

CONTENTS

I. EXECUTIVE ORDERS

DCT 83-9—Medical Malpractice Commission proposals deadline	387
--	-----

II. EMERGENCY RULES

Agriculture Department:	
Advisory Commission on Pesticides—Pesticide application	387
Commerce Department: 387	
Racing Commission—Fingerprinting, photographing of licensees	387
Permitted medication	388
Education Department:	
Board of Elementary and Secondary Education—Salary schedules, change	
GED policy	389
Health and Human Resources Department:	
Office of Family Security—GA grant maximums	389
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—Community Development	
Block Grant	390

III RULES

Agriculture Department:	
Horticulture Commission—Rules and regulations	410
Livestock Sanitary Board—Pseudorabies	410
Market Commission—Grading and certification of poultry	411
Education Department:	
Board of Elementary and Secondary Education—Interim hiring, Special	
Education program, and other Rules	411
Governor's Office:	
Department of Veterans' Affairs—Fees at War Veterans' Home	411
Division of Administration—Property Control, surplus property disposition	412
Health and Human Resources Department:	
Office of Family Security—Cease payment for specimen collection	412
Condition of eligibility for GA program	412
Delete reasonable charge limits for DME	412
Discontinue use of PSROs	413
Elimination of podiatry program	413
Elimination of payment for hearing aids for Title XIX recipients	
over 21	413
Flat grant amounts, GA program	413
Implementation of SSI Transfer of Resources policy	414
Increase CAP rate for Long Term Care	414
Increase monthly maintenance allowance for H and CBS recipients	414
Inpatient Hospital Services	414
Local decisions on incapacity in GA program	415
Prior authorization for dental crowns	415
Refugee Resettlement Program	415
Reimbursement rates for Home Health Services	415
Office of Human Development—Voluntary Registry, adoption program	415
Office of the Secretary—Social Services Block Grant Program	416
Natural Resources Department:	
Office of Environmental Affairs—Emission standards for hazardous	
air pollutants	416
Office of Forestry—Revise tree seedling prices	416
Public Safety Department:	
Office of State Fire Marshal—Plans and specifications for new buildings	417
References and standards	417

This public document was published at a cost of \$2.41 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—	
Expiration and renewal	417
Office of Aviation and Public Transportation—Ultralight aircraft Rules	417
Offshore Terminal Authority—Licensing offshore terminal facilities	423

IV. NOTICES OF INTENT

Commerce Department:	
Office of Commerce and Industry—Mississippi River Bridge relocation	428
Restoration Tax Abatement Program	428
Racing Commission—License applications, fingerprints and photographs	429
Culture, Recreation and Tourism Department:	
Office of State Museum—Admission fees	429
Education Department:	
Board of Elementary and Secondary Education—Graduated salary schedule, teacher certification documents, GED policy, ITV broadcasting approval, Home Economics certification, textbook adoption, Pupil Appraisal Handbook and Act 754 Regulations	430
Board of Trustees for State Colleges and Universities—Capital Outlay budget request procedure	432
Foreign student services fees	433
Educational Television Authority—Policy on compensation to non-commercial stations not licensed to LETA	433
Governor’s Special Commission on Education Services—Guaranteed Student Loan Program	434
Southern University Board of Supervisors—Graduate enrollment fees	434
Housing, food service fees	434
International students supplemental fees	435
Orientation fee	435
Health and Human Resources Department:	
Office of Family Security—AFDC policy changes on Work/WIN participation	435
Elimination of double support payments	436
Office of Management and Finance—Section 1122 capital expenditure reviews	437
Office of the Secretary—Foster care, rate setting manual	443
Other residential care, rate setting manual	443
Review to Rate Setting System	444
Rate setting for Residential Care Manual	445
Labor Department:	
Office of Labor—Job Training Partnership Act	446
Natural Resources Department:	
Office of Environmental Affairs—Revision to Air Quality Regulations	446
Revision to State Implementation Plan	447
State Implementation Plan for protection of Integral Vistas	447
Public Safety Department:	
Office of Management and Finance—Pricing Policy for Records	448
Office of State Fire Marshal—Proposed amendment to Standards for Mobile Homes	449

V. COMMITTEE REPORTS

Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Approval of netting ban in Nantachie Lake	450
Disapproval of hunting seasons	450

VI. POTPOURRI

Natural Resources Department:	
Fishermen’s Gear Compensation Fund—Claims	450
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Examination policy	450

VII. ERRATA

Agriculture Department:	
Commissioner of Agriculture—Paragraph designation corrected	450

Executive Orders

EXECUTIVE ORDER DCT 83-9

WHEREAS, the Governor's Commission on Medical Malpractice was created by Executive Order 82-14 and amended by Executive Order 83-3 to study problems related to medical review panel procedures in order to assure the adequate protection of all medical patients; and

WHEREAS, it is vital to the mission of the commission that it have sufficient time to study relevant information regarding the critical problem of medical malpractice;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby amend Executive Order 82-14, as amended by Executive Order 83-3, to provide that said commission shall make proposals for legislation to the Governor prior to the first day of February of 1984.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 10th day of May, A.D., 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture
Commissioner of Agriculture

In accordance with the provisions of R.S. 49:964 B (2), and under the authority granted to the Commissioner of Agriculture under R.S. 3:3242, notice is hereby given that implementation of the Rules and Regulations recommended by the Advisory Commission on Pesticides and approved by the Commissioner of Agriculture has created an emergency affecting the health and welfare of the people of Louisiana, in that Rule 7.2 B (8) of the Rules and Regulations for Implementation of R.S. 3:3201-3280 presently does not permit commercial applicators of pesticides to perform certain pesticides applications affecting public health.

Therefore, the Commissioner of Agriculture has adopted the following amendments to existing Rules and Regulations for the Implementation of R.S. 3:3201-3280 on an emergency basis:

7.0 Certification of Commercial Applicators

7.1 The commissioner hereby establishes the following standards as qualifications required for certification:

* * * *

B. An individual applying for certification in Categories 7b,

7c and 8a must have two years of experience in the phase of work in which he is making application, which experience must have been acquired under the supervision of a certified applicator. Required experience must be substantiated by a notarized statement acceptable to the commissioner.

C. An individual applying for certification in Category 8d must either have a bachelor's degree with at least 12 hours in entomology, or must have at least four years of experience in mosquito control, working under the supervision of a person certified in mosquito control. Required experience must be substantiated by a notarized statement acceptable to the commissioner.

7.2 Categories are established on the basis of the location where application of pesticides will be made, and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

* * * *

B. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

* * * *

(8) Public Health Pest Control. This category is for commercial applicators and state, federal and other governmental employees using or supervising the use of pesticides with restricted uses in public health programs for the management and control of pests having medical and public health importance. This category has been subdivided into four subcategories, as follows:

(a) Mosquito Control - Applicator. This subcategory is for commercial applicators and government employees who are applicators in mosquito control programs.

(b) Rodent Control. This subcategory is for commercial applicators and government employees who are applicators in rodent control programs.

(c) Community Public Health. This subcategory is for commercial applicators and government employees who are applicators concerned with the control of all arthropods and rodents of public health importance.

(d) Mosquito Control - Supervisor. This subcategory is for commercial applicators and government employees who are supervisors in organized mosquito control programs.

At its next regularly scheduled meeting, the Advisory Commission on Pesticides will establish dates for the conduct of public hearings to consider adoption of the above amendments on a permanent basis. Notice of such hearings will be provided in the *Louisiana Register*.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce
Racing Commission

The Racing Commission, pursuant to the authority contained in R.S. 49:953B, amended as an Emergency Rule, LAC 11-6:14.4. The Commission at its meeting of May 11, 1983, by unanimous resolution, made a finding that the public welfare required the amendment of a Rule of racing to provide that all racing license applicants abide by the requirements and provisions of this Rule, which requires all licensees and permittees of the Commission be fingerprinted and photographed.

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent

upon the Louisiana State Racing Commission to amend a Rule of racing so as to place under its control and jurisdiction the requirements that all applicants for owners' licenses must also be photographed and fingerprinted.

LAC 11-6:14.4 CURRENTLY READS:

"All applications for licenses must be completely and correctly filled out, properly signed and, when required, notarized. All licensees and permittees of the Commission must be fingerprinted and photographed. Anyone failing to be fingerprinted or photographed shall be suspended or fined or both. This Rule shall not apply to owners."

AMEND AND READOPT LAC 11-6:14.4 by deleting the last sentence thereof: "This Rule shall not apply to owners."

Emergency Rule effective date: May 11, 1983.

S. M. Delaney
Secretary

DECLARATION OF EMERGENCY

Department of Commerce

Racing Commission

Rule passed as an emergency May 27, 1983

Rule goes into effect June 1, 1983

PERMITTED MEDICATION

LAC 11-6:54

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

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

54.3 No non-steroidal and/or anti-inflammatory medication may be administered to or used on a horse in training and eligible to be raced at a race meeting in this state except by a licensed veterinarian or a licensed trainer, or under his or her personal order; provided, however, that any such medication given hypodermically may only be administered by a licensed veterinarian. The non-steroidal, anti-inflammatory medications designated below may be used in training but may not be administered within 24 hours of a race in which a horse is entered. The maximum analytical test result levels of the urine and blood of such horse, regardless of time of administration, shall be as follows:

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

Phenylbutazone 165 micrograms per milliliter

Oxyphenbutazone 165 micrograms per milliliter

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

Phenylbutazone 5.0 micrograms per milliliter

Oxphenbutazone 5.0 micrograms per milliliter

In addition to any other urine or blood specimens required to be tested and analyzed, the stewards may order the taking of a

blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn and/or test barn as provided in LAC 11-6:23.35, which blood specimen shall be delivered to the state chemist for testing and analysis.

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

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

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

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

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

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

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

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

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

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

F. The licensed veterinarian prescribing, dispensing, and administering bleeder medication must furnish a written report to the commission veterinarian at least one hour prior to post-time for the first race of the day on forms supplied by the Commission. Furnishing of such written report timely shall be the responsibility of the prescribing, dispensing, and/or administering veterinarian.

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

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

54.5 Definitions:

As used in this Rule: "Veterinarian" shall mean a person who is licensed to practice veterinary medicine in Louisiana, and

who is licensed by the Commission. "Permitted Medication" shall mean the use of Phenylbutazone and bleeder medication as provided in this Rule. "Bleeder Medication" shall mean any drug or medication which is recognized by the veterinary profession for the treatment of exercise-induced hemorrhage.

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

Gordon A. Burgess
Chairman

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of May 26, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following as Emergency Rules:

1. A graduated Salary Schedule for Paraprofessionals and Teacher aides. (This emergency adoption is necessary in order for the scale to become effective July 1, 1983. Delay would result in pro rata payments to paraprofessionals/teacher aides and/or them not receiving the deserved pay increase until final adoption.)

