification Standards

Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards are fair aptitude tests, school diplomas, age requirements, occupationally essential physical requirements, fair interviews, school grades, and previous work experience. When interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction, all of which are factors of the total judgment.

C. Compliance

Determination of sponsor's compliance with its obligations under these regulations shall be in accordance with provisions of §511.B.1.g of this plan. When a sponsor, despite its good-faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative program to the extent necessary to obtain maximum effectiveness toward attainment of its goals. The sponsor also may be required to develop and adopt an alternative selection method, including a method prescribed by the council, when it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. When the sponsor's failure to meet its goals is attributable in substantial part to use of a qualification standard which has adversely affected opportunities of minority and/or women (minority and nonminority) for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with provisions of §511.B.1.a of this plan.

§513. Existing List of Eligibles and Public Notices

A. A sponsor adopting a selection method under §511.B.2 or 3 or a sponsor adopting a selection method under §511.6.B.4 of this plan who determines that there are fewer minorities and/or women (minority and nonminority) on its existing lists of eligibles than would reasonably be expected in view of the analysis described in §509.E shall discard all existing eligibility lists upon adoption of selection methods required by this plan. New eligibility pools shall be established, and lists of eligibility pools be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than two weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for

application for admission to the apprenticeship program (see §509.C on affirmative action with respect to dissemination of information).

B. Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of two years. Applicants may be removed from the list at an earlier date by their request; or following their failure to respond to an apprentice job opportunity.

C. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility of the applicant to keep the sponsor informed of his or her current mailing address. A sponsor may restore to the list of eligibles an applicant who has been removed from the list at his request or who has failed to respond to an apprenticeship job opportunity.

§515. Records

A. Obligations of Sponsors

Each sponsor shall keep adequate records including a summary of qualifications of each applicant; the basis for evaluation and for selection or rejection of each applicant; a record pertaining to interviews of applicant; an original application for each applicant; information relative to operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work; and any other records pertinent to a determination of compliance with these regulations, as may be required. The records pertaining to individual applicants, whether selected or rejected, shall be maintained in such a manner as to permit identification of minority and female (minority and nonminority) participants.

B. Affirmative Action Plans

Each sponsor must retain a statement of its affirmative action plan required by §509 of this plan for prompt achievement of full and equal opportunity in apprenticeship, including all data and analysis made pursuant to requirements of §509. Sponsors shall periodically review their affirmative action plan and update it when necessary.

C. Qualification Standards

Each sponsor must maintain evidence that its qualification standards have been validated in accordance with requirements set forth in §511.B of this plan.

D. Maintenance of Records by Sponsors

All records required by this plan and any other information relevant to compliance with these regulations, shall be maintained for five years, and made available, upon request, to the council, the U. S. Department of Labor, or other authorized persons.

E. Records of the State Apprenticeship Council

The council shall keep adequate records, including registration requirements, approved individual program standards, registration actions, deregistration actions, program compliance reviews and investigations, individual program ethnic count, total apprenticeship ethnic count, and any other records pertinent to a determination of compliance with this plan as may be required by the U. S. Department of Labor, and shall report such to the U. S. Department of Labor through the Office of the state director of the Bureau of Apprenticeship and Training, U. S. Department of Labor, semi-annually.

§517. Compliance Reviews

A. The council will conduct regular systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations. The council also will conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pur-

suant to §521.B.1 of this plan. Compliance reviews will consist of comprehensive analysis and evaluation of each aspect of the apprenticeship program, including onsite investigations and audits.

B. Reregistration

A sponsor seeking reregistration shall be subject to a compliance review as described in Subsection A of §517 as part of the registration process.

C. New Registration

Sponsors seeking new registration shall be subject to a compliance review as described in Subsection A of §517 by the council as part of the registration process.

D. Voluntary Compliance

When a compliance review indicates that the sponsor is not operating in accordance with this plan, the council shall notify the sponsor in writing of results of the review and make a reasonable effort to secure voluntary compliance on the part of the sponsor within a reasonable time before undertaking sanctions described under §525 of this plan. In the case of sponsors seeking new registration, the council will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

§519. Noncompliance with Federal and State Equal Opportunity Requirements

A pattern or practice of noncompliance by a sponsor (or when the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with federal or state laws or regulations requiring equal opportunity may be grounds for imposition of sanctions in accordance with §525 of this plan if such noncompliance is related to equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this plan. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

§521. Complaint Procedure

A. Filing

1. Any apprentice or applicant for apprenticeship who believes that he or she has been discriminated against on the basis of race, color, religion, national origin, or sex, with regard to apprenticeship, or that equal opportunity standards with respect to his or her selection have not been followed during an apprenticeship program may, by himself/herself, or by an authorized representative, file a complaint with the council, or with a private review body established pursuant to §521.A.3. The complaint shall be in writing and signed by the complainant, it must include name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of failure to apply equal opportunity standards provided for in this plan.

2. The complaint must be filed not later than 90 days from the date of the alleged discrimination of specified failure to follow equal opportunity standards. In the case of complaints filed directly with review bodies designated by program sponsors to review such complaint, referral of such complaint by the complainant to the council must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the council for good cause shown.

3. Sponsors are encouraged to establish fair, speedy, and effective procedures for a review body to consider complaints of failure to follow equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with administration of an apprenticeship program. Sponsors may join together in establish-

ing a review body to serve the needs of programs within the community.

B. Processing of Complaints

1. When the sponsor has designated a review body of reviewing complaints, and if the council determines that such review body will effectively enforce equal opportunity standards, the council, upon reviewing a complaint, shall refer the complaint to the review body.

2. The council shall, within 30 days following referral of a complaint to the review body, obtain reports from a complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted, and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and all parties appropriately informed.

3. When a complaint has been received by the review body within 90 days, or when, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with this plan, the council may conduct such compliance review as found necessary and will take all necessary steps to resolve the complaint.

4. Where no review body exists, the council may conduct such compliance review as found necessary in order to determine all facts of the complaint, and obtain such other information relating to compliance with these regulations as circumstances warrant.

5. Sponsors shall provide written notice of the above complaint procedure to all applicants for apprenticeship and all apprentices.

§523. Adjustments in Schedule for Compliance Review of Complaint Processing

If, in the judgement of the council, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

§525. Sanctions

A. When the council, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this plan, and voluntary corrective action has not been taken by the program sponsor, the council shall institute proceedings to deregister the program or it shall refer the matter to the U. S. Department of Labor for referral to the Attorney General with recommendations for institution of a court action by the Attorney General under Title VII of the Civil Rights Act of 1964.

B. Deregistration proceedings shall be conducted in accordance with the following procedures:

1. The council shall notify the sponsor in writing, that a determination of reasonable cause has been made under provisions of §525.A and that the apprenticeship program may be deregistered unless, within 15 days of receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

2. If within 15 days of receipt of the notice provided for in §525.A.1, the sponsor mails a request for hearing, the assistant secretary of labor, Louisiana State Office of Labor, shall convene a hearing in accordance with §525.C.

3. The assistant secretary of labor, Louisiana State Office of Labor, shall make a final decision on the basis of records before him, which shall consist of the compliance review file and other evidence presented, and if a hearing was conducted pursuant to §525.C, the proposed findings and recommended decision of the hearing officer. In his discretion, the assistant secretary of labor, Louisiana Office of Labor, may allow the sponsor reasonable time to take voluntary corrective action. If the assistant secretary of la-

bor's decision is that the apprenticeship program is not operating in accordance with this plan, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the assistant secretary of labor shall make public notice of the order and shall notify the sponsor and the complainant, if any, and the U. S. Department of Labor. The council shall inform any sponsor whose program has been deregistered that it may appeal such deregistration to the U. S. Department of Labor in accordance with procedures of 29 CFR 30.15.

C. Hearings

Hearings shall be conducted in accordance with the following procedures:

1. Within 10 days of receipt of a request for a hearing, the assistant secretary of labor, Louisiana State Office of Labor, shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the sponsor. Such notice shall include a reasonable time and place of hearing; a statement of the provisions of this plan pursuant to which the hearing is to be held; and a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

2. The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the assistant secretary of labor upon the basis of the record before them.

§527. Reinstatement of Program Registration

Any apprenticeship program deregistered pursuant to this plan may be reinstated upon presentation of adequate evidence to the assistant secretary of labor, Louisiana State Office of Labor, that the apprenticeship program is operating in accordance with this plan.

§529. Intimidatory or Retaliatory Acts

Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by Title VII of the Civil Rights Act of 1964, Executive Order 11246 of September 24, 1965, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing under this plan, shall be considered noncompliance with the equal opportunity standards of this plan. Identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this plan, including conduct of any investigation, hearing or judicial proceeding arising therefrom.

§531. Nondiscrimination

The commitments contained in the sponsor's affirmative action program are not intended, and shall not be used, to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

§533. Exemptions

A. Requests for exemption from these regulations, or any part thereof, shall be made in writing to the assistant secretary of labor, Louisiana State Office of Labor, and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. The council will immediately notify the U.S. Department of Labor of any such exemptions granted affecting a substantial number of employees and reasons therefor.

B. Partial exemptions may be granted from three requirements namely:

1. adoption of an affirmative action plan;
2. adoption of selection procedures;
3. discard of existing eligibility lists.

C. Sponsors eligible for exemption are those who are sub-

ject to an equal employment opportunity program providing for selection of apprentices, and for affirmative action in apprenticeship which has been approved as meeting requirement of Title VII of the Civil Rights Act of 1964, or Executive Order 11246, as amended, and implementing regulations published in Title 29 of the CFR, Chapter XIV, and Title 41 of the CFR, Chapter 60, such as "Home Town", "Philadelphia", or similar plans.

§535. Severability Clause

These rules and each of their provisions are hereby declared to be severable, one from another. If any provision or item of a rule, or the application thereof, is held invalid, such invalidity shall not effect other provisions, items, or applications of the rule which can be given effect without the invalid provision, item or application.

Dudley J. Patin, Jr.
Secretary

RULE

Department of Labor Office of Labor

The Department of Labor, Office of Labor, amends certain rules and regulations under the Administrative Procedure Act (R.S. 49:950, et seq.), for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

Rule 1. Definitions

O. Family means:

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

2) (a) For purposes of paragraph (1) above, persons not living in the single residence but who are claimed as a dependent on another person's Federal Income Tax return for the previous year, unless otherwise demonstrated, shall be presumed to be part of the other person's family.

(b) A handicapped individual may be considered a family of one when applying for programs under the Act.

(c) An individual 18 years of age or older, except as provided in (a) or (b) above, who receives less than 50 percent of support from the family, and who is not the principal earner nor the spouse of the principal earner, is not considered a member of a family. Such an individual is considered a family of one.

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

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

A) gross wages and salaries (before deductions);

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

C) other money income received from sources such as net rents, royalties, pensions, alimony, periodic income from insurance policy annuities, and other sources of income.

2) Family income does not include:

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

B) rental value of owner-occupied property;

C) welfare payment;

D) cash payments received pursuant to a state plan approved under Titles I, II, IV, X, or XVI of the Social Security Act.

E) federal, state, or local unemployment benefits;

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

G) capital gains and losses;

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

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

2. one-time fixed-term scholarship and fellowship grants;

3. accident, health and casualty insurance proceeds;

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

5. one-time awards and gifts;

6. inheritance, including fixed-term annuities;

7. fixed-term workers' compensation awards;

8. terminal leave pay;

9. soil bank payments, and

10. agriculture crop stabilization payment;

I) payment or allowance received by any veteran while serving on activity duty in the Armed Forces;

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

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

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

M) child support payments;

N) income tax refunds;

O) foster care payments;

P) disaster assistance; and

Q) quarters (housing) allowances provided to members of the Armed Forces.

Rule 9. Auditing Requirements

Private industry councils who receive and expend JTPA funds as well as all JTPA grant recipients and administrative entities must comply with the audit requirements as Section 164 of the JTPA and the "Single Audit Act of 1984." Audit costs for auditing private industry councils, grant recipients and administrative entities will be paid from state administrative funds upon request. Audit costs for subrecipients of private industry councils, grant recipients and administrative entities must be paid by the service delivery area grant recipient. Waivers on any subrecipient audits must be submitted to the Louisiana Department of Labor for approval by the U.S. Department of Labor. Other subrecipients contracted directly by the Louisiana Department of Labor will be audited in accordance with the "Single Audit Act of 1984" which incorporates the use of private audit firms or the legislative auditors.

Rule 16. Bonding

Every officer, director, agent or employee of a service delivery area grant recipient or subrecipient of JTPA funds on a cash advance basis, who is authorized to act on behalf of a service delivery area grant recipient or subrecipient for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks or other instruments of payment for program costs shall be bonded to provide protection against loss. The amount of coverage shall be the lower of the following:

(a) \$50,000; or

(b) the highest advance through check or drawdown planned during the contract/subgrant period.

Johnny L. Hodges
Assistant Secretary

RULE
Department of Natural Resources
Division of State Lands

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq) and R.S. 41:1701 et seq, the Department of Natural Resources has adopted the following rules and regulations, effective July 20, 1986.

**PERMITS ISSUED UNDER
ACT 645 OF 1978**

Permits may be granted to owners of land contiguous to and abutting navigable waterbottoms belonging to the state to construct landfills either for the purpose of reclaiming or recovering land lost through erosion by action of the water body if said erosion occurred on and after July 1, 1921, or for the purpose of maintaining an encroachment on non-eroded state lands. Lands reclaimed shall be subject to the procedures as set forth in "Boundary Agreements" of these rules and regulations. Landfills constructed on non-eroded state lands shall be subject to the procedures as set forth in "Leases: Reclamation" of these rules and regulations.

Permits and leases may also be granted for the construction and/or maintenance of commercial structures which are permanently attached to public lands by pilings or other means. Such structures shall include, but not be limited to wharves, piers, storage docks, camps, warehouses, residences, bulkheads, restaurants, dams, bridges, etc. Exempted from permit and lease requirement are commercial and non-commercial wharves and piers less than 50 linear feet whose surface area does not exceed 150 square feet, unless part of another encroachment or unduly interferes with public interests, navigation or fishery. Structures constructed on state lands shall be subject to the procedures as set forth in "Leases: Structures" of these rules and regulations.

**PROCEDURE AND REQUIREMENTS FOR
RECLAMATION PROJECTS**

Class A: Permits for reclamation of lands eroded on or after July 1, 1921.

Class E: Permits for reclamation of non-eroded land.

1. Submitting Procedures

Applicant shall notify the secretary of the Department of Natural Resources in writing of his intent to apply for a permit for work contemplated. Such letter shall contain a description of the proposed physical work to be performed, materials to be used and identity of the body of water involved. Upon receipt of applicant's letter, the secretary shall forward the appropriate permit form to the applicant with a copy of these regulations.

Upon completion of the appropriate form the applicant shall:

a. Apply to the governing authority of the parish or parishes within which the work or structures will be located for their approval or permit for the project;

b. Apply to the U.S. Corps of Engineers for the appropriate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;

c. Cause to have published at least once, notice of the application in the official journal of the parish or parishes.

2. Fees

Fees for permits are as follows:

a. an application for a Class A or E permit shall be accompanied by a non-refundable administrative and processing fee of \$50;

b. in the event that review of the application requires special work in the field such as special field examination or survey, the applicant shall be required to pay for such special work, the price of which shall be fixed by the secretary based on his estimate of the cost of special work to the state. The secretary shall notify

the applicant of the estimated cost of such special work and shall not proceed until the estimated cost of same is paid.