2. The Board adopted the following fee schedule for teacher certification documents:

- a. Initial certificate to applicant who completed certification requirements in Louisiana . . . \$15
- b. Initial certificate to applicant who completed certification requirements outside Louisiana . . . \$25
- c. Additional certification endorsement . . . \$10
- d. Transcript analysis or duplicate certificate . . . \$5
- e. Copy of materials in certification folder . . . \$1

The Board advised that money collected from certification fees will go to the State General Fund and is not available for expenditures of the Bureau of Higher Education and Teacher Certification. The Board also established July 1, 1983 as the effective date for charging fees. (To comply with the desire of the Legislature, it is necessary that this be adopted as an Emergency Rule in order for it to be in effect July 1, 1983.)

3. The Board deleted board Policy 3.07.02 stating: "A student with a GED diploma will not be allowed to return to school to receive a regular high school diploma" and adopted the following policy: "Students who have received the GED diploma and who return to a regular high school program will not be allowed to participate in athletic activities".

(This emergency adoption is necessary in order that students attending the P.M. School in Orleans Parish could graduate this May. This school was to accept students who were drop-outs and had not earned regular high school diploma. Several students were enrolled who had previously earned an equivalency diploma.)

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953 B to amend the General Assistance policy regarding grant maximums for a one person household.

EMERGENCY RULE

Effective July 1, 1983, the flat grant amount to be included in every General Assistance budget for a one person household will be \$79 for Orleans, Jefferson, St. Bernard and East Baton Rouge Parishes and \$72 for all other parishes. The flat grant amount for a one person household will be increased to the above amounts contingent upon final execution of a General Appropriations Bill for Fiscal Year 1983-84 which includes at least \$3,656,872 for Public Assistance Payments under the General Assistance Program. If the referenced amount is not included in the General appropriation Bill for 1983-84, the flat grant amount to be included in every General Assistance Payment budget for a one person household shall be adjusted proportionate to the amount actually appropriated. Such flat grant amounts shall be published in the next issue of the *Louisiana Register*. The grant amounts shall be no less than the amounts specified in the rule regarding flat Grant Amounts to be included in every General Assistance Payment budget published in the June 20, 1983 *Louisiana Register*.

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

Roger P. Guissing
Secretary

DECLARATION OF EMERGENCY
Department of Urban and Community Affairs
Office of Planning and Technical Assistance

JOBS BILL PUBLIC LAW 98-9
LOUISIANA COMMUNITY DEVELOPMENT BLOCK
GRANT (LCDBG) PROGRAM
FINAL STATEMENT

I. PROGRAM OBJECTIVES. The Jobs Bill Program provides grants to units of general local government in nonentitlement areas to undertake community development activities. The Jobs Bill Program, however, is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty, unemployment and taxing capacity, and whose applications most adequately address locally-determined needs of low- and moderate-income persons, consistent with one or more of the following objectives, and consistent with the primary objectives of the Housing and Community Development Act of 1974 as amended:

- (1) Elimination of slums and blight and the prevention of blighting influences.
- (2) Elimination of conditions which are detrimental to health, safety, and public welfare.
- (3) Benefit low to moderate income persons.

In addition, priority will be given to those projects which meet the major objective of Public Law 98-8, that is projects which are located in areas of high unemployment.

I. GENERAL.

A. DEFINITIONS. For the purpose of the Jobs Bill Program or as used in the regulations, the term:

- (a) "Unit of general local government" means any municipal or parish government of the State of Louisiana.
- (b) "Low-Moderate Income" is defined as either 1) 80% of the statewide median income or 2) a sliding scale based on household size as follows:

No. of persons in Household	Statewide % median income
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100%

- (c) "General Distress" means a combination of indices which reflect the overall fiscal and physical status of a locality. Factors included are: per capita taxes divided by per capita income; percentage (%) and number of poverty persons. (Data compiled from state and federal sources.)
- (d) "Auxiliary Activities" means a minor activity which directly supports a major activity in one program area (Housing or Public Facilities).
Note: The State will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.
- (e) "Slums and Blight" is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section P-8.
- (f) "Neighborhood Facility" is defined as a structure which will house two or more public services which will serve a specified geographic area.

The city/parish must have firm commitments from the proposed service providers that includes rent which will cover the ongoing maintenance cost of the facility.

(g) "Indicators of Unemployment" means a combination of indices which reflect short term and long term unemployment within a locality. Factors included are: percent of unemployment (short term and long term) and number of unemployed (short term and long term).

- B. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, and Shreveport. Each unit of general local government, be it a municipality or a parish, must submit an application on its own behalf. Applications submitted on the behalf of one unit of local government, by another unit of local government, will not be considered for funding. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who the correct applicant would be. Although the applications involving joint projects can be submitted by only one applicant, all local governing bodies involved must be eligible according to the threshold criteria.
- C. ELIGIBLE ACTIVITIES. Eligible activities will be those as defined in Section 105 of Title I of the Housing and Community Development Act of 1974, as amended. Activities which are not specifically identified as eligible shall be ineligible. (See Appendix I and II.)
- D. TYPES OF GRANTS. Recognizing that needs of communities vary widely, the the Jobs Bill Program has two types of grants -- Housing and Public Facilities. Only single purpose projects will be eligible.

- E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. The total amount allocated to the State under the Jobs Bill is \$6,142,000. (Of the total Jobs Bill funds allocated to the State of Louisiana up to two percent will be used to administer the program.)
- These monies will be divided into two parts, one specifically for Public Facilities applications and the other for Housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category.
- F. SIZE OF GRANTS.
- (1) Ceilings. The State has established a funding ceiling of \$500,000 for Single Purpose Grant.
 - (2) Individual grant amounts. Grants for specific grantees will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the State may consider an applicant's need, proposed activities, and ability to carry out the proposed program.
- G. RESTRICTIONS ON APPLYING FOR GRANTS.
- (1) Each eligible unit of general local government may apply for one Single Purpose Housing or Public Facilities Grant under this program.
 - (2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the

deadline date the application is due to the State, and may be the basis for rejecting an application from further consideration. In determining whether an applicant has performed adequately, the State will examine the applicant's performance in the following areas:

- (a) The rate of progress achieved in moving activities into execution and the rate of expenditure and obligation of community development funds.
 - (i) All FY'81 grants must be 95-100% obligated and 75% expended. If the FY'81 grant was 100% drawdown as of October 15, 1982, all close-out documents including final audit must have been received by HUD as of the deadline for receipt of LCDBG applications by the State.
- (b) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by HUD prior to 1981 have not been closed-out as of the deadline for receipt of LCDBG applications by the State.
- (c) The applicant's compliance with the laws, regulations and Executive Orders applicable to the Community Development Block Grant Program, and resolution of findings made as a result of the State's and/or HUD's monitoring.
- (d) The State shall not accept an application from an applicant that has an outstanding audit and/or monitoring finding for any HUD program or has an outstanding monetary obligation to HUD or the State.

The State may provide waivers to these prohibitions, but in no instance shall a waiver be provided when funds are due to HUD or the State unless a satisfactory arrangement for repayment of the debt has been made.

III. METHOD OF SELECTING GRANTEEES. The State has established a rating system for Single Purpose Grants. Applications are required. An applicant must include sufficient information in its application to permit the State to rate the application against the various selection criteria and must document for the State the source of information and the method used to compile the information for the application. The State will provide the information necessary to rate applicants on the general indicators of distress and unemployment. Existing sources of information, such as areawide analyses, State plans or needs assessments, and data from the Bureau of the Census, should be used whenever possible. Local surveys may be necessary to document the information submitted in the application. Documentation of the State's selection process and copies of applicant ratings will be available upon request for public review.

The State shall establish deadlines for submission of applications, and notify all eligible units of local government through a direct mailing.

A. DATA. Data used in the general indicators of distress and unemployment is from the United States Bureau of the Census, the Department of Treasury, and the Louisiana Department of Labor. In order to determine the benefit to low/moderate income persons, the applicant must utilize either census data or conduct a local survey. If 1980 Census data is available on income by enumeration district, then the corresponding tables for 1980, as identified by the State, must be utilized. If the applicant chooses to conduct a local survey, the survey sheet in the application package must be used. The following percentages must be used as a guideline in meeting the required number of responses for a statistically balanced random sample:

<u>Number of Occupied Housing Units In Target Area</u>	<u>Sample Size Needed</u>	<u>Percent</u>
No.	No.	%
25,000	378	1.5
15,000	374	2.5
10,000	370	3.7
5,000	357	7.1
4,000	351	8.8
3,000	341	11.4
2,000	322	16.1
1,000	278	27.8
750	254	33.9
500	217	43.4
250	152	60.8
100	80	80.0
50	44	88.7
25	24	96.0

The annual income limits for low/moderate income persons will be provided by the State.

Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, providing the survey conforms to current program requirements.

B. PROGRAM DESIGN. The program as a whole must principally benefit low-and moderate-income persons and directly address and have an impact on the applicant's needs. Each activity contained within such programs must 1) benefit low-to-moderate income persons, or 2) aid in the prevention or elimination of slums or blight, or 3) meet other community development needs having a particular urgency.

C. SINGLE PURPOSE GRANTS.

(1) Definition. A Single Purpose Housing or Public Facilities Grant provides funds for one need, consisting of an activity which may be supported by auxiliary activities. Funds are available to address serious problems with housing or public facilities which affect both

the public health and safety, all of which principally affect persons of low and moderate-income or aid in the prevention or elimination of slums and blight.

(2) Selection System for Single Purpose Grants. All single purpose applications will be rated and scored in three major categories: General Indicators of Distress (maximum 50 possible points), Indicators of Unemployment (maximum 200 points) and the Specific Program Category (maximum of 150 possible points). The total possible points for a single purpose grant is 400 points.

(a) General Indicators of Distress. (50 Points) Each applicant will be rated against all other applicants in each of the following categories:

	<u>Maximum Possible Points</u>
1. Fiscal Distress Indicator <u>per capita taxes</u> per capita income	20
2. Percentage of Poverty Persons	15
3. Number of Poverty Persons	15
<u>TOTAL POSSIBLE POINTS</u>	<u>50</u>

(i) Fiscal Distress Indicator - per capita taxes/per capita income - 20 points. All applicants are compared in terms of ratio of per capita taxes to per capita income. Individual scores are obtained by dividing each applicant's ratio, by the highest ratio obtained by any applicant and multiplying by 20.

(ii) Percentage of Poverty Persons - 15 points. All applicants are

compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of persons in poverty by highest percentage of persons in poverty of any applicant and multiplying by 15.

(iii) Number of Poverty Persons - 15 points. All applicants are compared in terms of the number of persons whose incomes are below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 15.

(b) Indicators of Unemployment (need for jobs) - 200 points

Each applicant will be rated against all other applicants in each of the following categories:

INDICATORS
OF
UNEMPLOYMENT

Indicators	Percent of Unemployed	Number of Unemployed
Short Term	March 1983 *	March 1983 *
Long Term	Average for 1982	Average for 1982

* March, 1983, is the latest finalized month showing unemployment which is available from the Louisiana Department of Labor (DOL).