**APPLICATION REQUIREMENTS FOR CLASS A OR
E PERMITS**

ISSUED UNDER ACT 645 OF 1978

Applications must be submitted in triplicate to the secretary of the Department of Natural Resources, and each application must include the following:

1. application form as provided by the Department of Natural Resources;

2. approval of the parish governing authority for the project;

3. a certified deed of ownership* (of the lands contiguous to public lands);

4. if the applicant is not the owner, a certified copy of the deed or other instrument* under which the owner holds title plus written permission for the applicant to carry out the project. NOTE: Should the encroachment be located wholly upon state waterbottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contain details of ingress and egress for such structure;

5. map or plat showing:

a. location of the activity site including section, township, and range;

b. Louisiana Grid Coordinates of all corners and angle points;

c. name of waterway;

d. all applicable political (parish, town, city, etc.) boundary lines;

e. name of and distance of local town, community or other identifying location;

f. names of all roads in the vicinity of the site;

g. graphic scale;

h. north arrow.

6. plan view showing:

a. existing shorelines;

b. ebb and flood in tidal waters and direction of flow in rivers;

c. mean high water line;

d. mean low water line;

e. water depth around the project;

f. extent of land area reclaimed or filled shown in square feet;

g. extent of encroachment beyond the applicable water lines;

h. Waterward dimensions from an existing permanent fixed structure or object;

i. location of structures, if any, in navigable water immediately adjacent to the proposed activity.

7. elevation and/or section view showing:

a. same water elevations as in the plan view;

b. depth at waterward face of proposed work;

c. dimensions from applicable water lines for proposed float or pile supported platform;

d. graphic or numerical scale;

e. detailed drawings of construction including plot plan, cross section and profile.

8. non-refundable administrative and processing fee of \$50.

9. letter of intent.

Where a permit application contemplates any form of landfill or reclamation, the map or plat submitted must be prepared by

* Only one certified copy of deed or instrument is required.

a professional land surveyor currently registered by the State Board of Registration for Professional Engineers and Land Surveyors.
Verification of Work

Upon completion of the project, the applicant is required to submit verification of the work completed to the secretary of the Department of Natural Resources within 60 days. The applicant is required to submit a final certified map or plat prepared by a professional land surveyor currently registered by the State Board of Registration for Professional Engineers and Land Surveyors as verification.

Upon completion of a Class A permit construction and verification, a boundary agreement is required as follows:
Boundary Agreements

After fulfilling the requirements for verification of work completed pursuant to a reclamation permit, the applicant and the secretary of the Department of Natural Resources shall enter into an agreement fixing the definitive boundary between the reclaimed land area and the waterbottoms. No definitive boundary shall be fixed nor shall title be vested unless and until proof is made that the reclaimed land is raised to a minimum height of six inches above mean high water and is stabilized along the newly created bank or shore by masonry, concrete mats, riprap, sheet piling, bulkheads, or similar constructions to reasonably insure permanence as required by law.

Upon completion of a Class E permit construction and verification, a lease is required as follows:
Leases: Reclamation

After fulfilling the requirements for verification of work completed pursuant to a landfill the applicant and the secretary of the Department of Natural Resources shall enter into a lease agreement to operate or maintain the encroachment. Such leases will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be based upon the size and nature of the encroachment. The lease shall be assessed at 5 percent of the appraised value of the land for noncommercial use and at 7.5 percent of the appraised value for commercial uses with a minimum fee of \$100 per year. The property will be reappraised at the expiration of the primary term of the lease.

Leases entered into shall be for a term of five years and subject to renewal by lessee for nine successive terms. In no case shall the maximum term of such leases exceed 50 years. At the end of a 50 year maximum period, lessee may apply for a new lease for the subject encroachment.

PROCEDURES AND REQUIREMENTS FOR PERMITTING AND LEASING

ENCROACHMENTS ONTO STATE OWNED PROPERTY

CLASS B: Permits to construct bulkheads or flood protection structures in proximity to the bank or shore.

CLASS C: Permits to construct wharves and piers.

CLASS D: Permits to construct structures other than wharves and piers.

1. Submitting Procedures

Applicant shall notify the secretary of the Department of Natural Resources in writing of his intent to apply for a permit for work contemplated. Such letter shall contain a description of the proposed physical work to be performed, materials to be used and identity of the body of water involved. Upon receipt of applicant's letter, the secretary shall forward the appropriate permit form to the applicant with a copy of these regulations.

Upon completion of the appropriate form the applicant shall:

- a. Apply to the governing authority of the parish or parishes within which the work or structures will be located for their approval or permit for the project;
- b. Apply to the U.S. Corps of Engineers for the appropri-

ate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;

c. Upon request of the governing authorities of the parish cause to have published at least once, notice of the application in the official journal of the parish or parishes.

2. Fees

Fees for permits are as follows:

a. an application for a permit shall be accompanied by a non-refundable administrative and processing fee of \$10;

b. in the event that review of the application requires special work in the field such as special field examination or survey, the applicant shall be required to pay for such special work the price of which shall be fixed by the secretary based on his estimate of the cost of special work to the state. The secretary shall notify the applicant of the estimated cost of such special work and shall proceed until the estimated cost of same is paid.

APPLICATION REQUIREMENTS FOR CLASS B, C, OR D PERMITS

ISSUED UNDER ACT 645 OF 1978

Applications must be submitted in triplicate to the secretary of the Department of Natural Resources, and each application must include the following:

1. application form as provided by the Department of Natural Resources;
2. approval of the parish governing authority for the project;
3. a certified deed of ownership* (of the lands contiguous to public lands);
4. if the applicant is not the owner, a certified copy of the deed or other instrument* under which the owner holds title plus written permission for the applicant to carry out the project. NOTE: Should the encroachment be located wholly upon state waterbottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contain details of ingress and egress for such structure;
5. map or plat showing:
 - a. location of the activity site including section, township and range;
 - b. name of waterway;
 - c. all applicable political (parish, town, city, etc.) boundary lines;
 - d. name of and distance of local town, community or other identifying location;
 - e. names of all roads in the vicinity of the site;
 - f. graphic scale;
 - g. north arrow.
6. plan view showing:
 - a. existing shorelines;
 - b. ebb and flood in tidal waters and direction of flow in rivers;
 - c. mean high water line;
 - d. mean low water line;
 - e. water depth around the project;
 - f. extent of encroachment beyond the applicable water lines;
 - g. waterward dimensions from an existing permanent fixed structure or object;
 - h. location of structures, if any, in navigable water immediately adjacent to the proposed activity.
7. elevation and/or section view showing:
 - a. same water elevations as in the plan view;
 - b. depth at waterward face of proposed work;

* Only one certified copy of deed or instrument is required.

- c. dimensions from applicable water lines for proposed float or pile supported platform;
 - d. graphic or numerical scale;
 - e. detailed drawings of construction including plot plan, cross section and profile.
8. non-refundable administrative and processing fee of \$10.
 9. letter of intent.

If the proposed project falls under the United States Army Corps of Engineers jurisdiction and permit(s) are being sought from that agency, the applications submitted to the Corps of Engineers may be submitted to the Department of Natural Resources in lieu of the above, providing that all copies are clear and legible and the Corps permit application does in fact contain all of the information described above.

All class C and D permits are accompanied by a lease agreement described as follows:

Leases: Structures

After fulfilling the requirements for a structure permit, the applicant and the secretary of the Department of Natural Resources shall enter into a lease agreement to operate or maintain the encroachment. Bulkheads constructed without fill, commercial and non-commercial wharves and piers less than 50 linear feet whose surface area does not exceed 150 square feet, which do not interfere with public navigation and fishery or are not part of another encroachment, are exempt from this leasing provision. Such leases will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be based upon the size and nature of the encroachment.

Commercial structures will be assessed at 7.5 percent of the appraised value of the structure with a minimum fee of \$100 per year. The property will be reappraised at the expiration of the primary term of the lease. Pilings situated on state waterbottoms and not supporting any additional structure (i.e. anchor piles, pile dolphins, etc.) will be assessed \$100 plus \$10 for each piling. When such pilings exist independent of and in addition to any other structures subject to lease based on square footage, lease price will be computed at the rate of \$10 per piling. In no instance shall the consideration be less than \$100 per annum.

Leases entered into shall be for a term of five years and subject to renewal by lessee for nine successive terms. In no case shall the maximum term of such leases exceed 50 years. At the end of a 50 year maximum period, lessees may apply for a new lease for the subject encroachment.

GENERAL REGULATIONS REGARDING ALL PERMITS

1. Approval of Local and Other State Authorities

No permits shall be issued nor shall any work commence until the application has first been approved by the governing authority of the parish wherein the property is located, Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board, Coastal Management Section (if the project is in the coastal zone) and such other parochial or state agencies which may have jurisdiction over such matter. Coordination and dissemination among the several agencies will be performed by the secretary of the Department of Natural Resources.

2. Objections and Public Hearings

Objections shall be received by the secretary of the Department of Natural Resources for a period of 30 days from date of published notice, to correspond with the delays established by the U.S. Corps of Engineers. In the event that opportunity for public hearing is deemed necessary by either the state, through the secretary of the Department of Natural Resources, or the U.S. Corps of Engineers, all efforts will be made by the state to accommodate the applicant by holding one hearing together with the federal authorities at whatever time and place the latter stipulates.

At the end of the prescribed period for objections, or after the public hearing if necessary, the governing authority of the parish or parishes shall either approve or object to the application, with reasons, and forward their determination to the secretary of the Department of Natural Resources, together with all required attachments and evidence of publication of notice by either the Corps of Engineers or the applicant, for processing as provided herein.

3. Reasons for Denial or Limitation

No reclamation, encroachment or lease shall be allowed if in the determination of the Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board or the secretary of the Department of Natural Resources, such activity would obstruct or hinder the navigability of any waters of the state, impose undue or unreasonable restraints on the state or public rights which have vested in such areas pursuant to Louisiana law, or result in unacceptable adverse impacts to the environment of the coastal zone, and to that extent the land area sought to be reclaimed, or the structure or construction, may be limited.

4. Hold Harmless

All permits and leases approved and issued hereunder shall be conditioned upon applicant's agreement to hold the State of Louisiana and her agencies and subdivisions harmless for applicant's acts or omissions in reclaiming and maintaining eroded lands and constructing or maintaining any structures and bulkheads, though the permit or lease for the same subsequently expires or is revoked.

5. Encumbrances

A permit will be issued subject to and encumbered with any right-of-way or servitude, or any mineral, geothermal, geopressure, or any other lease acquired or granted by the state for a lawful purpose while the reclaimed land was an eroded area. Nothing in these regulations shall prevent the leasing of state lands or waterbottoms for mineral or other purposes.

6. Maximum Permit Term

All permits issued pursuant to these provisions shall be effective for a period not to exceed two years from the date of issuance and shall thereupon expire. All work remaining or any additional work may be completed only by a new permit application.

7. Vested Rights

No permit or lease shall be construed to vest any proprietary rights or title in any private owner except as to lands actually reclaimed and maintained pursuant to Act 645 of 1978. Eroded lands contiguous to the coast of the Gulf of Mexico as defined in the Decree of the United States Supreme Court dated July 16, 1975, in *United States vs. Louisiana*, No. 9 Original, may be reclaimed under reclamation permits, out to the coastline.

8. Copies to Local Governments

A copy of the permit issued, along with the pertinent plats attached and the documentation required to be submitted 60 days after completion of work shall be filed with the clerk of court of the parish or parishes affected. A copy of the above shall also be furnished the assessor of the parish or parishes for assessment purposes.

ACT 645 PERMIT APPLICATION REQUIREMENTS

This permit application must be accompanied by the following:

CHECK LIST:

- _____ (1) Approval of the parish governing authority (Police Jury, Parish Council, etc.)
- _____ (2) One certified copy of the deed of ownership (cash sale, exchange, judgement of possession, etc.)
- _____ (3) If the applicant is not the owner:
 (a) one certified copy of the instrument showing applicant's interest (lease, etc.)
 (b) permission from the owner, approving applicant's project
- _____ (4) Certified survey plat showing old shorelines, present shorelines and limits of reclamation*
- _____ (5) Plan view of the activity site*
- _____ (6) Section view of the activity site*
- _____ (7) Administrative fee of \$50.00
- _____ (8) Letter of Intent

Class A must be followed by a boundary agreement.

Class E must be followed by a lease agreement.

*See rules and regulations for complete application requirements.

CLASS B, C, OR D PERMIT APPLICATION

ACT 645 PERMIT APPLICATION REQUIREMENTS

This permit application must be accompanied by the following:

CHECK LIST:

- _____ (1) Approval of the parish governing authority (Police Jury, Parish Council, etc.)
- _____ (2) One certified copy of the deed of ownership (cash sale, exchange, judgement of possession, etc.)
- _____ (3) If the applicant is not the owner:
 (a) one certified copy of the instrument showing applicant's interest (lease, etc.)
 (b) permission from the owner approving applicant's project
- _____ (4) Map or plat of the activity site showing the property along the bank*
- _____ (5) Plan view of the activity site*
- _____ (6) Section view of the activity site*
- _____ (7) Administrative fee of \$10.00
- _____ (8) Letter of Intent

Class C and D permits must be followed by a lease agreement.

*See rules and regulations for complete application requirements.

Persons requesting copies of the rules and regulations may contact Karl Morgan, Department of Natural Resources, Box 44124, Baton Rouge, LA 70804.

B. Jim Porter
 Secretary

RULE

**Department of Public Safety and Corrections
 Corrections Services**

The Louisiana Department of Public Safety and Corrections, Corrections Services, adopts LAC 22:1.303 and 22:1.304 pertaining to searches of visitors and employees at facilities within the Corrections Services Division of the Department of Public Safety and Corrections.

Title 22

Part 1. Corrections

Chapter 3. Adult and Juvenile Services

§303. Searches of Visitors

A. PURPOSE

To establish the secretary's policy and instructions regarding searches of visitors at facilities within the Corrections Services Division of the Department of Public Safety and Corrections.

B. TO WHOM THIS REGULATION APPLIES

This regulation sets forth the procedures to be followed when searching any visitor to a correctional facility.

C. POLICY

It is the policy of the secretary to halt the flow of contraband into institutions under the jurisdiction of the department. Visitors may be subjected to searches as a condition of their being allowed to visit. Searches shall be conducted in a manner that will avoid unnecessary force, embarrassment, or indignity to the visitor. It is a violation of Louisiana law to bring contraband into a correctional facility. (R.S. 14:402)

D. GENERAL

The United States and Louisiana constitutions prohibit unreasonable searches. This regulation is based on current court decisions regarding searches of visitors. Since a constitutional question is involved, department employees must be especially conscientious about complying with this regulation.

E. REFERENCES

U.S. Constitution 1st and 14th Amendments, Louisiana Constitution, Article 1, Section 5, *Thome v. Jones*, 765 F.2nd 1270 (U.S. 5th Cir., 1985).

F. DEFINITIONS

For the purpose of this regulation, the following definitions shall be applicable:

1. *Visitor*—any non-offender or non-employee of Corrections Services who is on institutional grounds for any authorized visit, or who is attempting to gain entry to the grounds for a visit.

2. *Visit*—may be a visit to an offender, to a part of the institution, to see a member of the institutional staff, a tour, to perform any maintenance or construction work, to make a sales call, etc.

3. *Property Searches*—searches of visitors' personal property brought onto the institutional grounds, including but not limited to vehicles, lunchboxes, purses, coats and jackets, etc. For the purposes of this regulation, "institutional grounds" means any place where offenders may possibly enjoy access, either supervised or unsupervised.