ASSIGNMENT
OF
POINTS

Indicators	Percent of Unemployed	Number of Unemployed	Total
Short Term	70	30	100
Long Term	70	30	100
Totals	140	60	200

* NOTE ON METHODOLOGY

Since the Louisiana Department of Labor (DOL) does not record unemployment statistics at the municipal level, unemployment data for municipal applicants will therefore, have to be estimated.

This will be done by taking the number of employed and unemployed, as determined by 1980 U.S. Census, for each municipality and the Parish in which it is located. Then the assumption was made that the same percentage relationship existed in 1982 and March, 1983, between the municipality's and parish's share of the total figure.

It should be noted that this methodology is the same as that required by the Federal Government in allocating employment and unemployment figures to the parishes included within an SMSA or Labor Market Area.

(c) Specific Program Criteria. (150 Points) There will be two specific program categories: 1) Public Facilities and 2) Housing. Each applicant will be rated against all other applicants proposing projects in the same Specific Program Category. The criteria for rating each of the specific programs are as follows:

1) PUBLIC FACILITIES

i. PROGRAM IMPACT

Maximum Impact 100 points

The project would bring a community's substandard infrastructure into conformance with state or national standards and/or would completely remedy documented infrastructure deficiencies in a particular geographic area which threatens public health and safety, and is cost effective. All proposed improvements must be documented.

Moderate Impact 65 points

The project would result in substantial progress being made towards achieving local conformance to state or national standards and/or towards remedying infrastructure deficiencies that pose documented threats to public health and safety, and is cost effective.

Minimal Impact 30 points

The project would improve a community's infrastructure but would address only documented needs which are not a threat to public health and safety and is cost effective, or the threat to health and safety is inadequately documented.

Insignificant Impact

0 points

The project would improve a community's infrastructure but has insignificant documentation of community needs.

The State has rated most communities' water supply, sewer, and solid waste and utility systems. Each community has a fire insurance rating. Projects which would bring substandard systems into compliance with these standards would receive 100 points. Projects which would remedy documented threats to public health and safety would also receive 100 points. The applicant will have to document the threat by using independent and appropriate sources, when possible, (i.e., accidents occurring on a blind street corner or bottle neck, evidence of well contamination or seepage from septic tanks, letters from cognizant state or federal agencies, etc.). For example, a water project that proposes treatment and supply improvements must have documentation for both quality and supply.

Documentation letters from the independent and appropriate sources must have been prepared within the twelve (12) months prior to application submittal date. It is the applicant's responsibility to ascertain that the documentation letters address the criteria required to receive the maximum points.

Projects which would make substantial progress toward remedying deficiencies but which would not completely resolve them or bring systems into compliance would receive 65 points.

Projects which involve public improvements or facilities which do not pose threats to public health and safety would receive 30 points.

Inadequately documented projects will also receive 30 points. For example, a water project involving water quality and water distribution which only includes documentation on the quality will receive 30 points.

Projects which involve public improvements or facilities which do not include sufficient documentation will receive 0 points.

ii. BENEFIT TO LOW MODERATE INCOME PERSONS

(Maximum Possible Points - 50)

This will be calculated by dividing the number of low moderate income persons benefiting (as defined by the State) by the total number of persons benefiting. The resulting raw scores will be arrayed and the top ranked applicant will receive 50 points.

All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

For improvements which involve different numbers of beneficiaries, the percentages must be identified separately.

2) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points - 75)

This will be determined by dividing the total number of proposed units to be rehabilitated and replaced and vacant units to be demolished, by the total number of owner-occupied substandard units in need of rehab and replacement and vacant units in need of demolition in the total area in which rehabilitation and/or demolition will be permitted, that is:

of units to be rehabed or replaced
 inside the target area
 + # of vacant units to be demolished = Raw Score
of owner-occupied substandard
 units including those in need of demolition
 and replacement + vacant
 units in need of demolition
 inside the target area

The raw scores of each housing application will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

If less than 25 percent of identified need will be met 0 points will be awarded.

This system also permits up to 10 percent of the rehabs to be located outside of target areas without affecting impact scores in any way. Ten percent (10%) of the total rehab monies may also be used for emergency repairs. All units, except the emergency rehabs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. Only owner-occupied units are fundable under the housing rehabilitation component.

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

Cost effectiveness will be measured by dividing actual funds budgeted for rehab (i.e., loans, grants, acquisitions,

relocations, and demolitions) by the number of proposed rehabilitations. That is:

loan, grant, acquisition, relocation,

$$\frac{\text{demolition costs}}{\text{Number of units affected}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 25 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per unit}}{\text{applicant's cost per unit}} \times 25$$

iii. BENEFIT TO LOW-MODERATE INCOME PERSONS
(Maximum Possible Points - 50)

Benefit to low-moderate income persons will be calculated by dividing total number of households benefiting into the number of low-moderate income households (as defined by the State) benefiting, that is:

$$\frac{\text{Number of low-moderate households benefiting}}{\text{Total number of households benefiting}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

E. SUBMISSION REQUIREMENTS

Applications shall be submitted in a form prescribed by the State to the appropriate State Office and shall consist of the following:

(1) Program narrative statement. The program narrative statement shall consist of:

- i. A brief description of the applicant's community development problems/needs to be served by the proposed activity; an identification of which of the two possible problem areas (housing, or public facilities which affect the health and safety) that the project will address; and whether the program principally benefits low- and moderate-income persons, aids in the prevention or elimination of slums and blight, or meets other community development needs having a particular urgency.
- ii. A description of the activity to be carried out with LCDBG assistance and a financial statement estimating the cost of the project including information necessary for considering the cost-effectiveness factor. If the proposed activity is dependent on other funds for completion, the source of funds and the status of their commitment must also be indicated.
- iii. A statement describing the impact the activity will have on the problem area selected and the needs of low- and moderate-income persons, including information necessary for considering the program impact factor.
- iv. A statement on the percent of funds requested that will benefit low-and moderate-income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income, as defined by the State.

(2) Maps. A map of the local jurisdiction which identifies by project area:

- i. census tracts and/or enumeration districts;

- ii. location of areas with minorities, showing number and percent by census tracts and/or enumeration districts;
 - iii. location of areas with low- and moderate-income persons, showing number and percent by census tracts and/or enumeration districts;
 - iv. boundaries of areas in which the activities will be concentrated.
- (3) Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the State. Unrequested material received after the deadline will not be considered as part of the application.
- (4) Program Schedule. Each applicant shall submit, in a format prescribed by the State, a listing of dates for major milestones for the activity to be funded.
- (5) Title VI Compliance. All applicants, shall submit in a form prescribed by the State, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the State to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.
- (6) Certifications of Assurances. The certification of assurances required by the State, relative to Federal and State Statutory requirements, shall be submitted by all applicants.
- (7) Certification of Citizen Participation. One public hearing must be held prior to application submittal. Applicants must submit a notarized proof of notification.

(8) Certification of Unemployment. Local governments must certify that at least 50% of the work force used for projects undertaken with Jobs Bill funds, be individuals that were unemployed 15 of the 26 weeks prior to March 24, 1983.

F. APPLICATION REVIEW PROCEDURE

- (1) The application must be mailed prior to the deadline that has been established by the State. Applicant must obtain a "Certificate of Mailing" from the post office, certifying the date mailed. The State may require the applicant to submit this Certificate of Mailing to document compliance with deadline for mailing, if deemed necessary.
- (2) The application requirements must be complete.
- (3) The funds requested must not exceed the amount of the invitation by the State.
- (4) Review and notification. Applications will be reviewed. Following the review, the State will promptly notify the applicant of the actions taken with regard to its application.
- (5) Criteria for conditional approval. The State may make a conditional approval; in which case, the grant will be approved but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:
 - i. Where local environmental reviews have not yet been completed;
 - ii. Where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;
 - iii. To ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time;
 - iv. To ensure the project can be completed within estimated costs.

(6) Criteria for disapproval of an application. The State may disapprove an application if:

- i. Based on review of the application, it is determined that general administrative costs exceed 6% of total public facilities construction costs or housing rehabilitation administrative costs exceed 12% of total housing costs.
- ii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, and the application was improperly rated, and no longer rates sufficiently high to warrant approval when compared with other applications in the competition, given funds available.
- iii. On the basis of significant facts and data generally available and pertaining to community and housing needs and objectives, the State determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data. The data to be considered may be published data accessible to both the applicant and State such as census data, or other data available to both the applicant and State, such as recent local, areawide, or State comprehensive planning data.
- iv. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.
- v. The activities cannot be completed within the estimated costs or resources available to the applicant.
- vi. Any of the items identified under "E", Submission Requirements, are not included in the application.

G. PROGRAM AMENDMENTS FOR SINGLE PURPOSE

The State may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior State approval for all program amendments involving new activities or alteration of existing activities that will significantly change the scope, location, or objectives of the approved activities or beneficiaries.

- (1) New or significantly altered activities are rated in accordance with the criteria for selection applicable at the time the original application was rated. The rating of the new program or activity proposed by the amendment must be equal to or greater than the lowest rating received by a funded activity or program during that cycle of application ratings.
- (2) Consideration shall be given to whether any new activity proposed can be completed promptly.

VI. ADMINISTRATION

Rule for Policy Determination. In administering the program, while the State is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The State reserves the right to exercise this discretion in either interpreting or establishing new policies.

These regulations are to be effective on June 20, 1983, and are to remain in force until they are amended or rescinded. Anyone having questions should contact: Ms. Gayle Joseph, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Post Office Box 44455, Baton Rouge, Louisiana, 70804. Ms. Joseph is the person responsible for administering this program.

Linton Ardoin
Secretary

Rules

RULE

Department of Agriculture Livestock Sanitary Board

RULE

Department of Agriculture Horticulture Commission

Notice is hereby given that the Department of Agriculture, Horticulture Commission, in accordance with the authority granted under LSA 37:1961 F and pursuant to Notice of Intent published on May 20, 1983, adopted the following amendments to the Rules and Regulations of the Horticulture Commission at a public hearing held at the State Capitol on June 8, 1983:

Rule 2.18, relative to "Access to Premises", was amended to read as follows:

2.18 Any authorized representative of the Commission or of the Commissioner shall have access to, and may enter at all reasonable hours, all places of business operated by license or permit holders or persons engaged in any regulated profession or occupation to perform horticultural inspections and/or investigations. Any information gained through utilization of the authority granted hereinabove in this section shall be treated as confidential and shall be used only for the administration of this Subpart, provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding before the Commission or the Commissioner or in any court proceedings, and provided further, that nothing contained in this Subpart shall prevent the use of any information procured by the Commission or the Commissioner in the compiling and dissemination of general statistical data containing informations procured from a number of licensees or permittees and compiled in such a manner as not to reveal individual information of any licensee or permittee.