4. *Personal Searches*

a. *Pat-Down or Frisk Search*

i. A search of a fully-clothed person, conducted by a member of the same sex, conducted for the purpose of discovering contraband.

ii. The person being searched may be required to empty his pockets, purse, or any other area where items may be stored or carried, in order that these items be searched for contraband.

iii. The person being searched may be required to remove any wig or hairpiece he may be wearing. This portion of the search must be conducted by a person of the same sex as the person being searched, in a private place, out of the view of others, in a place

where the person being searched will have access to a mirror, in order that they can restore their appearance with the least possible difficulty.

iv. The person being searched may also be required to remove all outerwear (coats, jackets, hats, caps, gloves, shoes, socks, etc.) in order that these items be searched. He may also be required to open his mouth for inspection. The person will not be required to remove articles of clothing which are the person's basic dress (shirts, pants, dress, skirt, etc.). The person conducting the search shall use his hands to touch the person being searched, through his clothes, in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump or bulge, etc., he may order the person being searched to disclose the source of the unusual lump, etc. Failure to comply with this order constitutes reasonable suspicion to conduct a strip search, or refuse the visit.

b. *General Search*—A search whereby the visitor is required to remove his clothing down to his underwear, in order that his clothes may be inspected for contraband and his/her person be observed. This search shall be conducted in a private place, by an employee of the same sex as the visitor, out of the view of persons other than those conducting the search.

c. *Strip Search*—A visual search of the visitor's nude body, conducted by officers of the same sex as the visitor being searched, in a private place, out of the view of persons other than those conducting the search. The visitor may be required to bend over, squat, turn around, raise his arms, lift the genitals, run his hands through his hair and/or open his mouth for inspection (the foregoing list is exemplary, not exclusive). The visitor's clothing may be thoroughly searched prior to returning them to the visitor.

d. *Visual Body Cavity Search*—A visual search of the visitor's nude body, conducted by employees of the same sex as the visitor being searched, only pursuant to a search warrant, in a private place, out of the view of persons other than those conducting the search. The visitor may be required to bend over, squat, turn around, raise his arms, lift the genitals, run his hands through his hair and/or open his mouth for inspection (the foregoing list is exemplary, not exclusive). Additionally, a visual search is made of the anal and/or vaginal openings, whereby the person is required to open the cheeks of the buttocks and/or the lips of the vagina.

e. *Body Cavity Search*—A search of a body cavity, conducted by medical personnel only, and only pursuant to a search warrant.

5. *Reasonable Suspicion*—Reasonable suspicion is suspicion supported by facts and circumstances which lead an employee of ordinary caution to believe that a visitor is secreting contraband in or on his body.

G. WHEN SEARCHES ARE PERMITTED

1. Property Search

Property searches may be conducted at any time.

2. Pat-Down Search

Pat-down searches may be conducted at any time when there is some degree of suspicion directed toward the visitor. Suspicion sufficient to conduct a pat-down search is any degree of articulable suspicion whether objective or subjective: an officer's hunch based on his experience and expertise in this area will suffice. Random pat-down searches are prohibited.

3. General Search; Strip Search

a. These searches may be conducted if there is reasonable suspicion directed toward the specific visitor. Random strip searches of visitors are prohibited. Institutional officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts. Absent reasonable suspicion directed toward a visitor, these searches are prohibited. Even a visitor's consent to such a search does not make the search permissible, absent

reasonable suspicion directed toward that visitor. These searches may only be conducted with the approval of the unit head, assistant unit head, or their designee.

b. If the visitor to whom reasonable suspicion is directed cooperates with the search and no contraband is found, the visit may proceed.

c. If the visitor refuses to be searched, the following options exist:

i. Disallow the visit and require that the visitor leave.

ii. Permit a non-contact visit.

iii. Detain the visitor until law enforcement can arrive and enforce the search (See Code of Criminal Procedure Article 215.2)

d. If contraband is found, the visitor shall be detained pending notification of law enforcement, who shall advise the institution as to how to proceed (likely, they will advise us to detain the visitor pending their arrival to place the visitor under arrest.)

4. Visual Body Cavity Search; Body Cavity Search

a. These searches may be conducted only with a search warrant. The warrant should specify who should conduct the search (doctor, nurse, etc.), however, if the warrant is silent, a physician should conduct the search.

b. If there is sufficient cause and suspicion to cause institutional officials (the unit head and/or his designee(s) to believe that a visitor is secreting contraband within a body cavity, that visitor should be detained as per Code of Criminal Procedure Article 215.2, while law enforcement personnel are notified, and a search warrant obtained, or the visitor is arrested by law enforcement personnel.

H. SEARCHES BY DRUG-SNIFFING DOGS

Searches of visitors and their property by trained drug-sniffing dogs may be conducted at any time.

I. SUSPENSION OF VISITING PRIVILEGES

1. If contraband is found on a visitor, or if a visitor refuses to be searched or refuses to allow his property to be searched, or if the visitor violates any other rules of the institution, that particular visit may be disallowed and the visitor told to leave the institution.

2. If the offense is such that it is the unit head's desire to remove that visitor from the visiting list (either indefinitely or for a fixed period of time), the following procedure must be used:

a. The unit head must notify the visitor in writing that he/she has been removed from all applicable visiting lists for (amount of time), and why. The visitor shall also be notified that he may appeal this action to the appropriate assistant secretary by sending a letter of appeal to the assistant secretary within 15 days of the date of this notice. A copy of the notice shall be sent to the assistant secretary and the unit head.

b. If the visitor exercises this appeal right, the assistant secretary shall schedule a hearing within 30 days of notice of appeal by the visitor, and notify the visitor of the time, date and location of the hearing. The hearing shall consist of a meeting between the visitor and the assistant secretary, which meeting shall be preserved by minutes taken by the assistant secretary's designee.

c. The unit head may submit a report to the assistant secretary setting forth any information that he feels may assist the assistant secretary in making his decision. The assistant secretary may determine that the unit head should attend this hearing, in which event the assistant secretary shall notify the unit head that he or his representative should attend. Otherwise, the only people allowed to participate in the hearing shall be the visitor and the assistant secretary.

d. The assistant secretary shall render a written decision granting or denying the appeal, and shall notify the visitor and the unit head of the decision within 15 days of the hearing. Brief reasons for the decision shall be given.

e. The visitor or unit head may appeal the assistant secretary's decision to the secretary, within 10 days of the date of the assistant secretary's decision. The secretary shall decide the matter on the record, which shall consist of the unit head's notice, the letter of appeal to the unit head, the unit head's report (c., above), if any, the minutes of the hearing with the assistant secretary, and the letter of appeal to the secretary. No additional hearing shall be held. The secretary shall render a decision within 30 days of the letter of appeal to the secretary. No reasons are necessary. The visitor and the unit head shall be notified of the secretary's decision in writing.

f. The suspension of visiting privileges which is the subject of this appeal shall remain in effect pending final resolution of the appeal.

§304. Searches of Employees

A. PURPOSE

To establish the secretary's policy and instructions regarding searches of employees at facilities within the Corrections Services Division of the Department of Public Safety and Corrections.

B. TO WHOM THIS REGULATION APPLIES

This regulation is applicable to all personnel in the employ of the Corrections Services Division of the Department of Public Safety and Corrections.

C. POLICY

It is the policy of the secretary to halt the flow of contraband into institutions under the jurisdiction of the department. Corrections Services employees may be subjected to searches as set forth in this regulation. Searches shall be conducted in a manner that will avoid unnecessary force, embarrassment, or indignity to the employee. Employees shall be advised of this authority prior to accepting employment. They also shall be advised of possible disciplinary and criminal consequences which may result from any attempt to bring contraband into or out of an institution. It is a violation of Louisiana law to bring contraband into a correctional facility (R.S. 14:402).

D. GENERAL

The United States and Louisiana constitutions prohibit unreasonable searches. This regulation is based on current court decisions regarding searches of employees. Since a constitutional question is involved, department employees must be especially conscientious about complying with this regulation.

E. REFERENCES

U.S. Constitution 4th and 14th Amendments, Louisiana Constitution, Article 1, Section 5, *U.S. v. Sihler*, 562 F.2d 349 (1977, U.S. 5th Cir.), *Sec. and Law Enforcement Employees District Council 82 v. Carey*, 737 F.2d 187 (1984, U.S. 2nd Cir.)

F. DEFINITIONS

For the purpose of this regulation, the following definitions of different types of searches shall be applicable:

1. *Property Searches*—Searches of employees' personal property that they bring onto the institutional grounds, including but not limited to automobiles, lunchboxes, purses, coats and jackets, etc. For the purposes of this regulation, "institutional grounds" means any place where offenders may possibly enjoy access, either supervised or unsupervised.

2. *Personal Searches*

a. *Pat-Down or Frisk Search*

i. A search of a fully-clothed person, conducted by a member of the same sex for the purpose of discovering contraband.

ii. The person being searched may be required to empty his pockets, purse, or any other area where items may be stored or carried, in order that these items be searched for contraband.

iii. The person being searched may be required to remove any wig or hairpiece he may be wearing. This portion of the search

must be conducted by a person of the same sex as the person being searched, in a private place, out of the view of others, in a place where the person being searched will have access to a mirror, in order that they can restore their appearance with the least possible difficulty.

iv. The person being searched may also be required to remove all outerwear (coats, jackets, hats, caps, gloves, shoes, socks, etc.) in order that these items be searched. He may also be required to open his mouth for inspection. The person will not be required to remove articles of clothing which are the person's basic dress (shirts, pants, dress, skirt, etc.). The person conducting the search shall use his hands to touch the person being searched, through his clothes, in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump or bulge, etc., he may order the person being searched to disclose the source of the unusual lump, etc. Failure to comply with this order constitutes reasonable suspicion to conduct a strip search.

b. *General Search*—A search whereby the employee is required to remove his clothing down to his underwear, in order that his clothes may be inspected for contraband and his person be observed. This search shall be conducted in a private place, out of the view of persons other than those conducting the search.

c. *Strip Search*—A visual search of the employee's nude body, conducted by employees of the same sex as the employee being searched, in a private place, out of the view of persons other than those conducting the search. The employee may be required to bend over, squat, turn around, raise his arms, lift the genitals, run his hands through his hair and/or open his mouth for inspection (the foregoing list is exemplary, not exclusive). The employee's clothing may be thoroughly searched prior to returning them to the employee.

d. *Visual Body Cavity Search*—A visual search of the employee's nude body, conducted by employee(s) of the same sex as the employee being searched, only pursuant to a search warrant, in a private place, out of the view of persons other than those conducting the search. The employee may be required to bend over, squat, turn around, raise his arms, lift the genitals, run his hands through his hair and/or open his mouth for inspection (the foregoing list is exemplary, not exclusive). Additionally, visual search is made of the anal and/or vaginal openings, whereby the person is required to open the cheeks of the buttocks and/or the lips of the vagina. The employee's clothing may be thoroughly searched prior to returning them to the employee.

e. *Body Cavity Search*—A search of a body cavity, conducted by medical personnel only, and only pursuant to a search warrant.

3. *Reasonable Suspicion*—Reasonable suspicion is suspicion supported by facts and circumstances which lead an employee of ordinary caution to believe that an employee is secreting contraband in or on his body.

G. WHEN SEARCHES ARE PERMITTED

1. Property Search

Property searches may be conducted at any time.

2. Pat-Down Search

Pat-down searches may be conducted at any time, with the approval of the unit head, assistant unit head, or their designee.

3. General Search

General searches may be conducted at any time, with the approval of the unit head, assistant unit head, or their designee.

4. Strip Search

a. With the approval of the unit head, assistant unit head, or their designee, strip searches of employees may be conducted when there is reasonable suspicion directed toward a particular employee. Random strip searches of employees are PROHIB-

ITED. Also, strip searches of groups of employees are prohibited absent reasonable suspicion directed toward the entire group. Strip searches shall be conducted in the presence of at least two security officers.

b. In order to conduct a strip search, the suspicion must be directed to a specific employee(s). Factors to determine reasonable suspicion include:

- i. nature of the tip or information;
- ii. reliability of the informant;
- iii. degree of corroboration of the tip or information; and
- iv. other facts contributing to suspicion or lack thereof.

c. Documentation on all such strip searches performed must be prepared, containing information regarding the circumstances surrounding the search, the reasons therefor, and the results of the search. A copy of this report shall be given to the employee. The original report, plus any supporting documents or reports, shall be forwarded to the Legal Section at Headquarters, for review and filing.

d. The report of the strip search must not contain any information which would tend to identify the source of any confidential information which was part of the basis for the search. This information must be contained in the supporting documentation which accompanies the report which is forwarded to Legal Services.

5. Visual Body Cavity Search and Body Cavity Search

a. Visual body cavity searches and body cavity searches of employees are not permitted absent a search warrant authorizing the search. The warrant should specify who should conduct the search (doctor, nurse, etc.), however; if the warrant is silent, a physician should conduct the search.

b. If there is sufficient cause and suspicion to cause institutional officials (the unit head and/or his designee(s) to believe that an employee is secreting contraband within a body cavity, that employee should be detained as per Code of Criminal Procedure Article 215.2, while law enforcement personnel are notified, and a search warrant obtained, or the employee is arrested by law enforcement personnel.

H. SEARCHES BY DRUG-SNIFFING DOGS

Searches of employees and their property by trained drug-sniffing dogs may be conducted at any time.

C. Paul Phelps
Secretary

RULE

**Department of Public Safety and Corrections
Office of Motor Vehicles**

The Louisiana Department of Public Safety and Corrections has adopted, effective March 20, 1986, amendments to the standards for licensing commercial driving schools and instructors.

Pursuant to the authority contained in Act 665 of 1983, Revised Statutes, Section 1461 of Title 40, the Department of Public Safety and Corrections through the secretary, adopts 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.

A copy of the rules and regulations may be obtained at no cost by writing Buster J. Guzzardo Sr., Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896, by calling 504/925-6277 or by coming in person to Trailer 22 of the Office of Motor Vehicles at 109 S. Foster Drive, Baton Rouge, LA

Buster J. Guzzardo, Sr.
Administrator
Field and Safety Enforcement Services

RULE

**Department of Public Safety and Corrections
Office of State Police
Hazardous Materials Unit**

The Louisiana Department of Public Safety and Corrections announces the adoption of rules pursuant to R.S. 32:1504.

These rules establish the format and procedure, and provide for the implementation of the "Louisiana Motor Carrier Safety Program."

Interested persons may review these regulations at the following address: Louisiana State Police Hazardous Materials Unit, 7901 Independence Boulevard, Baton Rouge, LA. Anyone needing further information may correspond with Lt. P. A. Touchard of the State Police Hazardous Materials Unit.

Colonel Wiley D. McCormick
Deputy Secretary

RULE

**Department of the Treasury
Interim Emergency Board**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Interim Emergency Board amends its Policies and Procedures to implement Article VII, Section 7 of the Louisiana State Constitution of 1974 and R.S. 39:461 et seq. relative to emergency appropriations and deficit spending, to read as follows:

1. For purposes of a definition, an emergency is an event or occurrence not reasonably anticipated by the legislature, that is one not considered and rejected, in the same relative form or content, by a vote of the legislature or a committee thereof.

2. Requests for programs or projects which may require future continuing state appropriations shall not be acted upon by the board except by request for deficit spending. Should such deficit spending be found impractical or impossible, the board may fund such projects with a favorable vote of six members.

3. Requests for emergency appropriations will be accepted only for funding of state agencies or state sponsored programs. The only exception to this rule shall be those requests from political subdivisions generated as a result of disaster situations (i.e., hurricane, flood, severe freezing, tornado, etc.).

4. Requests for emergency appropriations or deficit spending shall be submitted by the head of a state department or educational management board or by an area state legislator for a disaster situation application in behalf of a political subdivision on the board's official application form. The request shall be made to the board at least 10 working days prior to a scheduled meeting.

5. All educational institutions under the jurisdiction of a management board must submit the approval of that management board with the application.

6. Requests for any priority change in the capital outlay bill or for any certificate of impracticality or impossibility must be accompanied by a recommendation of the commissioner of administration at the time of submission.

7. The agenda of requested items shall be forwarded to each member of the board no later than five days prior to a scheduled meeting. The board, with a majority approval, may add to the published agenda only those items pertaining to a priority change, a certificate of impracticality or impossibility, a fiscal agent approval or any board administrative item. Because of statutory prohibitions, the board shall not suspend its rules to add an appropriation item to its published agenda.

8. The appropriation of funds by the board shall become effective upon receipt by the board, within 60 days after notice to the applicant of legislative approval, of satisfactory evidence of an obligation to expend such funds.

9. A resolution of the board shall be required for a bank to be designated as a fiscal agent for the State of Louisiana.

10. A budget for the operational expenses of the board shall be prepared for review by the board and submitted to the legislature through the normal budgetary process for inclusion in the general appropriations bill.

11. The board may impose such other qualifications, conditions, limitations, or restrictions on any appropriation it deems necessary and proper.

12. A letter shall be transmitted to the state treasurer stating that an appropriation has been made or a deficit has been authorized for a state agency in accordance with the law.

13. Warrants will be drawn only through the Division of Administration.

14. Any item which was favorably recommended by the board and received legislative approval from one house but failed to receive approval from the other house shall not be eligible for reconsideration for rebalancing at any future meeting of the board.

Robert L. Freeman
Chairman

Notices of Intent

NOTICE OF INTENT

Department of State Civil Service

The State Civil Service Commission will hold a public hearing on Wednesday August 6, 1986 for the purpose of considering the proposed addition of Civil Service Rule 17.3(c).

The hearing will be at 8 a.m. and will be held at the Republic Tower Building, 5700 Florida Boulevard, 12th Floor Commission Room, Baton Rouge, LA.

Consideration will be given to the following:

CHAPTER 17

Add:

17.3(c) The director may give approval to any furlough, for a period not to exceed 45 calendar days, when such furlough is needed to develop and work a layoff plan and prevent a deficit or further deficit in an agency's budget.

EXPLANATION

The proposed rule would allow the director alone, without subsequent ratification by the commission, to approve furloughs needed immediately in order to remove employees from an agency's payroll. The present rules did not envision the need to use furloughs in this type of fiscal crisis and are thus too cumbersome to

apply in such a situation. Agencies need to be assured that they can take immediate action without such action being possibly overturned at a later date.

Persons interested in making comments relative to this proposed rule may do so by appearance at the public hearing or by writing to the director of the Department of Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Chapter I ECIA Repayment Agreements

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 an amendment to Standards, Methods for Implementation and Accountability for Chapter I, ECIA (Rule 3.01.46) regarding administrative procedures to repay the State Department of Education for violations of Chapter I, ECIA. (Copy of amendments on file in Board Office and Office of the Louisiana Register.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Withholding and Repayment Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Minimal costs will be borne by the local and state agency budgets in subsequent years, as hearings may be required.

At the present time, federal requirements, regarding repayment and withholding of funds from local education agencies (LEAs) determined not to have spent funds in accordance with applicable law, provide a basic framework from which to work. The proposed rules on repayment agreements and withholding procedures represent the state Chapter 1 Office's attempt to structure procedures needed to enforce the federal requirements and prevent the state from having to make up any funds that an LEA has been determined to have mis-spent.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The proposed rules would serve to detail procedures within an existing framework of authority and there would be no costs or benefits to directly affected persons or nongovernmental groups.

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

The proposed rules would have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Adding Electives to the Elementary Program of Studies

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 the Department of Education's recommendation for adding elective to the Elementary Program of Studies. (amendment to Bulletin 741) as follows:

ADDING ELECTIVES TO THE ELEMENTARY PROGRAM OF STUDIES

The process for adding electives at the elementary level should be revised and incorporated into Bulletin 741 as a standard to include the following:

ADDING ELECTIVES TO THE PROGRAM OF STUDIES Standard

A school choosing to add an elective course to its program of studies shall apply to the director of the Bureau of Elementary Education, State Department of Education, through the local superintendent, at least 60 days prior to the anticipated date of implementation.

The application for an elective course shall be signed by the school principal and superintendent and shall contain the following information:

1. Detailed outline of course content
2. Time requirements (minutes per day; days per year or semester)
3. Detailed course objectives and how they shall be measured
4. Qualifications of the instructor
5. When the course is to begin
6. Approximate number of students
7. Criteria for enrollment

If the course is to be offered for the succeeding school year, an end-of-year evaluation shall be sent on forms provided, to the Bureau of Elementary Education for determining its continuation. After an elective course has been in effect for three successive school years and the system wants the course to be a permanent part of its curriculum, the school superintendent shall apply by letter to the director of the Bureau of Elementary Education for permission to include it.

This standard is similar to Standard 2.105.35 on page 98 of Bulletin 741 for adding elective courses to the secondary program of studies.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 741**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Printing and postage of the change in Bulletin 741 will cost approximately \$75 and is provided for in the 1986-87 budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No impact on state or local revenues would result.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No estimated costs and/or economic benefits to directly affected persons or nongovernmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No estimated effects on competition and employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Passing Score on the NTE Educational Administration and Supervision Test

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 adopted a passing score of 620 to be required on the National Teacher Examinations Educational Administration and Supervision Test as criterion for initial certification as principal or assistant principal in Louisiana.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: NTE Administration and Supervisor Test**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No costs or savings to local governmental units expected to result from proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Proposed rule is expected to have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Registrants are charged \$35 for the Educational Administration and Supervision Test.

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

The validation study sponsored by the Board of Elementary and Secondary Education determined that if Louisiana examinees perform at the same level as examinees in school systems which required the NTE Educational Administration and Supervision Test between June, 1982 and July, 1985, approximately 56 percent will fail to achieve the passing score and will be denied certification.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Sabbatical Leave Policy for Vocational Technical Schools

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 the following amendments to the Sabbatical Leave Policy for vocational technical schools:

Amend Policy 6.03.95 12.3 of the policy and procedure manual to read: "At no time shall the number of persons on sabbatical leave for professional improvement from a school with less than 20 VTIE certified personnel exceed one and from a school with 20 or more, exceed two."

Amend Policy 6.03.95 12.4 of the policy and procedure manual by deleting "75 percent" and inserting "50 percent."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

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

**Rule Title: Amendment to Sabbatical Leave Policy
for Vo-Tech Schools**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs or savings to state or local governments.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This will have no effect on revenue collections of state or local governmental units but will decrease expenditures of vocational-technical schools by \$178,196.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

This will save the vocational-technical schools 25 percent of sabbatical leave salaries which amounts to \$178,196.

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

This will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1191, *School Transportation Handbook*

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 an amendment to Bulletin 1191, *School Transportation Handbook* to require that regular bus drivers with three or more years of service as certified drivers earn eight hours inservice training every other year.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

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

Rule Title: Amends Bulletin 1191

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Savings to the state of approximately \$145,716. Some possible but indeterminable savings to the local school systems.

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)

Tenured school bus drivers who, under this policy, would not have to attend in-service training every year would, consequently, lose the compensation paid to them during those alternate years in which they would not be attending the training.

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

There is no estimated effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Fee Schedule for Students Attending Vocational-Technical Schools

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 the following fee schedule for students attending vocational-technical schools:

This may be found in its entirety in the Emergency Rules Section of this *Louisiana Register*.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 8, 1986 at the following address: State Board of Elementary and

Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

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

Rule Title: Fees for Students Attending Vo-Tech Schools

- 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)
During FY 1986-87, the vocational-technical schools will collect an estimated \$1,715,590 in tuition from these proposed rules, and the same amount is estimated for the following two years. These funds will be utilized by the schools where fees are collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The additional costs will be to the students of the vo-tech schools.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality

Office of Air Quality and Nuclear Energy

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Rules and Regulations for the Louisiana Department of Environmental Quality Fee System(s).

The proposed amendments will increase all previously existing Louisiana Department of Environmental Quality fees by 30 percent.

The proposed amendments are to become effective on October 1, 1986.

A public hearing will be at 10 a.m. on August 7, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than August 19, 1986 to LaVerna Smith, Department of Environmental Quality, Box 44066, Baton Rouge, LA 70804. She may be contacted at the address above, or telephone (504) 342-1265. A copy of the proposed amendments may be obtained from the Louisiana Department of Environmental Quality, at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 700, Seventh Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

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

Rule Title: Air Quality Division Fee Schedule

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no new implementation costs or savings to state or local governmental units. Any additional administrative costs will be absorbed with existing manpower and budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
It is estimated that revenues will increase by \$438,000/year as a result of revisions to the Air Quality Division fee schedules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The costs will be borne by the regulated sector affected i.e., those facilities which are regulated by the Air Quality Division Regulations. The annual maintenance fees collected range from a maximum of \$29,800 to a minimum of \$50. A thirty percent increase would mean a maximum increase of \$8,940 to a minimum of \$15.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No discernable change from the current status is anticipated.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality

Office of Air Quality and Nuclear Energy

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Rules and Regulations for the Louisiana Department of Environmental Quality Fee System(s).

The proposed amendments will increase all previously existing Louisiana Department of Environmental Quality fees by 30 percent.

The proposed amendments are to become effective on October 1, 1986.

A public hearing will be at 10 a.m. on August 7, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

sources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than August 19, 1986 to LaVerna Smith, Department of Environmental Quality, Box 44066, Baton Rouge, LA 70804. She may be contacted at the address above, or telephone (504) 342-1265. A copy of the proposed amendments may be obtained from the Louisiana Department of Environmental Quality at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 700, Seventh Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Nuclear Energy Fee Schedule

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This rule change would add no cost to the Nuclear Energy Division's collection of fees, since the collection program is already in place. The purpose is to increase self-generated revenues by an amount equal to deficits encountered by cuts in the State General Fund appropriations in order that necessary activities need not be curtailed. Generally, the major impact to state governmental units as a result of implementation of this rule/schedule will be placed on institutions of higher learning and the state's charity hospitals, due to increases in fees for X-ray machines and licenses for nuclear medicine and research utilizing radioactive materials (e.g., the annual increase to LSU (BR) and Charity Hospital (NO) are estimated to be \$1,400 and \$870, respectively, which are the largest increases). Also, any local governmental unit that has a license or registration will have to pay the new fee as indicated in the proposed revision to Part Y, Appendix A (i.e., Nuclear Energy Program Fee Schedule).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

If this rule/fee schedule change is adopted, it is estimated that revenue collections to the state will increase by approximately \$199,000 on an annualized basis; however, adoption of this proposal will have no effect on collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

If the proposed fee schedule is adopted, the annual cost to directly affected persons or non-governmental groups will range from \$40 (for certain X-ray machines) to \$156,700 (for

Nuclear Power Plants) for the initial application fee and/or annual maintenance fee, as indicated in Part Y/Nuclear Energy Program Fee Schedule. The combined estimated costs to directly affected persons or non-governmental groups will be approximately \$199,000 annually.

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

There is no anticipated effect on competition and non-civil service employment. Any out-of-state company desiring to work in Louisiana with radioactive material must do so under reciprocal recognition of its out-of-state license. The fee for reciprocal recognition is the same as the annual fee for a Louisiana license. Therefore, there should be no unfair competition from out-of-state companies that may have smaller license fees in their home states. Without the increase, at least seven (7) state employees will be laid off.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality

Office of Solid and Hazardous Waste

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Rules and Regulations for the Louisiana Department of Environmental Quality Fee System(s).

The proposed amendments will increase all previously existing Louisiana Department of Environmental Quality fees by 30 percent.

The proposed amendments are to become effective on October 1, 1986.

A public hearing will be at 10 a.m. on August 7, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than August 19, 1986 to LaVerna Smith, Department of Environmental Quality, Box 44066, Baton Rouge, LA 70804. She may be contacted at the address above, or telephone (504) 342-1265. A copy of the proposed amendments may be obtained from the Louisiana Department of Environmental Quality at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 700, Seventh Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

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

Rule Title: Hazardous Waste Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state or local government units as the personnel now on staff can absorb the workload associated with the proposed rule change. Local government units classified as hazardous waste generators would experience a yearly fee increase of \$54.90.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
During FY 86-87 and the fiscal years thereafter, the Hazardous Waste Division anticipates an additional \$278,108 in fees. The increase on generator's fees would yield an additional \$37,462 per year and an additional \$240,646 in the fees to treaters, storers and/or disposers. There will be no effects on revenue collections of local governmental units as a result of adopting the proposed changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The proposed change would require all generators, treatment, storage and disposal facilities increase their annual fees by thirty percent (30.0 percent). Generators fees would increase by the amount of \$54.90. Treatment, storage and/or disposal facilities would realize increases ranging from a minimum of \$1,500.00 to a maximum of \$14,640.00 depending on the volume of hazardous waste disposed.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No net effect is estimated on competition and employment as the entire regulated community will be subject to the same regulatory changes.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Rules and Regulations for the Louisiana Department of Environmental Quality Fee System(s).

The proposed amendments will increase all previously existing Louisiana Department of Environmental Quality fees by 30 percent.

The proposed amendments are to become effective on October 1, 1986.

A public hearing will be at 10 a.m. on August 7, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than August 19, 1986 to LaVerna Smith, Department of Environmental Quality, Box 44066, Baton Rouge, LA 70804. She may be contacted at the address above, or telephone (504) 342-1265. A copy of the proposed amendments may be obtained from the Louisiana Department of Environmental Quality

at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 700, Seventh Floor, 625 North Fourth Street, Baton Rouge, LA.
State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no additional implementation costs or savings to the state as a result of these rule changes, since the collection program is already in place.
As a result of these rule changes, local governmental units submitting initial permit applications will be assessed an additional \$240 for the review of the permit application. Also, the increase in the annual permit maintenance fee for local government could be as much as \$4,800 and will be at least \$120. The combined estimated additional cost to local governmental units will be \$9,151.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
During FY 86/87 and the fiscal years thereafter, the Solid Waste Division anticipates collecting an additional \$144,372 (\$9,151 governmental and \$135,221 non-governmental) in revenues generated as a result of the thirty percent (30%) increase in Solid Waste Fee System.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
As a result of these rule changes, non-governmental groups submitting initial permit applications will be assessed an additional \$240 for the review of the application. Also, the increase in the annual permit maintenance fee for non-governmental groups could be as much as \$4,800 and will be at least \$120. The combined estimated additional cost to non-governmental groups will be \$135,221.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment as a result of these rule changes.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Water Resources**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provi-

sions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Rules and Regulations for the Louisiana Department of Environmental Quality Fee System(s).

The proposed amendments will increase all previously existing Louisiana Department of Environmental Quality fees by 30 percent.

The proposed amendments are to become effective on October 1, 1986.