Paragraph D of Rule 9.1, entitled "General Requirements for Retail Florist", was amended to read as follows:

9.1 General requirements for Retail Florist

(d) Retail Florist shops that lose their licensed florist will be granted a "grace period" of 90 days of operating without the services of a full-time licensed florist. This grace period shall end 90 days from that date. The purpose of this "grace period" is to provide the florist shop an opportunity to employ a licensed person. This "grace period" can only be used once in a twelve-month period. Retail florist shops shall cease to engage in the profession of retail florist after the grace period has been exhausted.

Paragraph (B) (1) of Rule 9.5, entitled "General Requirements for Arborist", was amended to read as follows:

9.5 General Requirements for Arborist

(B) (1) A certificate of insurance, written by an insurance company authorized to do business in Louisiana, covering the public liability of the applicant for personal injuries and property damages, providing for not less than \$25,000 per person for personal injuries and not less than \$50,000 for property damages, both limits applicable to each separate accident, provided that the Commission may waive the requirement for the stated insurance coverages for any licensed arborist who does not physically work on trees or accept responsibility for work on trees but only provides consultation with respect to work on trees. The certificate of insurance must provide for 30 days' written notice to the Commission prior to cancellation.

Bob Odom
Commissioner

Notice is hereby given that the Louisiana Department of Agriculture, Louisiana State Livestock Sanitary Board, in accordance with the authority granted under R.S. 3:2095 and pursuant to Notice of Intent published on May 20, 1983, adopted the following amendments to its Rules and Regulations relative to control of the disease of swine pseudorabies at a public hearing held at the State Capitol on June 10, 1983:

Paragraph 4 of Subsection 1 of Section 3 of Regulation 1 was amended to read as follows:

4. Feeding and/or breeder swine moving into Louisiana from an out-of-state specifically approved livestock auction market, feeder pig sale, or concentration point shall move only to a Louisiana farm, provided that feeder swine may move to a quarantined feed lot. The permit number of the quarantined feed lot must be listed on the health certificate.

Subsection 5 of Section 3 of Regulation 1 was amended to read as follows:

5. Pseudorabies requirements

(1) Swine moving into Louisiana for breeding or exhibition must originate from herds not known to be infected with pseudorabies, which are negative to the SN (serum neutralization) test for pseudorabies within 30 days of movement, or

(2) Originate from a qualified pseudorabies herd. The qualified herd number must be recorded on the health certificates.

(3) Feeder swine moving from a farm outside of Louisiana to a feeder pig sale, livestock auction market, or other concentration point in Louisiana must be accompanied by a health certificate and must originate from herds not known to be infected with pseudorabies.

Paragraph (A) of Subsection 4 of Section 3 of Regulation 2 was amended to read as follows:

(A) All breeding swine shall be required to show a negative test for brucellosis in the 1:25 dilution or a negative swine brucellosis card test within 60 days prior to arrival at the fairgrounds or livestock show grounds and within 30 days prior to arrival at breeders' association sale grounds. Each animal must be individually identified as to herd or origin by ear tag or tattoo (ear notch identification will be accepted in lieu of tag or tattoo on registered purebred animals) and the individual identification and results of the test must be recorded on the official health certificate.

Paragraph (1) of Subsection 6 of Section 3 of Regulation 2 was amended to read as follows:

(1) No pseudorabies requirement on swine moving from Louisiana farms to other locations in Louisiana.

Paragraphs (2) and (3) of Subsection 6 of Section 3 of Regulation 2 were repealed.

Paragraph 1 of Subsection (B) of Section 11 of Regulation 3 was amended to read as follows:

1. All breeder and feeder swine moving to Louisiana auction markets from farms outside of Louisiana must meet the pseudorabies requirements of Regulation 1.

Paragraphs 2 and 3 of Subsection (B) of Section 11 of Regulation 3 were repealed.

Bob Odom
Commissioner

RULE

Department of Agriculture Market Commission

Notice is hereby given that the Louisiana Department of Agriculture, State Market Commission, in accordance with the authority granted under LSA 3:405 and pursuant to Notice of Intent published on May 20, 1983, adopted the following amendment to Rule 6.3 of the Commission's Rules and Regulations Governing the Certification of Official State Grades of Poultry, Poultry Products, and Shell Eggs at a public hearing at the State Capitol on June 7, 1983:

6.3 The costs of all examination and certification services shall be paid by the vendor at the rate of \$20.76 per hour (\$5.19 per quarter hour) for each hour required to conduct the examination, provided that no specific charge shall be made for certification of product when inspection is simultaneously performed.

Bob Odom
Commissioner

RULES

Board of Elementary and Secondary Education

Rule 3.01.70v(37)

An amendment to BESE Policy 3.01.70v(37), Interim Policy for Hiring Full-time and Part-time Noncertified School Personnel to remain in effect until July 1, 1984 and added Item 5 of this policy to read: "These teachers must have a minimum of a baccalaureate degree from a regionally accredited institution."

Rule 3.01.53.h

The Board adopted the implementation of course titles and uniform time requirements in the vocational-technical schools throughout the state as recommended by the Department of Education.

Rule 7.03.12

The Board adopted the following as policy: "Any vocational technical student who does not complete the curriculum will receive a certificate and if a student completes the total curriculum, he will receive a diploma."

Rule 4.02.01

Louisiana Annual Special Education Program Plan for 1984-86.

Rule 4.01.40.a

Revised Standards for Approval of Louisiana Montessori Schools.

Rule 3.03.07

The Board adopted a policy for adding course(s) in a vocational-technical school.

Rule 4.00.03(2)

In compliance with Act 769 of the Regular Session of 1982, schools under the Board's jurisdiction may pay up to four years of the employer's contribution and interest to the Louisiana Retirement System for the purchase of military credit. Such military service shall be purchased on or before January 1, 1986. The request for this payment shall be made to the school director, and the person making the request shall have at least 18 months creditable service in the Retirement System.

James V. Soileau
Executive Director

RULE

Office of the Governor Department of Veterans Affairs

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

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

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

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

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

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

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

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

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

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

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

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

10. After admission, fee and maintenance charges will be payable in advance. These fees are due before the tenth of each

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

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

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

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

John L. McGovern
Director

RULE

Division of Administration Property Control Section

The Property Control Section has revised the State property Control Regulations as follows:

5.5.1 Originating purchase from participating Federal funds — equipment with a unit acquisition cost of less than \$1,000, 80 percent of the proceeds received by Property Control for the item will be refunded to the agency if the program is still active. There will be no refund if the program has been discontinued. On equipment that cost \$1,000 or more, \$100 or ten percent of the total sales, whichever is greater, will be retained by the state for handling expense. Agencies will be reimbursed 80 percent of the proceeds received by Property Control for the item originally purchased by other grants, funds etc. unless the disposition requirements specify otherwise.

Note: The agency's use of the reimbursed percentage of federal funds must be documented for the Legislative Auditor.

Dan Pickens
Assistant Director

RULE

DEPARTMENT OF HEALTH AND HUMAN RESOURCES Office of Family Security

The Department of Health and Human Resources, Office

of Family Security adopts the following Rule.

RULE

Effective July 1, 1983, the Medical Assistance Program shall no longer make payments to physicians for the collection of specimens in their offices.

The action is necessary in order to contain expenditures in the Medical Assistance Program.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, implements the following Rule in the General Assistance Program effective July 1, 1983.

RULE

As a condition of eligibility for General Assistance, an applicant or recipient must apply for benefits offered through the Social Security Administration and be denied Supplemental Security Income, Social Security Disability or any other benefits before General Assistance payments will be made.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, amends the Title XIX State Plan to delete reasonable charge limits for durable medical equipment and supplies formerly found at 42 CFR 447.351. This action allows the Medical Assistance Program to achieve compliance with federal regulations 42 CFR 447.304, which state that the Medicaid Agency must not pay more for services than the upper limits, based on Medicare principles of reimbursement.

With the adoption of this Rule, the Title XIX State Plan, Attachment 4.19-B, Item 12c, and Item 12d concerning Methods of Payment for prosthetic devices (including artificial eyes, braces and other prosthetic devices as well as medical appliances, equipment and supplies) and eyeglasses (including cataract glasses and contact lenses) shall read as follows:

Rule

Payment is made on the basis of Medicare/Medicaid upper limits. In the case of payments made under the plan for deductibles and coinsurance payable on an assigned Medicare claim for noninstitutional services, those payments may be made only up to the reasonable charge under Medicare.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, amends the Title XIX State Plan to discontinue the use of Professional Standards Review Organizations (PSRO) for review of medical necessity of services. The current Rule states that hospitals under binding review by a PSRO will have its Medicaid claims paid in accordance with the determination made by the PSRO. In areas without a PSRO, the Patient Activity Study/Length of Stay (PAS/LOS) is used by the fiscal intermediary to process the claims and the hospital's utilization review committee continues to function as a means of determining medical necessity. The state currently contracts with three PSROs to provide this review.

Rule

Effective July 1, 1983, the Medical Assistance Program shall no longer utilize PSROs for the purpose of medical care review and the determination of medical necessity on Medicaid claims submitted by hospitals. PAS/LOS criteria as published by the commission on Professional and Hospital Activities for the United States Southern Region shall be applied to all Medicaid claims for hospital services for the determination of the medical necessity for such services. The PAS/LOS criteria at the 90th percentile shall be applied for claims submitted by non-charity hospitals. Claims submitted by charity hospitals and New Orleans Children's Hospital shall have the PAS/LOS criteria at the 95th percentile applied for all claims. The appropriate PAS/LOS criteria shall be applied by the fiscal intermediary.

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) deleted the requirement that PSROs perform review of services furnished to Medicaid recipients. States now have the option of contracting with PSROs for the performance of medical or utilization review functions or to utilize another method to accomplish the utilization required by Title XIX (Federal Register, October 1, 1981, Vol. 46, No. 190, Pages 48564-48571).

Roger P. Guissing
Secretary

RULE

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Family Security**

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

RULE

Effective July 1, 1983, the Medical Assistance Program hereby eliminates the Podiatry Program and shall no longer make payment to licensed podiatrists for any podiatry services.

The original Rule was published in the April 20, 1982, issue of the *Louisiana Register* and stated that the Medical Assistance Program shall make payment to licensed podiatrists for up to three podiatry services per recipient per calendar year. There are no provisions for any additional services.

This action is necessary in order to contain expenditures in the Medical Assistance Program.

Roger P. Guissing
Secretary

RULE

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

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

RULE

Effective July 1, 1983, the Medical Assistance Program shall no longer make payment to providers for hearing aids, repairs, and batteries for Title XIX recipients over the age of twenty-one.

This action is necessary in order to contain expenditures in the Medical Assistance Program.

Roger P. Guissing
Secretary

RULES

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

The Department of Health and Human Resources, Office of Family Security, implements the following Rules in the General Assistance Program effective July 1, 1983.

RULE

This sets forth the flat grant amounts that shall be included in the payment budget for General Assistance.

Only flat grant amounts as specified below shall be included in the assistance payment budget.