A public hearing will be at 10 a.m. on August 7, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than August 19, 1986 to LaVerna Smith, Department of Environmental Quality, Box 44066, Baton Rouge, LA 70804. She may be contacted at the address above, or telephone (504) 342-1265. A copy of the proposed amendments may be obtained from the Louisiana Department of Environmental Quality at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 700, Seventh Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revisions to the Water Pollution
Control Fee System Regulations**

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 collect the additional revenue expected from the proposed rule changes. Present staff can absorb the associated workload in invoicing.

Those state and local governmental agencies that have water discharge permits (mainly sewage treatment plants) will experience a 30 percent increase in their fees. The minimum annual fee will increase from \$100 to \$130. The maximum annual fee for any one municipal facility is currently \$10,875 and it will increase to \$14,138. State facilities that will be affected include state parks, highway rest areas, hospitals, prisons, etc.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The revenues collected from the 30 percent (\$542,237) fee increase will be used to replace a portion of the general fund dollars cut from the budget by the 1986 legislature. The funds will be used to help maintain the surveillance, permitting, and enforcement activities of the Office of Water Resources.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The annual fees presently assessed total \$1,807,457. The minimum fee is currently \$100 and will increase to \$130. The maximum fee currently assessed is \$16,931 and it will increase to \$21,696.

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

The effect on competition and employment is expected to be minimal.

Competition within the state should not be effected since this is a "cross-the-board" increase. There could be a few isolated situations in which a facility in another state that does not have a water discharge permit fee program would have a slight advantage over a facility in Louisiana that is paying the state fee.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with L.R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective September 20, 1986. The purpose of the amendment is to bring GOEA subcontractors into compliance with the Single Audit Act of 1984. An emergency rule, effective June 30, 1986, has been adopted to insure the use of proper forms and schedules for Fiscal Year 1986 audit reports.

The proposed changes affect Subsections VI, VII, and IX of the GOEA Policy Manual Appendix. Copies of the affected pages reflecting proposed changes have been distributed to the area agencies on aging. Additional copies may be obtained upon written request at the following address: Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, 4528 Bennington Avenue, Box 80374, Baton Rouge, LA 70898-0374.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., August 11, 1986 at the same address. The proposed effective date is September 20, 1986.

Sandra C. Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Policy Manual Amendment**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no costs or savings to state or local governmental units resulting from the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The proposed rule change will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

No costs or economic benefits to GOEA subcontractors will result from the proposed rule change.

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

The proposed rule change will not affect competition and employment in the public and private sectors.

Sandra C. Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana State Board of Nursing hereby gives notice that the board at its September 10-12, 1986 meeting proposes to amend LAC 46:XLVII.3515.B by adding numbers 7 and 8 to read as follows:

Amendment to LAC 46:XLVII.3515.
Faculty and Faculty Organization

B. Qualifications

7. The educational standard set forth in LAC 46:XLVII.3515.B 3. shall not apply to a nurse faculty member who holds a masters degree in nursing but not a baccalaureate in nursing and whose employment as a faculty member continued through December 31, 1985 in a Louisiana nursing program approved by the Louisiana State Board of Nursing.

8. Anyone wishing to qualify under the provisions of number 7 must submit in writing a formal application to the board no later than January 1, 1987.

Interested persons may comment on the proposed amendment, in writing, until 4:30 p.m. September 1, 1986 at the following address: Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne St., New Orleans, La. 70112.

Merlyn M. Maillian, R.N.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 46:XLVII.3515.B.**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There would be neither costs nor savings. The agency would collect the licensure fee regardless of whether the individual is employed in a school of nursing or in some other area of nursing practice.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated effect on revenue collections for governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

No costs would be incurred. The individual faculty member who is grandfathered in by January 1, 1987 would maintain employment as a faculty member.

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

There will be no estimated effect on competition and employment.

Merlyn M. Maillian, R.N.
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana State Board of Nursing hereby gives notice that the board at its September 11-12, 1986 meeting intends to adopt an amendment to LAC 46:XLVII.3703.A.12.d by adding:

i. A non-complex task is one that can safely be performed according to exact directions, with no need to alter the standard procedure, and the results are predictable.

ii. A complex task is one that requires judgment to safely alter the standard procedure in accordance with the needs of the patient; or requires the consideration of a number of factors in order to perform the procedure; or requires judgment to determine how to proceed from one step to the next.

iii. The administration of medications is a complex task because it requires the consideration of number of factors and the formulation of judgments according to those factors.

The public is made aware of the proposed changes in compliance with R.S. 49:950-970.

Written comments may be addressed to Merlyn M. Maillian, R.N. Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4 p.m. September 5, 1986.

Merlyn M. Maillian, R.N.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Delegation of Nursing
Functions LAC 46:XLVII.3703.12.d**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation cost or savings to this Board of Nursing because there will be no operational change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collection because there are no fees involved.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups because the amendment only clarifies existing rules.

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

There is no anticipated effect on competition and employment.

Merlyn M. Maillian, R.N.
Executive Director

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. Summary

This rule is mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 40, Friday, February 28, 1986, pages 7178 through 7217.

PROPOSED RULE

Effective September 30, 1986, the Office of Family Security will implement the Statewide Income and Eligibility Verification Systems (SIEVS). The social security numbers of applicants for and recipients of benefits and services through the assistance payments, food stamps, and medical assistance programs will be submitted to SIEVS at application and at regular periods thereafter. SIEVS will perform computer matching to obtain information from the Social Security Administration, the Internal Revenue Service, and the Louisiana Department of Labor. SIEVS will receive information regarding income and resources from these agencies, and will produce reports for OFS Eligibility Workers. The eligibility workers will use the information to determine whether applicants and recipients have reported correctly and whether eligibility and benefit level have been determined correctly.

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

Notice of Public Hearing

A public hearing on the proposed rule will be held on August 5, 1986, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, Louisiana, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing, at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: SIEVS

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The estimated implementation cost in FY 86-87 is \$123,815 (\$61,907.50 federal and \$61,907.50 state). Costs in FY 87-88 and FY 88-89 will be \$158,420 (\$79,210 federal and \$79,210 state). The amount of savings resulting from more accurate eligibility and benefit level determination cannot be estimated at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collection.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs and/or economic benefits to persons or non-governmental groups.

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

There will be no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care

System Manual." This proposed change is in accordance with L.R.S. 15:1081-1086 and L.R.S. 36:254 A (3). This revision is necessary to provide more time for the providers of residential care to submit necessary reports and to reduce the number of reports necessary for submission.

PROPOSED AMENDMENTS TO THE RATE SETTING FOR RESIDENTIAL CARE MANUAL (Title 67, Chapter 51, Subchapter C)

1. On page 3.2-3 (Section 5115 B), change the date for Event 1 to September 30, the date for Event 2 to November 1, and the date for Event 3 to November-June. Change the language for Event 1 to require cost reporting "for the 12 months ending June 30 . . ." from "the six months ending June 30 . . ."

2. On page 3.2-5 (Section 5115 C 1 a), change the time reference in the first step from six months to 12 months.

3. On page 3.5-1 (Section 5118 A 1), change the due date to September 30 from September 1. Under "Information Required", change "six months" to "12 months."

4. On page 3.5-2 (Section 5118 A 1), delete the due date of April 1 and the requirement for the cost report covering six months ending December 31.

5. On page 3.5-3 (Section 5118 A 7), change "six months" to "12 months" in item 7.

Interested persons may comment on the proposed regulations in writing before close of business on August 5, 1986 at the following address: Division of Rate Setting, Office of Management and Finance, DHHR, Box 3776, Baton Rouge, LA 70821.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Reduce Number of Reports

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Providers of residential care purchased by DHHR would benefit from this change because reports currently required twice a year will be required only once a year.

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

None is anticipated.

Maxine M. Hanks
Rate Setting Administrator

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended by Act 16 of the Extraordinary Session of 1973, being Chapter 7 of Title 30, and particularly Section 542(A) of said Act, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA at 9 a.m., August 7, 1986.

At such hearing the commissioner will consider evidence relative to Regulation No. 18 pertaining to Enforcement Regulation For Intrastate Natural Gas Pipelines. The new rule is needed to provide Louisiana's natural gas pipeline safety regulation with the needed enforcement procedure.

The proposed new regulation represents the views of the commissioner as of this date; however, the commissioner reserves the right to propose additions or amendments thereto prior to final adoption.

Comments and views regarding the proposed regulation should be directed in written form to be received not later than 5 p.m. August 6, 1986. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: Herbert W. Thompson, Commissioner of Conservation, Box 94275, Capitol Station, Baton Rouge, LA 70804-9275, RE: Docket No. PL 86-94.

All parties having interest in the aforesaid shall take notice thereof.

Herbert W. Thompson
Commissioner of Conservation

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pipeline Safety Regulation 18**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The adoption of this regulation will not affect or result in an implementation cost as the procedures are currently being carried out in the existing program but without the authority contained within the proposed regulation. The United States Secretary of Transportation is continually reminding the state of its failure to comply with 49 U.S.C. §1674 and the adoption of this regulation may preserve the grant in aid presently being received.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of the proposed regulation will assist in continuing the federal grant in aid received pursuant to 49 U.S.C. §1674. The federal grant presently provides up to 50 percent in matching funds as related to the amount of dollars provided by the state.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

No costs or economic benefits will be incurred or received by directly affected persons or non-governmental groups because the procedures/requirements of these proposed regulations are presently being implemented under the existing pipeline safety program without the authority provided by the proposed regulations.

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

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

Herbert W. Thompson
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with R.S. 49:950 et seq., the Administrative

Procedure Act, notice is given by the Department of Natural Resources that the balance in the Fishermen's Gear Compensation Fund is less than \$100,000, and, as provided in R.S. 56:700.2, an additional fee will be assessed on September 20, 1986. The fee, in the amount of \$300 for each state mineral lease and \$300 for each state right-of-way, will apply to all leases and rights-of-way located in the Coastal Zone of Louisiana.

Questions or comments relative to this fee should be directed to Gerald P. Theriot, Acting Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, Telephone (504) 342-0125, and should be received by August 20, 1986.

B. Jim Porter
Secretary

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

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional implementation costs (savings) to state or local governmental units being that existing staff can handle the related workload.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This assessment will generate approximately \$575,000 for use in paying claims against the fund. The additional revenues will result from a \$300 assessment per state mineral lease and per state right-of-way.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The assessment will affect the petroleum exploration and transmission industry. Failure to assess the fees will result in failure of the program to function as intended by the legislature. (i.e., the payment of damaged gear claims by Louisiana fishermen.)

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

There will be no effect on competition and employment, being that this rule simply announces a fee authorized by an act of the legislature.

F. Carl Rowan
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

The Office of Motor Vehicles in accordance with L.R.S. 32:863 intends to adopt rules to implement a fee of \$25, plus the cost of the operators license for a hardship license issued under L.R.S. 32:863.

A \$25 hardship license fee, plus the cost of the operators license will be collected from an applicant for a hardship license to drive a vehicle belonging to his employer and only in the regular course of his duties provided in L.R.S. 32:863 for a FIRST TIME ONLY suspension for any of the following:

1. False declaration in application for registration of any motor vehicle or in application for a motor vehicle inspection tag that the vehicle was covered by the required security.

2. Registered owner of any motor vehicle has allowed the required security to lapse.

3. Evidence produced that a vehicle is not covered by the required security.

4. Operator of a vehicle has failed to comply with the provisions of L.R.S. 32:863.1.

The \$25 hardship license fee plus the cost of the operators license is collected to offset the administrative cost of preparation of the hardship license as provided in L.R.S. 32:863(C-5). This hardship fee is collected in addition to the \$25 reinstatement fee as provided in L.R.S. 32:874(B).

Comments or objections will be accepted, in writing, to Margaret Parker, Administrator, Headquarters Services, Box 64886, Baton Rouge, LA 70896.

John J. Politz
Assistant Secretary

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

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that two additional Motor Vehicle Officers at \$38,493 and associated expenses of \$13,818 will be required to process the 15,000 hardship applications provided for in the rule. Total expenditures are estimated to be \$52,311.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The rule provides for the collection of a \$25 fee and for the payment of \$10 to obtain a driver's license. It is estimated that the imposition of the \$35 in additional collections applied to the 15,000 applications will generate \$525,000 in additional revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Adoption of this rule will cost each applicant for a hardship license an additional \$35.

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

Adoption of this rule will not affect competition or employment.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of State**

In accordance with the provisions of the Administrative Procedure Act and House Bill No. 1487 amending R.S. 49:222, the Department of State is hereby giving notice of its intention to adopt rules establishing the fees to be charged for various filings and services by the Department of State. Comments can be forwarded to James H. "Jim" Brown, Secretary of State, Box 94125, Capitol Station, Baton Rouge, La. 70804; phone (504) 342-5710. A public hearing has been scheduled for 10 a.m. on Monday, September 15, 1986, on the 20th floor of the State Capitol, Baton Rouge, La. All interested persons will be afforded an opportunity to submit views in writing or present arguments at the public hearing.

PROPOSED RULE

In accordance with the mandate contained in R.S. 49:222

as amended by House Bill No. 1487 of 1986, the following fee schedule is established by the Department of State:

ITEM	COST
Administrative Services:	
Xerox Copies, per page	\$.15
Certificate of Service of Process	6.00
Agent for Service of Process, business opportunity	10.00
Microfilm Copies of Service of Process, per page	1.00
Municipal Bonds, Certificates Issued	5.00
Proces Verbaux, Certificates	7.00
Proces Verbaux, per page	5.00
Miscellaneous Certificates	5.00
Service of Process	20.00
Corporations, Trademarks, Partnerships:	
Certificates	10.00
Certified copies, amended	20.00
Copies, amended	20.00
Powers of Attorney	20.00
Recordation of Trade Marks	50.00
Name Reservations	15.00
Trade Name Reservations	15.00
Resignation of Agent	20.00
Annual Reports, Domestic and Foreign	25.00
Domestic Corporation, filing fees	60.00
Domestic Non-Profit, filing fees	60.00
Foreign Corporation, filing fees	100.00
Commissions:	
Notaries, new	25.00
Notary Bond Renewals	10.00

James H. "Jim" Brown
Secretary

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

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

A substantial savings will be realized by the General Fund through non-appropriated monies to the Secretary of State's Office for the purpose of meeting budget requirements. These monies will be generated in the form of self-generated revenues by the proposed fee increases.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The proposed fee increases will increase self-generated revenues by an estimated \$1.4 million for the Secretary of State's Office. A potential savings may be derived from balances in the Department of State Fund which remain unexpended at the end of the fiscal year, which shall revert to the State General Fund.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The proposed fee increases will directly affect those persons requiring the service requested. Examples: Corporations filing annual reports or articles of incorporation, or persons and/or companies serving suits through the Secretary of State's office, the agent for service of process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Jim Brown
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with R.S. 49:950 et seq, notice is hereby given that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors intends to revise Louisiana Administrative Code 46:LX1.

§1515. Re-Examination (previously 19-3:9.8).

A. A person who fails an examination for the first time is eligible to apply to retake the examination.

B. A person who has failed an examination on two occasions, regardless of the elapsed time between exams, is eligible to apply in order to retake the examination one year after his last failure. Upon application he is expected to present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination.

C. A person who has failed an examination three times or more than three times is eligible to apply in order to retake the examination two years after his last failure. Upon application he must present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination. Before the applicant is given approval to retake the examination he must appear before the Board or a committee of the board for an interview and oral examination.

§1201. Seal Rules (previously 10.4.2)

D. . . .

1. . . .

2. [Adds the following sentence to end of paragraph to define the word "reports"]

Reports are defined as to include, but not limited to geotechnical investigations, material testing and related reports.