FLAT GRANT AMOUNTS TO BE INCLUDED IN EVERY GENERAL ASSISTANCE PAYMENT BUDGET

A. For parishes Other Than Those Specified in B. Below

No. of Persons	Flat Grant Amount	No. of Persons	Flat Grant Amount
1	\$ 66	10	\$444
2	123	11	482
3	174	12	521
4	217	13	564
5	259	14	606
6	296	15	647
7	334	16	689
8	373	17	729
9	408	18	771

B. For Orleans, Jefferson, St. Bernard, and East Baton Rouge Parishes

No. of Persons	Flat Grant Amount	No. of Persons	Flat Grant Amount
1	\$ 72	10	\$462
2	138	11	501
3	190	12	540
4	234	13	580
5	277	14	620
6	316	15	662
7	352	16	707
8	391	17	741
9	427	18	789

In conjunction with the flat grant conversion, the policy of special care in one's own home or the home of another will be eliminated.

It should be noted that in this June 20, 1983 volume of the *Louisiana Register* the Department of Health and Human Re-

sources, Office of Family Security has published an Emergency Rule affecting one person households' flat grant amounts.

The Office of Family Security also implements the following Rules to allow the General Assistance Program to track the AFDC Program.

RULE

The first month's assistance payment shall be prorated when the payment will be made for less than a full month.

RULE

The budgetary deficit shall be rounded down to the next lower dollar to determine the grant amount.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, adopts the following Rule to implement Supplemental Security Income (SSI) policy on transfer of resources to become eligible for benefits as authorized under Public Law 96-611 and amendments to Section 1613 of the Social Security Act.

Rule

Effective July 1, 1983, the Medical Assistance Program shall, in determining eligibility for Medicaid for all applications filed on or after July 1, 1983, presume that an individual or his/her eligible spouse who disposes of resources for less than the fair market value within the 24 months prior to application for Medicaid has done so for the purpose of establishing medicaid eligibility. Therefore, the difference between fair market value and compensation received will be countable in determining Medicaid eligibility for the individual (couple) for a maximum of 24 months from the date of disposal of the resource. The presumption can be rebutted if the applicant can provide convincing evidence that the disposal was exclusively for some other purpose. The burden of proof in rebuttal is with the applicant (responsible party).

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, increases the allowable monthly income limit as follows:

RULE

Effective July 1, 1983, the maximum allowable monthly income limit (CAP Rate) for long term care eligibility for an individual will be increased from \$852.90 to \$912.90. For a couple occupying the same room in a long term care facility the double rate of \$1,825.80 would apply.

Federal regulation 42 CFR 435.1005 allows provisions to

set the maximum income limit, before deductions, at 300 percent of the Supplemental Security Income (SSI) payment.

Effective July 1, 1983, the monthly SSI payment increases by \$20.00 to \$304.30.

Roger P. Guissinger
Secretary

RULE

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

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

RULE

Effective July 1, 1983, the monthly maintenance allowance for an individual receiving Home and Community Based Services will be increased from \$284.30 to \$304.30.

Federal regulation, 42 CFR 435.726, contains provisions for determining the amount of the monthly maintenance allowance.

Effective July, 1983, the monthly maintenance allowance increases by \$20.00 to \$304.30.

Roger P. Guissinger
Secretary

RULE

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

Effective July 1, 1983, the Department of Health and Human Resources, Office of Family Security, shall revise the methodology for determining reimbursement rates for inpatient hospital services. The Medical Assistance Program shall reimburse for inpatient hospital services in accordance with Medicare reimbursement principles for the ceiling on the rate of increase for hospital inpatient operating costs, except that the base year to be used in determining the target rate shall be the fiscal year ending on September 30, 1981 through September 29, 1982. The target cost per discharge thus determined shall be applied to all discharges on or after July 1, 1983.

A hospital may request an administrative hearing if it wishes to appeal the rate determined for inpatient services provided by the hospital. An appeal must be filed within 30 days of the hospital's receipt of the rate determined. Appeals shall be submitted in writing to the Assistant Secretary of the Office of Family Security. Appeals shall be heard by the Department of Health and Human Resources, Appeal Section, in accordance with procedures outlined in Attachment 4.19-A, Item 1 of the Title XIX State Plan, as amended.

The Medicare reimbursement principles regarding the ceiling on the rate of increase for hospital inpatient operating costs will continue to be tracked for reimbursement for inpatient hospital services with the exception noted above, were published in the September 30, 1982 *Federal Register* (Volume 47, Number 190, pages 43286-43293, Part III). These regulations were enacted by the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248).

The above revision in reimbursement methodology applies

only to reimbursement for inpatient hospital services. The Medical Assistance Program shall continue its current methodology of determining reimbursement rates for outpatient hospital services. Inpatient and outpatient hospital services by emergency access hospitals shall continue to be reimbursed at 85 percent of billed charges, not to exceed Medicare reimbursement rates.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, implements the following Rule in the General Assistance Program effective July 1, 1983.

RULE

Policy 18-645 which allowed local office decisions regarding total and temporary incapacity shall be eliminated effective July 1, 1983.

Roger P. Guissinger
Secretary

RULE

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

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

Rule

Effective July 1, 1983, Medical Assistance Program will require prior authorization for Title XIX reimbursement for stainless steel dental crowns for EPSDT eligibles.

Under current policy all other types of dental crowns require prior authorization for Title XIX reimbursement. This action is necessary in order to contain expenditures in the Medical Assistance Program.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, implements the following payment standard for all clients in the Refugee Resettlement Program: Effective July 1, 1983.

RULE

Refugee cash assistance payments for an eligible refugee shall be 100 percent of the payment level which would be appropriate for an eligible filing unit of the same size under the AFDC Program.

Roger P. Guissinger
Secretary

RULE

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Family Security**

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

RULE

Effective July 1, 1983, the Medical Assistance Program shall limit the reimbursement rate for Title XIX services provided by a Home Health Agency to the current reimbursement rates for FY 82-83.

This action is being proposed as part of a series of cost containment measures in the Medical Assistance Program to contain expenditures within the budget for FY 83-84.

Roger P. Guissinger
Secretary

RULE

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

In accordance with Revised Statute 40:91 - 40:99 of the 1982 Regular Session of the Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development/Division of Evaluation and Services hereby adopts the following Rules relative to the voluntary registration of adopted children and/or the biological parents of adopted children with the Office of Human Development:

Eligibility Requirements for Registration:

Only persons who meet the following criteria shall be eligible for the services of the Department of Health and Human Resources Voluntary Adoption Registry:

A. The adopted person if he or she is 25 years of age or older, and of any biological siblings adopted by the same adoptive parents have reached the age of 18 years.

B. The biological mother of the adopted child.

C. The biological father of the child if (1) the father has signed a voluntary release for the child's adoption in accordance with R.S. 9:402 and R.S. 9:422.3 et. seq. or (2) the father has legitimated the child as provided by law.

Procedures For Registration

Voluntary registration by the adopted person and/or the biological parents of the adopted person shall be by a typewritten affidavit, filed with the Office of Human Development, Division of Evaluation and Services. All affidavits filed must contain certain minimum identifying information as specified by law. Any other information which the applicant feels will be useful in making the match between the adopted person and the biological parent(s) of the person may be added.

Fees for Voluntary Registration

The affidavit submitted to Department of Health and Human Resources, Office of Human Development/Division of Evaluation and Services must be accompanied by a check or money order payable to Department of Health and Human Resources, Office of Human Development/Division of Evaluation and Services in the amount of \$25. The fee is charged to cover the cost of establishing the file of registrants and other costs to the Office of Human Development in providing this service.

Mandatory Counseling Requirement

Within 30 days of registration with the Office of Human

Development, the registrant shall be required to participate in not less than one hour of counseling with a board certified social worker or a social worker employed by a licensed adoption agency. The Office of Human Development will provide the names and addresses of participating agencies to provide counseling service in the State of Louisiana. An adopted person or a biological parent who is domiciled outside the State of Louisiana shall obtain counseling from an appropriate agency in his state of domicile. The licensed adoption agency or social worker shall collect the cost of counseling services from persons who are able to pay all or part of the cost of services provided.

Matching the Adopted Person and the Biological Parent(s)

The Office of Human Development shall regularly monitor registrant affidavits to determine whether or not affidavits have been filed by an adopted person and his biological parent(s). If there appears to be a match between an adopted person and a biological parent, the Office of Human Development shall notify a licensed adoption agency located in or near the parish residence of the adopted person. The agency notified shall delegate a social worker in its employ or a BCSW to contact the registered and matched parties in a careful and confidential manner, and give the information necessary to contact each other.

If the Office of Human Development has any doubt that there is a match between the adopted person and biological parent the parties shall be advised to petition the district court having jurisdiction to open the sealed adoption record for verification. The court may appoint an ad hoc curator for this purpose.

Time Limit on Registration

Registration of an adopted person or biological parent with the Office of Human Development shall remain effective for five years after filing at which time the registration shall expire. Registration may be renewed by the registrant at the end of the five year period. A \$25 renewal fee made payable to Department of Health and Human Resources, Office of Human Development/Division of Evaluation and Services by check or money order must accompany the request to renew the registration of the adopted person or biological parent.

If both birth parents of an adopted person are deceased and if this fact is known by the Office of Human Development or the licensed adoption agency which originally placed the adopted person, this information shall be disclosed to the adopted person.

Confidentiality

Notwithstanding the provisions of R.S. 44:1 et. seq., documents filed with the Office of Human Development, pursuant to the provisions of this law shall be confidential and not available for inspection; nor shall any information acquired by the Voluntary Registry be disclosed under any sunshine or freedom of information legislation, rules, or practice. No person, group of persons, or entity may file a class action to force the voluntary registry to disclose identifying information.

Roger P. Guissing
Secretary

RULE

Department of Health and Human Resources

Office of the Secretary

The Louisiana Department of Health and Human Resources (DHHR) has adopted the Title XX Annual Social Services Program (ASSP) Plan for the administration of Social Services Block Grant federal funding for fiscal year 1983-1984. These

federal funds will be administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and federal regulations as published in the *Federal Register*, Volume 46, No. 190, Thursday, October 1, 1981 pp. 48582-48598.

The DHHR Office of Human Development is responsible for the administration of the Social Services Block Grant Program.

Copies of the Title XX (ASSP) Plan are available without charge upon request to: Governor's TIE Line, Box 4404, Capitol Station, Baton Rouge, LA 70804, Telephone 1-800-272-9868 (8 a.m. - Noon - 1 p.m. - 5 p.m.)

Roger P. Guissing
Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7), and 1084 B (1) and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted the Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) at the May 26, 1983 hearing. Preceding final adoption of the regulations by the Commission, the regulations were forwarded and found acceptable by the Joint Committees on Natural Resources.

Accompanying the adoption of the LESHAP regulations were revisions to the Table of Contents and Part I of the existing Air Quality Regulations. The LESHAP regulations became Part V and Test Methods 101 through 107 were added to the Air Quality Division's Source Test Manual.

Persons requesting copies and/or further information concerning the adoptions may contact Terrie Lotton, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

B. Jim Porter
Assistant Secretary

RULE

Department of Natural Resources Office of Forestry

The Louisiana Forestry Commission, pursuant to authority granted by L.R.S. 56:1503, amended by Act 169 of 1969, and in accordance with Notice of Intent published on April 20, 1983, has adopted the following price increases at which forest tree seedlings are sold to landowners, effective July 1, 1983: Hardwood Seedlings - \$100 per M (up from \$60/M); Special Pine Seedlings - \$50 per M (up from \$30/M); Regular Pine Seedlings remain at \$19 per M.

D. L. McFatter
Assistant Secretary

RULE

Department of Public Safety Office of State Fire Marshal

AMENDMENT TO L.A.C. 17-4:4.2
Addition of Sections 4.4 and 4.5

The Fire Marshal for the State of Louisiana hereby adopts the following administrative ruling:

L.A.C. 17-4:4. Plans and Specifications for New Buildings

4.2 N.F.P.A. 101 Life Safety Code requiring partitions for sleeping quarters shall not apply to any day care centers which operate only during daylight hours. Ratios of children to supervisors are set by the Division of Family Services and enforced by them.

4.4 All dwelling units or apartments within multiple dwellings shall be separated from one another by construction having a fire resistance rating of not less than one hour as required by the Standard Building Code.

4.5 Portable fire extinguishers shall be required in all occupancies. The location, maintenance, and installation shall be in accordance with N.F.P.A. Pamphlet No. 10.

Carrol L. Herring
State Fire Marshal

RULE

Department of Public Safety Office of State Fire Marshal

AMENDMENT TO L.A.C. 17-4:2.1

The Fire Marshal for the State of Louisiana hereby adopts the following administrative ruling:

L.A.C. 17-4:2.1 It shall be the policy for the State Fire Marshal that in all instances or specifications provided in the statutes or in the codes referenced by the statutes, or by any specific references in administrative rulings by the State Fire Marshal, that the National Fire Codes published by the National Fire Protection Association and the Standard Building Code shall be used as the references and standards for determinations by the State Fire Marshal.

Carrol L. Herring
State Fire Marshal

RULE

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with the Notice of Intent published in the March, 1983 *Louisiana Register* the Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following Rule:

LAC 19-3:11 Expiration and Renewals (37:697)

“Certificates of Registration and Certification for Individuals or Corporations shall expire on the date specified on the Renewal Certificate and shall become invalid after that date unless renewed.”

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P.E.
Executive Secretary

RULES

Department of Transportation and Development Office of Aviation and Public Transportation

Rules for the Regulation of
Ultralight Aircraft, Testing
and Licensing of Pilots of
Ultralight Aircraft and for the
Establishment of Ultralight
Airports and for the Restriction
of Use of Ultralight Aircraft in
Hazardous Areas

The following Rules, in addition to Rule 103 of the Federal Aviation Administration, shall apply to ultralight aircraft, ultralight airfields, ultralight aircraft pilots, ultralight aircraft flight instructors, the licensing and operations thereof.

Definitions.

(1) Ultralight Aircraft. Any vehicle that:

- Is used or intended to be used for manned operation in the air by a single occupant;
- Is used or intended to be used for recreation or sport purposes only;
- Does not have any U.S. or foreign airworthiness certificate; and,
- If unpowered, weighs less than 155 pounds; or
- If powered:

(1) weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation;

(2) has a fuel capacity not exceeding 5 U.S. gallons;

(3) is not capable of more than 55 knots calibrated airspeed at full power in level flight; and

(4) has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

(2) Ultralight Airfield. A place other than a licensed and/or registered airport that has:

A. Class I - Unlimited class. suitable for all training and competition purposes.

1. A minimum level surface of 2,000 x 300 feet (1.5 percent slope per 1,000 feet).

2. Clear surrounding area with an approach or take-off ratio of 15:1 obstruction clearance plane to a distance of one quarter of a mile from the end of the runway.

3. Nearest airport a radius of five miles away from the center of the airport runway.

4. Any congested area of a city, town, or settlement within a two mile radius of the end of the runway.

5. Zoning rules which do not prohibit such action.

B. Class II - suitable for most training activities.

1. A minimum level surface of 1,000 x 200 feet (1.5 percent slope per 1,000 feet).

2. Clear surrounding area with an approach or take-off ratio of 15:1 obstruction clearance plane to a distance of one quarter mile from the end of the runway.

3. Any congested area of a city, town, or settlement within a one mile radius of the end of the runway.

C. Class III - Limited use. Not suitable for training. Limited to private owned personal use.

1. A minimum level surface of not less than 300 feet in length that may be circular or have alignments that provide at least a 75 feet wide take-off and landing site clear of any objects that could obstruct landing or take-off.

All such fields, in addition, shall conform to the following:

D. Clear approaches for take-off and landing area of at least a 15:1 imaginary surface slope and 100 feet wide. The

approach slope shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet over primary, secondary, rural, and urban roadways not owned by the airstrip owner or operator, 17 feet over interstate highways, and 23 feet over railways.

E. A wind direction and velocity indicator of sufficient visibility and sensitivity so that an airman may reasonably detect indications of direction of surface winds and velocity in the normal traffic pattern. Wind velocities of zero to 10 miles per hour should be readily apparent.

F. An ultralight airfield must be an area available for public or private use by ultralight aircraft. No license shall be granted, but approval will be granted annually and publication of the landing area will be made if the requirements set forth above are met and maintained.

G. No ultralight airport shall be established at a licensed registered airport except with the approval of and under the specifications prepared by OAPT.

(3) Ultralight Pilot License. A certificate issued by OAPT attesting the successful completion of a written examination and demonstration of safe pilotage.

(4) Ultralight Flight Instructor License. A certificate issued by OAPT attesting the successful completion of written examination and demonstration of ability to teach and train ultralight pilots.

(5) Ultralight Traffic Pattern. The standard ultralight traffic pattern is prescribed by Drawing No. LA 001 of the OAPT.

(6) OAPT. Shall mean the Office of Aviation and Public Transportation of the Louisiana Department of Transportation and Development.

Use of Licensed Airports.

No ultralight aircraft shall use any airport licensed and/or registered by OAPT for the operation of conventional aircraft unless the airport and ultralight aircraft meet the following conditions:

(1) Owners and/or operators of ultralight aircraft will secure prior permission from the airport owner and/or manager before landing on or taking off from such facility.

(2) A separate take-off and landing area will be designated when simultaneous use by ultralight and conventional aircraft is planned or occurs. The special designated ultralight take-off and landing area will conform to Drawing No. LA001.

(3) Traffic pattern for ultralights will provide safe operation from conventional aircraft, avoidance of populated areas and will be flown in accordance with Drawing No. LA001.

(4) Traffic patterns for ultralight and conventional aircraft simultaneous use will be defined, drawn or depicted in a clear manner on an appropriate airport drawing and prominently displayed on the airport property.

(5). Ultralight aircraft will enter the traffic pattern at 300 feet above the airport elevation, except when obstructions prohibit and use the inner rectangular pattern. When departing, ultralight aircraft shall proceed straight ahead, reach an altitude of 300 feet as expeditiously as possible, then make a 45 degree turn in the appropriate direction and depart the traffic area. Altitudes used are above the published airport elevation.

Special Ultralight Aircraft Rules.

(1) (a) No person may operate an ultralight vehicle except between the hours of sunrise and sunset.

(b) Notwithstanding paragraph (a) of this Section, ultralight vehicles may be operated during the twilight periods 30 minutes before official sunrise and 30 minutes after official sunset or, in Alaska, during the period of civil twilight as defined in the Air Almanac, if:

1. The vehicle is equipped with an operating anti-collision light visible for at least 3 statute miles.

(2) No person shall operate an ultralight aircraft within an airport traffic area, control zone, terminal control area or positive control area unless that person has appropriate prior authorization from the air traffic control facility having jurisdiction over that airspace.

(3) No person shall operate an ultralight aircraft over any area of a city, town or settlement, over any open air assembly of persons or in any other area when it is foreseeable that such operation might pose a hazard to life or property.

(4) No person shall operate an ultralight aircraft except by visual reference with the surface sufficient for the safe operation of that ultralight aircraft.

(5) No person shall operate an ultralight aircraft when the flight visibility or distance from clouds is less than prescribed for visual (VFR) operation of conventional aircraft.

(6) Each person operating an ultralight aircraft shall maintain vigilance so as to see and avoid conventional and other ultralight aircraft and shall yield the right of way to all certificated aircraft. No person shall operate an ultralight aircraft in a manner that creates a potential collision hazard with any conventional or ultralight aircraft. In addition, ultralight aircraft shall provide adequate separation with conventional aircraft, including helicopters, to assure that the impact of vortices and wake turbulence on ultralight aircraft poses no interference with the operation of such ultralight aircraft.

(7) No person shall operate an ultralight aircraft unless the aircraft or the pilot is equipped with an approved aircraft or wrist altimeter.

(8) No person shall operate an ultralight aircraft unless the aircraft is registered with OAPT.

(9) Each person operating an ultralight aircraft shall, upon request, make the aircraft available for inspection by the DOTD/OAPT to determine compliance with safety of operational standards.

Ultralight Pilot License. No person may act as pilot of an ultralight aircraft unless they have upon their person, while operating the vehicle, a license issued by the OAPT or an ultralight pilot license issued by another state, the FAA, or a foreign government; except that a "Novice" pilot may operate an ultralight in flight with the approval of a licensed ultralight flight instructor.

Ultralight Flight Instructor License. No person shall advise, instruct or otherwise counsel a person in the use of an ultralight aircraft or purport to give guidance with respect thereto unless he shall have qualified and been granted license by OAPT as an ultralight flight instructor.

Requirements are as follows:

(1) Ultralight Aircraft Pilot License. The applicant for an ultralight license shall have attained the age of 16. The applicant shall demonstrate, with proficiency, the maneuvers necessary for satisfactory completion of the flight demonstration test. At the initial or repeat flight test, applicant shall present written evidence of the satisfactory completion, within the past 24 months, of a written ultralight test administered by the OAPT and show satisfactory evidence of having completed a biannual flight review.

(2) Ultralight flight Instructor License. The applicant for an ultralight flight instructor license shall meet the qualifications established by OAPT.

Suspension and Revocation.

The OAPT or its duly authorized representative, after consideration of the issues of fact and after hearing held, may suspend or permanently revoke, or both, an ultralight pilot or instructor license of any person who, while operating such aircraft,

(1) Violates a federal or state regulation, applicable to the operation of ultralight aircraft.

(2) Operates an ultralight aircraft in a careless or reckless manner, endangering the lives or property of others.

(3) Is found to have been using any "controlled dangerous substance" as defined in LSA R.S. 40:961 et seq.

(4) Operates such vehicle while under the influence of intoxicating beverages or is found to have consumed such beverages within eight hours of a flight.

(5) Fails to report an incident or accident in which he or his aircraft is involved.

Duration of Ultralight Pilot License.