Interested persons may submit written comments or offer amendments to the proposed rules to the Board Office at 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130, at any time prior to September 12, 1986. The board proposes to consider and take action on the adoption of these rules at a meeting in its office at 11 a.m. on September 23, 1986.

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P. E.
Executive Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 19-3:9.8 and 10.4.2

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no estimated implementation costs or savings to the Board.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

None.

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

9.8 - Allows a person to apply for reexamination sooner and may result in earlier registration which may favorably effect his employment.

10.4.2 - Will have no effect on competition or employment.

Paul L. Landry
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development Office of Highways

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et. seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following permit fee schedule to apply to outdoor advertising signs, all in accordance with the provisions of R.S. 48:461.3:

Initial Permit fee - \$100 per sign face

Annual Permit renewal fee - \$50 per sign face

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to: Chris A. Orillion, P.E., State Traffic Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Traffic and Planning

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The present cost for administering the existing program is \$307,000.

Additional cost to implement fee increase:

1. Initial survey to update inventory-cost negligible.
2. Additional accounting requirements-cost negligible.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The state presently receives approximately \$9,000 per year in permit fees. Implementation of the increase permit fee will generate approximately \$421,000 in additional revenues in 1986-87, \$466,000 in 1987-88, and \$511,000 in 1988-89.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The outdoor advertising industry will absorb the cost of implementation.

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

Not available.

Robert G. Graves
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 VIII(B), under "Exceptions and Exclusions for all Medical Benefits"

"B. Unless otherwise provided for by law, services or supplies furnished by the Veterans Administration.

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 September 9, 1986, at the following address: 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: Veterans' Health Care Amendment

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no immediate, direct cost to state or local governmental units as a result of this rule change. The impact on benefits cost to the State Employees Group Benefits Program is not determinable according to our consulting actuary, the Martin E. Segal Company.

If the cost to this agency is substantial, a premium rate increase to offset the additional cost would impact state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This rule change will not effect the 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 change will not impact benefits to the directly affected persons or non-governmental groups. Economic costs could be affected in the form of increased premium costs if the cost to this agency is substantial.

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

Competition and employment will not be affected.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

Administrative Code Update

ADMINISTRATIVE CODE UPDATE
April 1986 to June 1986

Vol.	Title:Part. Section	Effect	Location
1	35:XIII.10501	amended	LR 12:289 (May 1986)
2	7:XXI.11701	amended	LR 12:289 (May 1986)
2	7:XXI.11745	amended	LR 12:289 (May 1986)
2	7:XXI.11749	amended	LR 12:289 (May 1986)
2	7:XXI.11753	amended	LR 12:289 (May 1986)
2	7:XXI.Chapter 123	adopted	LR 12:224 (April 1986)
2	7:XXV.14116	adopted	LR 12:285 (May 1986)
2	7:XXV.14143	adopted	LR 12:285 (May 1986)
2	7:XXV.14147	adopted	LR 12:286 (May 1986)
2	7:XXV.14149	adopted	LR 12:286 (May 1986)
2	7:XXV.14151	adopted	LR 12:286 (May 1986)
2	7:XXVII.14701	amended	LR 12:287 (May 1986)
2	7:XXVII.14703	amended	LR 12:287 (May 1986)
2	7:XXVII.14707	amended	LR 12:287 (May 1986)
2	7:XXVII.14709	amended	LR 12:287 (May 1986)
2	7:XXVII.14723	amended	LR 12:287 (May 1986)
2	7:XXVII.14728	adopted	LR 12:287 (May 1986)
2	7:XXVII.14735	amended	LR 12:287 (May 1986)
2	7:XXVII.14736	adopted	LR 12:288 (May 1986)
2	7:XXVII.14741	amended	LR 12:288 (May 1986)
2	7:XXVII.14745	amended	LR 12:288 (May 1986)
2	7:XXVII.14749	amended	LR 12:288 (May 1986)
2	7:XXVII.14757	adopted	LR 12:288 (May 1986)
3	46:LIII.301	amended	LR 12:238 (April 1986)
3	46:LIII.Chapter 29	adopted	LR 12:238 (April 1986)
3	46:XLI.533	repealed	LR 12:290 (May 1986)
3	46:XLI.535	adopted	LR 12:289 (May 1986)

Vol.	Title:Part. Section	Effect	Location
3	46:XLIX.1105	amended	LR 12:366 (June 1986)
4	4:I.301	amended	LR 12:229 (April 1986)
4	4:I.Chapter 7	amended	LR 12:229 (April 1986)
4	4:V.Chapter 11	repealed	LR 12:230 (April 1986)
4	4:V.2101	amended	LR 12:230 (April 1986)
4	4:VII.1197	amended	LR 12:366 (June 1986)
4	34:XI.Chapter 1	adopted	LR 12:231 (April 1986)
4	34:XI.Chapter 3	adopted	LR 12:231 (April 1986)

Acadiana Regional Office, 100 Eppler Road, Lafayette, LA.
 Capitol Regional Office, 11720 Airline Hwy., Baton Rouge, LA.
 Lafourche Regional Office, 302 Barataria Street, Lockport, LA.
 Northeast Regional Office, 804 31st Street, Monroe, LA.
 Northwest Regional Office, 1525 Fairfield Street, Room II, Shreveport, LA.
 Southeast Regional Office, 3945 North I-10 Service Road, Metairie, LA.
 Southwest Regional Office, 1155 Ryan Street, Lake Charles, LA.
 Kisatchie-Delta Regional Planning and Development Office, 1220 MacArthur Drive, Alexandria, LA.

J. Dale Givens
 Assistant Secretary

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at Delgado Community College, 617 City Park Avenue, New Orleans, LA on August 5-8, 1986. The deadline for getting in application and fee was July 18, 1986.

Further information concerning examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
 Commissioner

POTPOURRI

Department of Environmental Quality Office of Water Resources

The Department of Environmental Quality, Office of Water Resources will conduct a public hearing to present, for public review and comment, the proposed FY 1987 Construction Grants Project Priority List. This list is a ranking of communities that request federal assistance for the construction of wastewater treatment facilities and will determine which applicants may receive federal assistance in FY 1987. The proposed list is prepared in accordance with provisions of 40CFR 35.2015-2025.

The public hearing will be held on Wednesday, August 20, 1986, at 10 a.m. in the Mineral Board Hearing Room, in the lobby of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons may submit written comments to J. Dale Givens, Assistant Secretary, Office of Water Resources, Box 44091, Baton Rouge, LA 70804. Written comments will be received until August 29, 1986.

Copies of the proposed FY 1987 Construction Grants Priority List will be available for public review at least 30 days prior to the hearing at the Department of Environmental Quality, Water Pollution Control Division, 625 North Fourth Street, Baton Rouge, LA and in the following Department of Environmental Quality Regional Offices throughout the state:

POTPOURRI

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, Medical Assistance Program is clarifying a rule published in the *Louisiana Register*, Volume 11, Number 2, Dated February 20, 1985, page 101.

The above referenced rule designated those dental services with limitations, which are provided to medicaid recipients under Title XIX of the Social Security Act. This notice clarifies that persons eligible for the Medically Needy Program under Title XIX are eligible for services covered in the above referenced rule, because Louisiana has chosen to provide medically needy coverage under Title XIX of the Social Security Act.

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

POTPOURRI

Department of Health and Human Resources Office of Human Development Division of Rehabilitation Services

The Office of Human Development will hold a public hearing on August 6, 1986 for the purpose of considering the proposed rule on eligibility for interpreter services published in the May 20, 1986 issue of the *Louisiana Register*.

The hearing will be held at 9:30 a.m. at 1755 Florida Boulevard, Third Floor Conference Room, Baton Rouge, Louisiana.

Consideration will be given to the following:

Effective July 20, 1986, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, proposes to clarify the basis of individual eligibility for interpreter services to include economic need.

The Manual of Operations, Part I, Section 404.5 VII, (f), will incorporate the following policy:

When a hearing impaired individual attending a training facility or institution not required to provide interpreter services under Public Law 94-142 or Title V of the Rehabilitation Act of 1973, requests interpreter services, the Division of Rehabilitation Services will consider such request in accordance with existing economic need criteria.

Net Monthly Income Limits

Family Size	Income Limit
1	\$ 413
2	\$ 541
3	\$ 668
4	\$ 795
5	\$ 922
6	\$1,049

For each person over six, add \$24

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

POTPOURRI

Department of Health and Human Resources Senior Citizens Trust Fund Board

The Louisiana Senior Citizens Trust Fund Board will be awarding grants in December 1986 for the grant period to run January 1 through December 31, 1987. Priority in awarding of grants will be given to those proposals which promote a multidisciplinary approach to encompass medical, legal and social programs to prevent the physical abuse and gross neglect of Louisiana residents who are 60 years of age or older.

Concept papers will be accepted through September 2, 1986. Application requests for concept papers can be made to: Louisiana Senior Citizens Trust Fund Board, % Lanette Buie, DHHR Executive Officer, Box 3776, Baton Rouge, LA 70821.

Myrtle Pickering
Chairman

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 regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 50 claims amounting to \$57,738.70 were received during the month of June, 1986. During the same month 22 claims amounting to \$16,510.33 were paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, August 1, 1986, at 2 p.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:
CLAIM NO. 85-2531

Robert Lopez, of Delacroix, LA, while trawling on the vessel, "GAMBLER," in Lake Campo, north of Deer Island, Plaquemines Parish, encountered an unidentified submerged obstruction on July 6, 1985, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$1,279.13

CLAIM NO. 85-2594 (RESCHEDULED)

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. 85-2610

Joseph P. Nunez, of St. Bernard, LA, while trawling on the vessel, "DOTTIE JOE," in Lake Fortuna, outside Point Fortuna

1000 feet off of the shore, St. Bernard Parish, encountered two submerged pilings held together by cable and bolts on June 3, 1985, at approximately 11 p.m., causing loss of trawl, tickler chain and lazy line. Amount of Claim: \$800

CLAIM NO. 85-2655

Larry VanHoose, of Tickfaw, LA, while trawling on the vessel, "LA 9784 AX," in Lake Pontchartrain, 2-3 miles from South Shore and 3-5 miles East of Causeway, Orleans Parish, encountered an unidentified submerged obstruction on August 9, 1985, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$2,800

CLAIM NO. 85-2780 (RESCHEDULED)

Raymond Gilham, of Metairie, LA, while trawling on the vessel, "LA 2201 AP," in Lake Pontchartrain, Jefferson Parish, encountered an unidentified submerged obstruction on September 30, 1985, at approximately 9 a.m., causing damage to net. Amount of Claim: \$280

CLAIM NO. 85-2816

Joseph V. Dupont, of Ponchatoula, LA, while trawling on the vessel, "CAJUN GIRL," in Lake Pontchartrain, one mile west of North Draw, eight miles from North Shore, St. Tammany Parish, encountered a submerged steel drum on October 9, 1985, at approximately 8 a.m., causing loss of lead lines, mud rollers, chain, and damage to trawl. Amount of Claim: \$400

CLAIM NO. 85-2950

Norman J. Couture, of Chalmette, LA, while trawling on the vessel, "CHERYL LYNN," in Lake Eloi, North of Ship Channel, St. Bernard Parish, encountered an unidentified submerged obstruction on November 5, 1985, at approximately 11 a.m., causing damage to vessel. Amount of Claim: \$1,458.09

CLAIM NO. 85-2986

Charles Alan McKay, of Violet, LA, while trawling on the vessel, "BODY & SOUL," in Breton Sound, North of Main Pass, two miles west of structure, Plaquemines Parish, encountered an unidentified submerged obstruction on November 29, 1985, at approximately 1 p.m., causing loss of trawl and tickler chain. Amount of Claim: \$845.49

CLAIM NO. 85-2987

Jerry Latapie, Sr., of Braithwaite, LA, while trawling on the vessel, "DADDY'S BOYS," in Breton Sound, about one mile N-NE of Rattlesnake Bayou, at approximate LORAN-C readings of 28,952.0 and 46,884.0, Plaquemines Parish, encountered an unidentified submerged obstruction on November 26, 1985, at approximately 10 a.m., causing loss of 50 foot trawl, boards and tickle chain. Amount of Claim: \$2,575.90

CLAIM NO. 85-2999

August Gisclair, Jr., of Barataria, LA, while enroute to a shrimping area on the vessel, "MASTER DOYLE," in South Pass Jetties, north of #5 Light House, Plaquemines Parish, encountered a rope in wheel on November 8, 1985, at approximately 4:30 a.m., causing damage to wheel. Amount of Claim: \$470.50

CLAIM NO. 85-3030

Herman Alfonso, of St. Bernard, LA, while trawling on the vessel, "PANCHO VILLA," in Ship Channel, close to Buoy 57, St. Bernard Parish, encountered an unidentified submerged obstruction on December 12, 1985, at approximately 6:45 a.m., causing loss of two trawls and one set of trawl boards. Amount of Claim: \$1,050

CLAIM NO. 85-3038

Donald P. Campo, of St. Bernard, LA, while trawling on the vessel, "COUNTRY GIRL," in Long Bay, 300 to 400 feet from bank, Plaquemines Parish, encountered an unidentified submerged obstruction on November 21, 1985, at approximately 7:30 a.m., causing loss of 45 foot trawl, boards, and tickler chain. Amount of Claim: \$1,007.78

CLAIM NO. 85-3064

George Barisich, of Barisich, Inc., Violet, LA, while trawling on the vessel, "F.J.G.," in Lake Borgne, near Rigolets Hole, at approximate LORAN-C readings of 28,990.8 and 47,050.9, St. Bernard Parish, encountered an unidentified submerged obstruction on December 13, 1985, at approximately 9 p.m., causing loss of 52 foot trawl, boards, and tickler chain. Amount of Claim: \$1,625
CLAIM NO. 85-3091 (RESCHEDULED)

Raymond C. Gilham, of Metairie, LA, while trawling on the vessel, "LA 2201 AP," in Lake Pontchartrain, two miles East of end of Catwalk of New Orleans Lake Front Airport, Orleans Parish, encountered an unidentified submerged obstruction on December 18, 1985, causing loss of 50 foot trawl. Amount of Claim: \$755

CLAIM NO. 85-3103

John Domingo, of St. Bernard, LA, while trawling on the vessel, "CAPT. JOHN," in Lake Machais, ¾ mile east of point where Lake Machias and Lake Fortuna meet, St. Bernard Parish, at approximate LORAN-C readings of 28,946.6 and 46,954.2, encountered an unidentified submerged obstruction on December 29, 1985, at approximately 6:30 p.m., causing damage to vessel. Amount of Claim: \$3,051.01

CLAIM NO. 86-3114

Nicholas J. Campo, of St. Bernard, LA, while trawling on the vessel, "LA 7526 BH," in Bay Eloi, about 500 feet from shoreline, St. Bernard Parish, encountered an unidentified submerged obstruction on November 18, 1985, at approximately 8 a.m., causing loss of 40 foot trawl, tickle chain, and boards. Amount of Claim: \$736

CLAIM NO. 86-3119

Joseph G. Trosclair, of Metairie, LA, while trawling on the vessel, "COUNTRY JOE," in Bayou Perot, where it turns into the Rigolets, and turns into Little Lake, Jefferson Parish, encountered an unidentified submerged obstruction on December 15, 1985, at approximately 8 a.m., causing loss of 50 foot trawl, and boards. Amount of Claim: \$1,193.90

CLAIM NO. 86-3156

Tony Guerra, Jr., of St. Bernard, LA, while trawling on the vessel, "SANTA MARIA," in Black Bay, ½ mile east of mail box, Plaquemines Parish, encountered an unidentified submerged obstruction on January 16, 1986, at approximately 9 a.m., causing damage to vessel. Amount of Claim: \$4,100