The ultralight pilot license will expire two calendar years from the date of issuance, unless revalidated by OAPT. (Fee: \$10)

Duration of Ultralight Flight Instructor License. (Fee:\$15)

The designation of an OAPT registered instructor will expire two calendar years from the date of registration, This designation may be renewed by attending an OAPT or approved instructor seminar.

Written and Flight Tests.

Written and flight tests are given at times and places, and by persons designated by the OAPT. An applicant for a written or flight test must present official document and a birth certificate or other official document showing that he meets the age requirement prescribed by the OAPT.

Written tests will be prepared and administered by OAPT or its designees. Persons tested shall be subject to the following Rules:

(1) A minimum passing grade of 70 percent is mandatory.
(2) Any person found to have executed a copy, or intentionally removed, a written test; given same to another, or received from another, any part of copy of that test; provided help on that test to, or received help on that test from any person during the period that test is being given, or taken any part of that test in behalf of another person; or used any material or aid during the period that test is being given will have ultralight aircraft flight privileges revoked.

(3) The applicant will be tested on the theory of flight, FAA and State of Louisiana air regulations, ultralight performance, flight maneuvers, and general powerplant and airframe maintenance.

(4) Any other rules, conduct or context of test as shall be determined appropriate by OAPT.

Flight tests will include:

(1) Demonstration of the proper pre-flight procedures.
(2) Flight demonstrating; taxiing, take-offs and landings in normal and cross-wind conditions, straight and level flight, slow flight and take-off and departure and approach to landing stalls.

SUBJECT

OAPT POWERED ULTRALIGHT VEHICLE PILOT/ INSTRUCTOR COMPETENCY AND REGISTRATION PROGRAM

Import of the Office of Aviation and Public Transportation

The Safety and Informations Section of the OAPT is the state agency section dedicated to general aviation safety through pilot education and training programs geared toward accident prevention.

Statewide seminars and conferences have been developed and conducted over the past two years by high caliber instructors provided by OAPT; as a result, the aircraft accident rate in Louisiana has declined more than any other state in the Union.

The Safety and Information Section of OAPT currently conducts more than 20 programs annually throughout the state. In cooperation with the FAA, state universities and fixed base operators, it provides revalidation clinics for the 1200 flight instructors, biennial flight review clinics for the 10,278 pilots, line person training for each fixed base operator and recertification clinics for

federally-licensed aircraft mechanics. In addition, it publishes the *Pelican*, a quarterly publication full of safety information for all Louisiana pilots, mechanics and aerospace workers. All of these services, with the exception of the flight instructor revalidation clinics, are provided free of charge.

The Safety and Information Section has now embarked on one of the most critical areas of aviation safety, putting together programs which will enhance the safety of the ultralight industry but will still protect the general public. The prime objective of this new effort is to create safety programs and enforce safety via licensing and registration criteria for ultralight participants. The Safety and Information Section is qualified to meet these objectives for the fast-growing ultralight community.

To facilitate the implementation of these programs, OAPT has established Rules and Regulations and programs to assist ultralight pilots in acquiring and internalizing the knowledge and skills necessary for safe flight of ultralight aircraft as defined by the Federal Aviation Regulations, Part 103, and the state Rules and Regulations as per state statutes.

POWERED ULTRALIGHT VEHICLE PILOT COMPETENCY AND REGISTRATION PROGRAM

The OAPT competency and registration program is that part of the OAPT overall state aviation safety program which are designed to encompass all aeronautical activities within the state and fulfill requests by the FAA in Part 103, i.e., ultralights.

The subject of this paper will mean ultralight usage only.

The OAPT program of vehicle and pilot registration consists of:

1) State Network of Examiners/Instructors. OAPT registered examiners/instructors will test and observe the knowledge and competency of ultralight pilot applicants. Upon successful completion of examination by an applicant, the OPAT registered examiner/instructor will be privileged to recommend that the applicant be registered and issued a license with the state.

2) A State List of Registered Pilots and Examiners/Instructors. All pilots, examiners/instructors will be registered with the OAPT and will receive all publications, notices and safety information that will be pertinent to the pilot and the vehicle in which they fly.

I. OAPT Powered Ultralight Pilot Instructor.

This part precribes the requirements for the registration OAPT registered instructors. In order to be registered by OAPT as an OAPT registered instructor, the applicant will:

(a) Before July 1, 1983, certify that he/she is an acitve ultralight vehicle flight instructor; further, the applicant will:

1. Ceritfy that he/she:
 - a. Has flown powered ultralights for not less than 20 hours over a period of not less than six months.
 - b. Has flown powered ultralights from at least three different sites,
 - c. Has flown at least five hours in each make and model of powered ultralight in which he/she is instructing,
 - d. Has given instruction to at least five powered ultralight students while they were in flight; and,
 - e. Is at least 18 years of age.

2. Sucessfully complete an OAPT registered instructor seminar conducted by OAPT or designee which includes a written test on all subject areas defined by state regulations and in FAR Part 103 and Advisory Circular 103-1, paragraph 17, items a through w, plus the following:

- a. Student evaluation and testing,
 - b. Accident/incident reporting procedures; and,
 - c. OAPT registered instructor responsibilities.
- (b) After July 1, 1983, he/she will be required to:
1. Present to OAPT a written recommendation from an

OAPT registered examiner stating that the applicant is a competent ultralight flight instructor,

2. Be registered as an ultralight pilot; and
3. Complete all of the items listed in Sections 1 and 2 above.

The OAPT registered instructor program will be administered by the OAPT or designee on a statewide basis. Seminars will be available to all who meet the ultralight flight instructors' qualifications as prescribed and wish to be designated as OAPT registered instructors. Seminars will be held in various geographic locations intended to correspond to the powered ultralight activity levels through the State of Louisiana. The seminars will be conducted on a continuing basis, determined by need, and are planned to number more than 20 during the first year this plan is in effect.

In the case of an OAPT registered instructor applicant who does not meet the requirements as prescribed in 1 a through d, but does meet requirement 1e, he/she may attend an OAPT seminar and upon successful completion of that seminar be privileged to administer the written test only. He/she may subsequently certify to the OAPT examiner that requirements in 1 a through d have been satisfied and then be privileged to administer the entire powered ultralight pilot competency examination duration of his/her registration period.

An OAPT registered instructor shall maintain compliance with 1c before commencing flight instruction in each particular make and model ultralight vehicle.

An OAPT registered instructor shall complete, to the best of his/her abilities, and OAPT accident/incident reporting form whenever he/she becomes aware of, or has additional relevant information about, an accident or incident in his/her area which in any way involves an ultralight vehicle. The completed form shall be mailed to the OAPT in an expeditious manner.

Each OAPT registered instructor shall do his/her utmost to insure safe ultralight operating practices at all times and places and shall exercise, and cause to be exercised, peer pressures on all ultralight pilots observed committing unsafe acts or flying in an unsafe or reckless manner.

The OAPT expects that in practice an OAPT registered instructor will have given flight instruction to the pilot applicant and will, therefore, be confident of his/her student's abilities before administering competency examinations.

The OAPT registered instructor may charge a reasonable fee for administering a competency evaluation, but must charge the same rate for each pilot applicant. Standardization will be achieved by using evaluation sheets supplied to the OAPT registered instructor by the OAPT. The basis for evaluation is stated in Advisory Circular 103-1, paragraph 17 a through w; paragraph 18b 2 and 3; paragraph 19 a through f; paragraph 20 a through e.

The designation of an OAPT registered instructor will expire two calendar years from the date of registration. This designation may be renewed by attending an OAPT or approved instructor seminar. An OAPT registered instructor designation may be terminated prior to the expiration date when:

1. It is determined by a federal, state or local authority that any person authorized to conduct examinations under this plan has been found in violation of FAR, Part 103 or any other law or regulation related to ultralight flying,
2. Any person authorized to conduct examinations under this plan has conducted an examination or demonstration which does not conform to the requirements and guidelines in the state or FAR, Part 103 and Advisory Circular 103-1; and
3. He/she fails to submit accident/incident reports as required in this plan.

An OAPT registered instructor shall document the recom-

mendation of not less than ten ultralight pilot registrations during the previous year before qualifying for re-registration. In the case of an OAPT registered instructor who cannot document the recommendation of not less than ten ultralight pilot registrations during the previous year, the OAPT registered instructor may not be re-registered for a period of six months from the expiration date of his/her last registration.

An OAPT registered instructor shall maintain a written record of each competency examination he/she administers. This record shall be kept for not less than two years and will be available upon request to the OAPT and federal or local authorities. The contents of this record shall include:

1. Name of pilot applicant,
2. Address of pilot applicant,
3. Date of examination,
4. Location of examination; and,
5. Examination results.

II. OAPT Registered Ultralight Pilot.

This part prescribes requirements for the licensing of an ultralight pilot. In order to be registered as an ultralight pilot, an applicant must request an examination from an OAPT registered instructor. This examination will include:

1. Written test.

The written test is to be supplied by the OAPT or approved designee to each OAPT registered instructor. The test subjects, as defined in AC 103-1, and state regulations, include:

- a. Determination of Part 103 applicability,
- b. Inspection requirements,
- c. Hazardous operations,
- d. Daylight operations,
- e. Right of way,
- f. Congested areas,
- g. Operations in certain airspace,
- m. Visual reference to the surface,
- n. Conventional aircraft operations,
- o. Operations in prohibited or restricted areas,
- p. Flight visibility and cloud clearance requirements,
- q. General characteristics of weather,
- r. Elements of micrometeorology and applications to ultralight flying,
- s. Common weather hazards and avoidance,
- t. General elements of ultralight aerodynamics and performance,
 - u. General procedures for operating in the vicinity of conventional aircraft and the problems of wake turbulence,
 - v. Preflight inspection of the vehicle, with emphasis on critical elements of the inspection such as proof loadings of the control; and,
 - w. Limitations and restrictions applicable to the specific vehicle being flown.

The objective of the written test is to determine if the pilot applicant meets the knowledge standards as stated in the state regulations and AC 103-1. These written tests will be reviewed and updated as required by the OAPT.

2. Oral test.

The oral test will pertain to airspace and conventional aircraft operations, particularly those related to the applicant's primary operational area, and will include a review of any incorrectly answered written test questions.

3. Flight competency test and demonstrations.

a. The objective of the flight competency test, which is required by the OAPT and AC 103-1 as amended from time to time, is to enable the OAPT registered instructor to observe the applicant in the following:

1. Execution of procedures and maneuvers within the

performance capabilities and limitations of the ultralight vehicle, including use of all vehicle systems.

2. Properly executing the appropriate procedures and maneuvers.
3. Handling the vehicle with smoothness and accuracy.
4. Exercising good judgement.
5. Applying aeronautical knowledge.
- b. The content of each demonstration of flight competency, as required by OAPT and AC 103-1 and the amendments which can be expected from time to time, is:
 1. Preflight check,
 2. Ground handling,
 3. Takeoffs and landings,
 4. Traffic patterns,
 5. Flight at minimum controllable airspeed; and,
 6. Emergency procedures.