CLAIM NO. 86-3162

Louis F. Molero, III, of St. Bernard, LA, while trawling on the vessel, "CAPT. COON," in Lake Borgne, approximately two or three miles northeast of Alligator Point, St. Bernard Parish, encountered an unidentified submerged obstruction on December 1, 1985, at approximately 4:30 p.m., causing loss of trawl, boards, cables, and tickle chain. Amount of Claim: \$1,024

CLAIM NO. 86-3170

Jesse N. Alfonso, of St. Bernard, LA, while trawling on the vessel, "LADY WENDY," in the Ship Channel, about ½ mile in from gap in the rocks, St. Bernard Parish, encountered an unidentified submerged obstruction on November 11, 1985, at approximately 10:15 a.m., causing loss of two 50 foot nets, cable and boards. Amount of Claim: \$3,463.55

CLAIM NO. 86-3172

Ronald Serigne, of St. Bernard, LA, while trawling on the vessel, "LIL ROCH," in Black Bay, in the middle coming through channel, Plaquemines Parish, encountered a two inch submerged nylon rope on January 22, 1986, at approximately 3 p.m., causing damage to vessel. Amount of Claim: \$1,102.45

CLAIM NO. 85-2943

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in Breton Sound-Mississippi Gulf Outlet, south side of channel between Beacon 53 and 55, ⅓ mile

past Beacon 53, St. Bernard Parish, encountered an unidentified submerged obstruction on November 12, 1985, at approximately 7:15 a.m., causing loss of 45 foot trawl, boards, tickler chain and cable. Amount of Claim: \$1,703

CLAIM NO. 85-2944

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in Breton Sound, ¾ miles north of double rocks, St. Bernard Parish, encountered an unidentified submerged obstruction on November 12, 1985, at approximately 12:45 a.m., causing loss of 45 foot Balloon trawl. Amount of Claim: \$713

CLAIM NO. 85-2945

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in Breton Sound, ¼ mile west of Beacon 46 on north side of Channel, St. Bernard Parish, encountered an unidentified submerged obstruction on November 13, 1985, at approximately 7:45 a.m., causing loss of 45 foot Balloon trawl, tickler chain, and lazy line. Amount of Claim: \$839

CLAIM NO. 85-2921

Mark A. Barbe of New Orleans, LA, while trawling on the vessel, "MISS PAT," in Lake Pontchartrain, approximately one mile west of North Draw Causeway Bridge, Orleans Parish, encountered a 55 foot gallon submerged drum on November 8, 1985, at approximately 4:30 p.m., causing damage to 50 foot trawl. Amount of Claim: \$528

CLAIM NO. 85-2922

Mark Allen Barbe, of New Orleans, LA, while trawling on the vessel, "MISS PAT," in Lake Pontchartrain, one quarter mile west of letter K pipeline marker, Orleans Parish, encountered an unidentified submerged obstruction on December 13, 1985, at approximately 8:30 a.m., causing loss of 60 foot trawl, and tickler chain. Amount of Claim: \$585

CLAIM NO. 85-2936

Rusty Barras, of Arabi, LA, while trawling on the vessel, "CAPT. JAMES," in Chef Menteur Pass, along the west bank of Chef Menteur Pass, just before it empties into Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on November 14, 1985, at approximately 10 a.m., causing loss of 50 foot trawl, boards and cable. Amount of Claim: \$1,295

CLAIM NO. 85-2937

Rusty Barras, of Arabi, LA, while trawling on the vessel, "CAPT. JAMES," in Lake Borgne, approximately one mile southeast of Alligator Point, Orleans Parish, encountered an unidentified submerged obstruction on November 11, 1985, at approximately 6 a.m., causing loss of 45 foot trawl. Amount of Claim: \$225

CLAIM NO. 85-3049

John L. Alphonso, of St. Bernard, LA, while trawling on the vessel, "C.B.L.," in Lake Borgne, by three mile point, St. Bernard Parish, encountered an unidentified submerged obstruction on December 10, 1985, at approximately 11:30 a.m., causing loss of trawl, boards, and tickler chain. Amount of Claim: \$1,710.18

CLAIM NO. 85-3050

John L. Alphonso, of St. Bernard, LA, while trawling on the vessel, "C.B.L.," in the Gulf of Mexico, at Southeast Pass, Plaquemines Parish, encountered a submerged piece of iron on November 15, 1986, at approximately 2 p.m., causing loss of trawl, tickler chain, and lazy line. Amount of Claim: \$787.01

CLAIM NO. 86-3115

Felix S. Rotolo, of New Orleans, LA, while trawling on the vessel, "ITALIAN STALLION," in Chef Pass, at gap leading to Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on December 20, 1985, at approximately 11 p.m., causing loss of 50 foot trawl, and damage to vessel. Amount of Claim: \$1,150

CLAIM NO. 86-3116

Felix S. Rotolo, of New Orleans, LA, while trawling on the

vessel, "ITALIAN STALLION," in Lake Borgne, one mile outside the gap in Chef Pass, St. Bernard Parish, encountered an unidentified submerged obstruction on December 18, 1985, at approximately 2 p.m., causing loss of trawl. Amount of Claim: \$490
CLAIM NO. 86-3132

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel "DREAMBOAT," in Lake Pontchartrain, west end of Chef Pass, Orleans Parish, encountered an unidentified submerged obstruction on November 17, 1985, at approximately 12 p.m., causing loss of trawl. Amount of Claim: \$700
CLAIM NO. 86-3133

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, five miles west of the five mile train bridge and four miles north of the south shore, Orleans Parish, encountered an unidentified submerged obstruction on November 10, 1986, at approximately 5 a.m., causing loss of trawl. Amount of Claim: \$650
CLAIM NO. 86-3178

Ronald R. Ronquille, of LaPlace, LA, while trawling on the vessel, "LA 3434 BH," in Buttermilk Bend, $\frac{3}{4}$ of a mile west of Southeast-Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on January 5, 1986, at approximately 11 a.m., causing loss of trawl, boards, and cable. Amount of Claim: \$1,309.90
CLAIM NO. 86-3179

Roland R. Ronquille, of LaPlace, LA, while trawling on the vessel, "LA 3434 BH," $\frac{1}{2}$ mile off of Main Pass Flat, Plaquemines Parish, encountered a submerged cable spool on November 30, 1986, at approximately 12:30 p.m., causing loss of 65 foot trawl. Amount of Claim: \$489.95
CLAIM NO. 86-3181

John F. Scanlan, Jr., of Chalmette, LA, while trawling on the vessel, "MISS CORINNE," in Chef Menteur Pass, St. Bernard Parish, encountered an unidentified submerged obstruction on December 10, 1985, at approximately 8 a.m., causing loss of trawl, boards, and cable. Amount of Claim: \$1,095
CLAIM NO. 86-3182

John F. Scanlan, Jr., of Chalmette, LA, while trawling on the vessel, "MISS CORINNE," in Chef Menteur Pass, St. Bernard Parish, encountered an unidentified submerged obstruction on December 15, 1985, at approximately 2 p.m., causing loss of trawl. Amount of Claim: \$490
CLAIM NO. 85-2798 (RESCHEDULED)

Rodney Weiskopf, Sr., Braithwaite, LA, while trawling on the vessel, "KURT N. GENE," in Chandeleur Sound, about $\frac{1}{4}$ mile N-NE of Deadman Island, St. Bernard Parish, encountered a submerged pipe on October 3, 1985, at approximately 2 p.m., causing damage to vessel. Amount of Claim: \$1,650.63
CLAIM NO. 85-2899

George J. France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in Lake Pontchartrain, Rigolets Pass one block due east Beacon #5, St. Tammany Parish, encountered an unidentified submerged obstruction on November 2, 1985, at approximately 5 p.m., causing damage to net. Amount of Claim: \$125
CLAIM NO. 85-2876 (RESCHEDULED)

George J. France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in the Rioglets, at the entrance to Lake Pontchartrain, Orleans Parish, encountered a submerged old fishing pier on October 24, 1985, at approximately 7 p.m., causing damage to wing net. Amount of Claim: \$226
CLAIM NO. 86-3166 (RESCHEDULED)

Daniel C. LeBlanc, of Vinton, LA, while trawling on the vessel, "LA-2009-BC," in Alkali Ditch, $4\frac{1}{2}$ miles southwest of El-lender Bridge, East of Black Lake, West of Hackberry, Cameron Parish, encountered an unidentified submerged obstruction on November 28, 1985, at approximately 7:45 p.m., causing dam-

age to vessel. Amount of Claim: \$806.32

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, and must be post-marked no later than seven days after the hearing(s).

Thursday, August 7, 1986, at 3 p.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.:
CLAIM NO. 85-2404 (RESCHEDULED)

Calvin A. Cheramie, of Galliano, LA, while trawling on the vessel, "MR. FOX," in Lake Borgne, approximately 3 miles NE 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, at approximately 9:30 a.m., causing loss of net. Amount of Claim: \$961.55
CLAIM NO. 85-2496 (RESCHEDULED)

Linton Charpentier, of Cut Off, LA, while trawling on the vessel, "CAPT. LINTON," in Breton Sound, at approximate LORAN-C readings of 29,045.2 and 46,918.9, Plaquemines Parish, encountered an unidentified submerged obstruction on June 27, 1985, at approximately 2 p.m., caused damage to trawl. Amount of Claim: \$67.96
CLAIM NO. 85-2744

Jimmy Toups, of Galliano, LA, while trawling on the vessel, "LADY JOANNE," in the Gulf of Mexico, just east of Tiger Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on September 17, 1985, at approximately 10:30 a.m., causing loss of trawl boards. Amount of Claim: \$668.08
CLAIM NO. 85-2893

William E. Brumley and Thomas Horn, of Chauvin, LA, while returning from working crab traps on the vessel, "LA 9020 BG," in Bayou Terrebonne, just north of Lake Barras, Terrebonne Parish, encountered an unidentified submerged obstruction on November 7, 1985, at approximately 10:30 a.m., causing damage to vessel. Amount of Claim: \$535
CLAIM NO. 85-3009 (RESCHEDULED)

Randy J. Adams, of Galliano, LA, while trawling on the vessel, "SUNSHINE LADY," in the Gulf of Mexico, about two miles southeast of Sandy Point Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on December 5, 1985, at approximately 7:30 a.m., causing loss of trawl, chain and line. Amount of Claim: \$943.61
CLAIM NO. 85-3027

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "DADDY'S PRIDE," in Barataria Pass, east side of Beacon Eight, Jefferson Parish, encountered an unidentified submerged obstruction on December 1, 1985, at approximately 2 p.m., causing loss of 50 foot trawl. Amount of Claim: \$908.21
CLAIM NO. 85-3058

Jackie Savoie, of Maden Dean Inc., Cut Off, LA, while trawling on the vessel, "MADEN DEAN," in the Gulf of Mexico, approximately two miles from Oyster Bayou Light, Terrebonne Parish, encountered an unidentified submerged obstruction on November 29, 1985, at approximately 10:30 a.m., causing loss of trawl. Amount of Claim: \$1,130.65
CLAIM NO. 85-3113

Harry J. Cheramie, of Grand Isle, LA, while trawling on the vessel, "ACE OF TRADE," in the Gulf of Mexico, off Caminda Pass, at approximate LORAN-C readings of 28,468.3 and 46,848.9, Jefferson Parish, encountered a submerged sunken boat on December 6, 1986, at approximately 8:30 a.m., causing damage to one trawl and the loss of another. Amount of Claim: \$1,261.23
CLAIM NO. 86-3135

Harvey Cheramie, Sr., of Grand Isle, LA, while trawling on

the vessel, "SILVER FOX," in the Gulf of Mexico, ½ mile West of Caminada Pass, encountered an unidentified submerged obstruction on January 4, 1986, at approximately 6 a.m., causing damage to trawl. Amount of Claim: \$487.84
CLAIM NO. 86-3138

Douglas J. Chiasson, Sr., of Cut Off, LA, while trawling on the vessel, "SURVIVOR," in Vermilion Bay, Eugene Island Area, at approximate LORAN-C readings 27,535.6 and 46,910.7, Vermilion Parish, encountered an unidentified submerged obstruction on January 4, 1986, at approximately 9 a.m., causing loss of two 50 foot nets, 16 foot tri-net and doors. Amount of Claim: \$1,483.92
CLAIM NO. 85-2928

Herbert Charpentier of Sea Durbin, Inc., Cut Off, LA, while trawling on the vessel, "SEA DURBIN," in Mississippi Sound, by Half Moon Island, at approximate LORAN-C readings 11,914.1 and 47,045.8, St. Bernard Parish, encountered an unidentified submerged obstruction on November 9, 1985, at approximately 9:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$922.34
CLAIM NO. 86-3124

Herbert Charpentier of Sea Durbin, Inc., Cut Off, LA, while trawling on the vessel, "SEA DURBIN," in Lake Borgne, at approximate LORAN-C readings of 47,055.4 and 29,080.2, St. Tammany Parish, encountered an unidentified submerged obstruction on December 7, 1985, at approximately 10:30 a.m., causing damage to trawl. Amount of Claim: \$360.91
CLAIM NO. 86-3125

Alvin Charpentier of Captain Alvin, Inc., Cut Off, LA, while trawling on the vessel, "CAPTAIN ALVIN," in the Gulf of Mexico, east of Little Pass, at approximate LORAN-C readings 28,265.2 and 46,822.2, Terrebonne Parish, encountered an unidentified submerged obstruction on December 12, 1985, at approximately 2:30 p.m., causing loss of two 60 foot Balloon Trawls. Amount of Claim: \$2,696.54
CLAIM NO. 86-3126

Alvin Charpentier of Captain Alvin, Inc., Cut Off, LA, while trawling on the vessel, "CAPTAIN ALVIN," in the Gulf of Mexico, at approximate LORAN-C readings 28,299.4 and 46,820.8, Lafourche Parish, encountered an unidentified submerged obstruction on December 9, 1985, at approximately 1:30 p.m., causing loss of one 60 foot trawl, 16 foot tri-net and doors. Amount of Claim: \$1,401.47
CLAIM NO. 86-3127

Daniel Charpentier of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel "JOAN OF ARC," in the Gulf of Mexico, west of Belle Pass, at approximate LORAN-C readings of 28,264.9 and 46,825.5, Terrebonne Parish, encountered an unidentified submerged obstruction on December 10, 1985, at approximately 8:30 p.m., causing loss of two trawls. Amount of Claim: \$2,756.23
CLAIM NO. 86-3128

Daniel Charpentier of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel "JOAN OF ARC," in the Gulf of Mexico, at approximate LORAN-C readings of 28,288.9 and 46,823.8, Lafourche Parish, encountered an unidentified submerged obstruction on December 11, 1985, at approximately 4 p.m., causing loss of 62 foot Balloon Trawl. Amount of Claim: \$1,378.11
CLAIM NO. 86-3189

Wayne Cheramie, of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE II," in the Gulf of Mexico, around the Morgan City Channel, Plaquemine Parish, encountered an unidentified submerged obstruction on February 24, 1986, at approximately 9 a.m., causing loss of two nets. Amount of Claim: \$1,338.52
CLAIM NO. 86-3192

Pat Collins, Sr., of Launch P&M, Lockport, LA, while trawling on the vessel, "LAUNCH P&M," in the Gulf of Mexico,

South of Atchafalaya, at approximate LORAN-C readings of 27,612.9 and 46,915.2, St. Mary Parish, encountered an unidentified submerged obstruction on November 2, 1985, at approximately 9:30 a.m., causing loss of 50 foot trawl, lazy line and tickle chain. Amount of Claim: \$913.50
CLAIM NO. 86-3206

Emelien Gisclair, of Mr. Morgan, Inc., Golden Meadow, LA, while trawling on the vessel, "MR. MORGAN," in the Gulf of Mexico, at approximate LORAN-C readings of 27,584.2 and 46,938.0, St. Mary Parish, encountered an unidentified submerged obstruction on October 7, 1985, at approximately 10:30 a.m., causing loss of one 60 foot net. Amount of Claim: \$1,362.74
CLAIM NO. 86-3214

Norbert Dardar, of Captain Joe, Inc., Golden Meadow, LA, while trawling on the vessel, "CAPTAIN JOE," in the Gulf of Mexico, about one mile SW of Freshwater Bayou Pass, Vermilion Parish, encountered an unidentified submerged obstruction on March 16, 1986, at approximately 11 a.m., causing vessel damage. Amount of Claim: \$2,492
CLAIM NO. 86-3228

Elmo Guidry, of Cut Off, LA, while trawling on the vessel, "D & G," in the Gulf of Mexico, about one mile S-SE of Penrod Slip, West of Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on April 3, 1986, at approximately 7:30 a.m., causing damage to vessel, loss of one trawl and damage to other. Amount of Claim: \$2,612.33
CLAIM NO. 85-3054

Herman Callais, of Larose, LA, while trawling on the vessel, "LADY MARY," in Timbalier Bay, about ¼ mile South of Lasse-tete Island, Terrebonne Parish, encountered an unidentified submerged obstruction on November 25, 1985, at approximately 4 p.m., causing loss of trawl. Amount of Claim: \$505
CLAIM NO. 85-3055

Herman Callais, of Larose, LA, while trawling on the vessel, "LADY MARY," in Lake Raccourci, about 1¼ miles S-SE of mouth of Grand Pass Felicity, Lafourche Parish, encountered an unidentified submerged obstruction on December 11, 1985, at approximately 11:30 a.m., causing loss of 48 foot trawl. Amount of Claim: \$615
CLAIM NO. 86-3183

Nolan Breaux, of Lockport, LA, while trawling on the vessel, "LUCKY LADY," in the Gulf of Mexico, east of Deep Water Channel, at approximate LORAN-C reading of 28,062.5 and 46,836.6, Terrebonne Parish, encountered an unidentified submerged obstruction on December 21, 1985, at approximately 9:30 a.m., causing loss of one 50 foot trawl. Amount of Claim: \$1,088.04
CLAIM NO. 86-3184

Nolan Breaux, of Lockport, LA, while trawling on the vessel, "LUCKY LADY," in the Gulf of Mexico, West of Deep Water Channel, at approximate LORAN-C readings of 27,534.1, and 46,910.5, Terrebonne Parish, encountered an unidentified submerged obstruction on December 24, 1985, at approximately 3 p.m., causing loss of trawl. Amount of Claim: \$1,088.04

Friday, August 8, 1986, at 10 a.m., in the Lafitte Town Hall, Lafitte, LA.:
CLAIM NO. 85-2658

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIES ANGELS," in the Gulf of Mexico, just east of Southeast Pass, at approximate LORAN-C readings of 29,070.8 and 46,793.8, Plaquemine Parish, encountered an unidentified submerged obstruction on August 7, 1985, at approximately 1 p.m., causing damage to trawl. Amount of Claim: \$400
CLAIM NO. 85-2737

Anthony George Toups, of Westwego, LA, while trawling on the vessel, "GRAND CLOTHILDE," in the Gulf of Mexico, east of Baratavia Pass, at approximate LORAN-C readings 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 trawl. Amount of Claim: \$660.75
CLAIM NO. 85-2738

Jimmy Joseph Frickey, of Westwego, LA, while trawling on the vessel, "BUCCANEER," in Caillou Boca, out of Lake Pelto five miles west, at LORAN-C readings of 27,936.9 and 46,844.0, Terrebonne Parish, encountered a submerged three inch plastic rope at approximately 2 p.m., causing damage to vessel. Amount of Claim: \$200
CLAIM NO. 85-2748

Clifton O. Creppel, of Lafitte, LA, while trawling on the vessel, "CAPT. KOJACK," in Lake Salvador, approximately ¼ mile from Channel Marker, in Jefferson Parish, encountered a submerged log on September 16, 1985, at approximately 7 a.m., causing loss of 46 foot trawl. Amount of Claim: \$370
CLAIM NO. 85-3014

Mark Davis, of Lafitte, LA, while trawling on the vessel, "MISS JANELY," in the Gulf of Mexico, west side of Four Bayou Pass, Jefferson Parish, encountered an unidentified submerged obstruction on December 4, 1986, at approximately 9:30 a.m., causing loss of 50 foot trawl and lead line. Amount of Claim: \$620
CLAIM NO. 85-3019 (RESCHEDULED)

Eric J. Frickey, of Lafitte, LA, while trawling on the vessel, "MR. LUCKY," in Bayou St. Denis, near the Barataria Waterway, Jefferson Parish, encountered a submerged piling marker on December 3, 1985, at approximately 10 a.m., causing damage to propeller. Amount of Claim: \$159
CLAIM NO. 85-3035

David C. Savoie, of Harvey, LA, while trawling on the vessel, "MASTER CHRIS," in the Gulf of Mexico, off of Grand Terre Island, Plaquemines Parish, encountered a submerged anchor on December 7, 1985, at approximately 8:30 a.m., causing loss of trawl. Amount of Claim: \$492.98
CLAIM NO. 85-3036

Gary R. Erlinger, of Lafitte, LA, while trawling on the vessel, "LA 1515 BD," in Redfish Bay, about 300 feet off west point of Johnson Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on November 27, 1985, at approximately 10 a.m., causing loss of 45 foot trawl. Amount of Claim: \$450
CLAIM NO. 85-3100

Alex J. Sandras, of Harvey, LA, while trawling on the vessel, "JAY LIN," in the Gulf of Mexico, at Grand Isle Pass, Jefferson Parish, encountered a submerged single stage suction dredge pontoon on December 15, 1985, at approximately 12 p.m., causing loss of 50 foot trawl and damage to vessel. Amount of Claim: \$4,293.63
CLAIM NO. 86-3122

Thomas Matherne, of Lafitte, LA, while trawling on the vessel, "LIL THOMAS," in the Gulf of Mexico, 12 miles south of Belle Pass, at approximate LORAN-C readings of 28,341.4 and 46,792.2, Lafourche Parish, encountered an unidentified submerged obstruction on December 12, 1985, at approximately 1:30 p.m., causing loss of trawl, tickler chain, and boards. Amount of Claim: \$1,817
CLAIM NO. 86-3174

Herbert Schultz, Jr., of Lafitte, LA, while trawling on the vessel, "LADY SARAH," in the Gulf of Mexico, at approximate LORAN-C readings of 28,560.0 and 46,865.7, Jefferson Parish, encountered an unidentified submerged obstruction on January 10, 1986, at approximately 8 a.m., causing loss of 16 foot tri-net, boards and chain. Amount of Claim: \$316.95
CLAIM NO. 86-3188

Michael Comardelle, of Luling, LA, while crabbing on the vessel, "LA 9198 BB," in Sandy Point Bay, near Bay Tambours

South of Buras, Plaquemines Parish, encountered a submerged houseboat, causing damage to vessel. Amount of Claim: \$994.88
CLAIM NO. 86-3205

Ronald Rojas, Sr., of Barataria, LA, while trawling on the vessel, "LITTLE RONALD," in Grand Isle Lafitte Ship Channel, at approximate LORAN-C readings of 28,554.61 and 46,878.8, Jefferson Parish, encountered an unidentified submerged obstruction on February 24, 1986, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$5,000
CLAIM NO. 85-3082

Peter J. Cefalu, Jr., of Kenner, LA, while trawling on the vessel, "MISS ANNA," in Lake Pontchartrain, eight miles north of the South Shore, one mile west of the Lake Pontchartrain Causeway, Jefferson Parish, encountered an unidentified submerged obstruction on December 14, 1985, at approximately 8 a.m., causing loss of 50 foot trawl. Amount of Claim: \$579
CLAIM NO. 86-3216

Maro Hihar, of Gretna, LA, while dredging for oysters on the vessel, "CAPT. BALDO," in Quarantine Bay, Plaquemines Parish, encountered a submerged pipe on March 18, 1986, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$5,000
CLAIM NO. 86-3139

Ralph J. Sandras, of Harvey, LA, while trawling on the vessel, "MR. RALPH," in the Gulf of Mexico, east side of Grand Isle Sea Buoy, Jefferson Parish, encountered an unidentified submerged obstruction on December 16, 1985, at approximately 1:30 p.m., causing damage to net and boards. Amount of Claim: \$1,156.84
CLAIM NO. 86-3155

Louis J. Parria, Jr., of Lafitte, LA, while trawling on the vessel, "PARRIA BROS.," in Grand Isle Pass, at approximate LORAN-C readings of 28,565.3 and 46,862.6, Jefferson Parish, encountered an unidentified submerged obstruction on January 4, 1986, at approximately 2 p.m., causing loss of two 40 foot trawls. Amount of Claim: \$1,930
CLAIM NO. 86-3171

Louis J. Parria, Sr., of Lafitte, LA, while trawling on the vessel, "DARREN DENISE," in Grand Isle Pass, Jefferson Parish, encountered an unidentified submerged obstruction on January 9, 1986, at approximately 8:30 a.m., causing loss of two 40 foot trawls, boards, and chain. Amount of Claim: \$2,407.50
CLAIM NO. 85-2772 (RESCHEDULED)

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, ¾ mile off Scofield Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on September 19, 1985, at approximately 12 p.m., causing loss of tri-net and boards. Amount of Claim: \$151.90
CLAIM NO. 85-2912 (RESCHEDULED)

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, ¾ mile south of Bay la Mer, Plaquemines Parish, encountered an unidentified submerged obstruction on November 9, 1985, at approximately 2 p.m., causing loss of 16 foot tri-net and boards. Amount of Claim: \$151.90
CLAIM NO. 85-3018 (RESCHEDULED)

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, about ¾ mile east of Four Bayou Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on November 26, 1985, at approximately 12 p.m., causing damage to trawl. Amount of Claim: \$402.85
CLAIM NO. 85-2996

August Gisclair, Jr., of Barataria, LA, while trawling on the vessel, "MASTER DOYLE," in the Gulf of Mexico, South Pass, at approximate LORAN-C readings of 28,969.1 and 46,769.3,

Plaquemines Parish, encountered an unidentified submerged obstruction on October 23, 1985, at 1:30 p.m., causing loss of 16 foot tri-net and boards. Amount of Claim: \$300
CLAIM NO. 85-2997

August Gisclair, Jr., of Barataria, LA, while trawling on the vessel, "MASTER DOYLE," in North Pass, at approximate LORAN-C readings of 29,081.6 and 46,854.4, Plaquemines Parish, encountered an unidentified submerged obstruction on October 27, 1985, at approximately 8:30 a.m., causing loss of 47 foot trawl and tickler chain. Amount of Claim: \$1,100
CLAIM NO. 85-2998

August Gisclair, Jr., of Barataria, LA, while trawling on the vessel, "MASTER DOYLE," in North Pass, at approximate LORAN-C readings of 29,069.2 and 46,838.9, Plaquemines Parish, encountered an unidentified submerged obstruction on November 1, 1985, at approximately 6:30 a.m., causing loss of trinet. Amount of Claim: \$120
CLAIM NO. 86-3150

Keith E. Trosclair, of Marrero, LA, while trawling on the vessel, "LADY NELLIE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,565.6 and 46,850.9, Jefferson Parish, encountered an unidentified submerged obstruction on January 11, 1986, at approximately 3 p.m., causing damage to 60 foot trawl. Amount of Claim: \$950
CLAIM NO. 85-3094

Dennis J. Coulon, of Barataria, LA, while trawling on the vessel, "MISS DENISE," in the Gulf of Mexico, two miles east of Four Bayou, approximate LORAN-C readings of 28,672.1 and 46,865.6, Plaquemines Parish, encountered an unidentified submerged obstruction on December 10, 1985, at approximately 8 a.m., causing loss of 85 foot trawl. Amount of Claim: \$1,400.65
CLAIM NO. 85-3095

Dennis J. Coulon, of Barataria, LA, while trawling on the vessel, "MISS DENISE," in the Gulf of Mexico, about one mile west of Four Bayou, at approximate LORAN-C readings of 28,608.2 and 46,859.4, Jefferson Parish, encountered an unidentified submerged obstruction on December 18, 1985, at approximately 2 p.m., causing loss of 85 foot trawl. Amount of Claim: \$1,515.65
CLAIM NO. 85-3140

Russell Blank, of Barataria, LA, while trawling on the vessel, "LA 335 YV," in the Gulf of Mexico, about 75 yards from the beach on Cat Island, Terrebonne Parish, encountered an unidentified submerged obstruction on January 6, 1986, at approximately 10 a.m., causing loss of trawl. Amount of Claim: \$338.33
CLAIM NO. 85-3141

Russell Blank, of Barataria, LA, while trawling on the vessel, "LA 335 YV," in Dixon Bay, 200 yards east-southeast of oil well, Plaquemines Parish, encountered a submerged log on January 3, 1986, at approximately 7 a.m., causing loss of trawl and boards. Amount of Claim: \$1,280
CLAIM NO. 86-3152

Larry J. Alexie, of Marrero, LA, while trawling on the vessel, "MISS JOY," in Barataria Bay, 150 feet off shore, Jefferson Parish, encountered an unidentified submerged obstruction on October 20, 1985, at approximately 1 p.m., causing damage to 48 foot net. Amount of Claim: \$280

CLAIM NO. 86-3153

Larry J. Alexie, of Marrero, LA, while trawling on the vessel, "MISS JOY," in Quatre Bayou Pass or Four Bayou Bay, 1000 feet off Boey, Jefferson Parish, encountered an unidentified submerged obstruction on November 10, 1985, at approximately 8 a.m., causing damage to 50 foot net. Amount of Claim: \$235
CLAIM NO. 86-3154

Larry J. Alexie, of Marrero, LA, while trawling on the vessel, "MISS JOY," in Bay Deshean, Jefferson Parish, encountered an unidentified submerged obstruction on December 5, 1985, at approximately 10 a.m., causing damage to 44 foot net. Amount of Claim: \$260

B. Jim Porter
Secretary

POTPOURRI

Department of Natural Resources Office of Conservation Injection and Mining Division

DOCKET NUMBER UIC 86-30

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Friday, August 22, 1986, in the Police Jury Meeting Room on the second floor of the Police Jury Office Building located at 514 East Main St., Homer, LA.

At such hearing the commissioner of conservation or his designated representative will hear testimony relative to the application of Claiborne Disposal Company, Inc., Box 390, Haynesville, LA 71038. The applicant intends to operate a commercial nonhazardous oilfield waste storage and disposal facility (injection well) in Section 27, Township 23 North, Range 6 West, Claiborne Parish, Louisiana.

Prior to authorizing the use of this facility for disposal of liquid nonhazardous oilfield waste, the commissioner of conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth St., Baton Rouge, LA. Verbal information may be received by calling him at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:45 p.m., August 29, 1986, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, Re: Docket No. UIC 86-30, Commercial Disposal Facility, Claiborne Parish.

Herbert W. Thompson
Commissioner of Conservation

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