The basis for issuance of an Ultralight Pilot license is:

1. A written test score not less than 70 percent correct on all questions.
 2. Successful completion of the oral examination. Success is attained when the OAPT registered instructor is satisfied that the applicant understands the knowledge areas of incorrectly answered questions on the written test, as well as airspace and conventional aircraft operations related to the primary operational area of the applicant.
 3. Completion of the flight competency evaluation by an OAPT examiner designee. Each OAPT registered examiner will use OAPT standards when he/she is conducting a flight competency evaluation. Each OAPT registered examiner will be supplied with a flight evaluation form, from the OAPT examiner, to be used when evaluating flight competency. This form will include the standards for reference.
- An ultralight pilot license will expire two calendar years from the date of issuance, unless the ultralight pilot successfully completes a re-evaluation by an OAPT registered instructor and/or attends a biennial flight clinic. The re-evaluation may include any portion of the original OAPT ultralight pilot competency evaluation, but normally would be comprised of an oral and flight evaluation only. The purpose is to determine that the pilot has maintained his/her knowledge level and is aware of changes that may have occurred in the airspace and in conventional aircraft operations related to the primary operational area of the pilot.

III. Documentation and registration numbers.

A series of registration numbers will be assigned by OAPT beginning with one and continuing indefinitely for OAPT registered instructor; and another series of registration numbers, beginning with one and continuing indefinitely for Ultralight Pilots. Documentation and registration numbers will be issued to each applicant by the OAPT upon receipt of notification that he/she has successfully completed the appropriate examination. (See Appendix for copies of the documents that will be issued to both OAPT registered examiners and ultralight pilots.)

Record keeping. Current OAPT registered instructor and ultralight pilot registrations will be maintained in an OAPT computer program for a minimum of 36 months. Expired and renewed records will be released to the FAA as needed, to individual state governments and to law enforcement agencies on request.

This program will be administered on a statewide basis and will be available to the general public in a fair and equitable manner.

This program may be amended from time to time based on a service input, or to reflect changes in state, federal or local rules.

OAPT POWERED ULTRALIGHT VEHICLE REGISTRATION PROGRAM

The OAPT Powered Ultralight Vehicle Registration Program will provide ultralight vehicle owners with a method of theft protection and proof of ownership, as well as provide OAPT and the industry with a means to communicate safety information concerning specific aircraft. (In this document, "ultralight vehicle" and "ultralight" will mean powered ultralight vehicle.)

Registration numbers will be assigned by the OAPT to all ultralights that comply with the prerequisites. The owner will receive a set of tamper-resistant labels containing the registration numbers to mark critical parts of the ultralight, a wallet-size registration certificate and instructions on how the visible wing markings are to be positioned. The registration will be valid until the ultralight is sold or destroyed, the owner dies, or two years elapse, whichever comes first. Provisions are made for renewal and transfer at a nominal cost to be paid by the user.

A central data base of all registration transactions will be maintained at OAPT headquarters. All transactions will be accomplished by mail. (Fee: \$20)

REGISTRATION PROGRAM

- A. This program will be conducted by the OAPT.
- B. The person responsible for this program will be Dr. Bobby Wicker, Director of Safety Operations and Information Systems, Telephone (504) 925-7742.
- C. Administration and conduct of the program:
 1. This program will be conducted statewide and announcements will be made via a variety of new state publications and direct mail programs. This registration system will be mandatory of all owners of ultralight vehicles. A registration fee will be charged.
 2. All registration transactions will be accomplished via mail, with processing being done at OAPT Headquarters.
 3. Registration prerequisites. All applicants must conform to the following prerequisites before registering an ultralight with the OAPT:
 - a. Compliance with FAR Part 103. An applicant must possess an ultralight vehicle that meets the criteria prescribed in state regulations and FAR Part 103.
 - b. Proof of ownership. The applicant for registration of an ultralight must submit proof of ownership with this application. A copy of the bill of sale for the ultralight or kit is usually sufficient proof. If the applicant did not purchase the ultralight from the last registered owner, the applicant must submit conveyances completing the chain of ownership from the last registered owner to the applicant. If the ultralight is amateur-built, a notarized affidavit describing the vehicle and stating that it was amateur-built should be submitted as proof of ownership instead of a bill of sale.
 4. Registration numbers. The registration numbers will consist of two letters (LA) followed by one to five numbers. Registration numbers will be randomly assigned unless a special number is requested. An additional fee is charged for requested numbers.
 5. Visible marking requirements. A registration number must be displayed on each registered aircraft as follows:
 - a. Characters shall be in Arabic numerals and upper case (capital) letters in a Roman style typeface.
 - b. Characters must be six inches high and four inches wide, except the number "1" which must be one inch wide. Characters must be formed by solid lines one inch thick.
 - c. The registration number shall be permanently affixed to the underside of the lowest left wing. The number shall be oriented spanwise with the top of the characters pointing forward. The center

of the number shall be at least three feet, but not more than five feet, from the left wing tip.

d. Letters shall be spaced a minimum of 1¼ inches apart.

e. In the case of an ultralight that has a configuration which prohibits the practical implementation of the preceding visible marking requirements (5a through d), a variation may be requested by the ultralight owner to the OAPT.

6. Duration of registration. The ultralight registration is valid for two years or until one of the following occurs:

a. Sale of ultralight. Sale of the ultralight voids the registration of the ultralight. The new owner must apply for registration within 10 days in his/her name. If the new owner fails to register the vehicle, said owner will be subject to penalties as prescribed by state law.

b. Destruction or withdrawal from service. In the case of destruction of the ultralight or withdrawal from service, the registration is no longer valid and must be returned to the OAPT and all registration markings removed from the ultralight.

c. Death of the registered owner. Death of the registered owner of the ultralight voids the registration. Refer to item 6a or 6b.

7. Registration Certificate content, see Appendix.

8. Administrative processing. Registration applications and associated documents proving ownership will be verified and entered into a central computer data base at OAPT headquarters. A registration card will be computer produced and mailed to the registrant.

9. Record keeping. Current registration records will be maintained in an in-house computer for a minimum of 36 months. Expired records will be maintained on microfiche for a minimum of five years. Records will be released to the FAA as needed, to individual state governments and to law enforcement agencies on a per case basis.

10. Additional features. The statewide method of registering and marking ultralight vehicles is important in an ultralight activity atmosphere because it provides the basis for:

a. Ultralight vehicle ownership identify for the purpose of:

1. Theft recovery,

2. Identity of an offender,

3. A communication base from which accident/incident/maintenance information can be disseminated to owners and operators; and,

4. Maintaining a current data base of ultralight vehicles and ultralight vehicle exposure.

b. The use of ultralight registration and exposure data in combinations with accident, incident and maintenance problem data. The comparisons of these information sources will result in:

1. Accurate accident statistics,

2. Identification of geographic areas of concentrated ultralight activity,

3. Identification of areas of flight safety problems,

4. Identification of generalized maintenance problems;

and,

5. Identification of recurring mechanical defects pertinent to a make/model of vehicle.

11. Safety information dissemination. The culmination of this information gathering and subsequent analysis will be used by OAPT to publish information for safety purposes in a quarterly newsletter. The purpose of this safety information will be to relate meaningful statistics and information pertinent to the safe operation of ultralight vehicles. This safety newsletter will be published on a quarterly basis, or more frequently, and will be sent free of charge to every OAPT registered ultralight pilot and ultralight vehicle owner. In addition, OAPT will disseminate pertinent safety information on a need-to-know basis to specific owners and pilots through notices, bulletins and alerts.

APPENDIX

GUIDELINES FOR THE OPERATION OF ULTRALIGHT AIRCRAFT AT EXISTING AIRPORTS

The guidelines that follow should be used to form specific operating Rules and traffic patterns at individual airports. The real key to implementing these procedures is wide dissemination to all interested parties. Every effort should be made to ensure that both ultralight and conventional aircraft pilots are aware of these special procedures.

I. AIRPORT SURFACE OPERATIONS

A. Dedicated Takeoff and Landing Area

1. If at all feasible, powered ultralights should operate from a dedicated area of the airport.

2. That area should be clearly marked for both ultralight and conventionally certificated pilots with the distinct symbol shown in Figure 1. Note that the segments indicate the direction of the ultralight pattern. This Ultralight Operation Area symbol is an ideal place to put a windsock or windstreamer for the benefit of the ultralight pilot. Wind direction and velocity are of great safety importance. (This marker should be permanent for airports with a great amount of ultralight activity, but may also be made of movable panels.)

3. The ultralight takeoff and landing area should be a square at least 300 feet on a side, or a circle with a radius of 150 feet, plus adequate clearways for initial climb and approaches.

4. The dedicated area should not encroach on an active runway closer than 300 feet from the centerline of that runway.

B. Simultaneous Operations From A Single Runway

1. When it is necessary for powered ultralights to operate from the runway in use by conventionally certificated aircraft, a segment of that runway should be designated for that purpose. The designated segment should result in the shortest possible runway occupancy by ultralight aircraft, consistent with their normal and safe taxi speeds (Figure 2).

2. When ultralight and certificated aircraft are jointly using a runway, a knowledgeable observer should be located at the ultralight entry point to that runway to assist ultralight pilots in timing operations safely with respect to highspeed traffic. If frequent operations by high performance aircraft (approach speeds of 80 knots or more) may be expected on a runway in joint use, and if the airport has Unicom, it is recommended that the observer be equipped with a receiver turned to the Unicom frequency. This procedure may be waived for single ultralight operations, particularly for runways on which the traffic volume is very low.

C. Ground Support Activities

1. The airport operator should specify which areas of the airport may be used for the movement and parking of automobiles and other surface vehicles used in support of ultralight movements.

2. Airport management should make policy on the admission of children, pets and non-flying observers to the ultralight area and ensure that the policy is known and understood by every person admitted.

3. Hours of activity should be specified by airport management consistent with the airport's good neighbor policy.

II. FLIGHT OPERATIONS

A. Traffic Patterns

1. In joint operations, the powered ultralight traffic pattern should have the same general rectangular configuration described in the Airman's Information Manual.

2. The ultralight pattern should be smaller than that of conventional aircraft.

3. The ultralight pattern should be 500 feet below the standard pattern altitude for the airport unless otherwise dictated for safety or noise abatement purposes.

4. When jointly using a runway, both conventional aircraft and ultralight patterns should be on the same side of the runway with the ultralight pattern inside and below that of conventional aircraft.

5. When ultralights are operated from a discrete area of the airport, the ultralight pattern should be adjusted to avoid crossovers of the runway in use by conventional aircraft.

6. Care should be taken to ensure that patterns are oriented so that the ultralight aircraft will not cross an active ramp area or taxiway at low altitude.

7. The ultralight pattern and recommended routes to and from the airport should be designed so that in the event of a loss of power, the aircraft will be able to make a safe power-off landing without undue hazard to either the ultralight or public property. For example, high density housing areas, schools and large bodies of water should be avoided.

B. Pattern Exit and Entry

1. In general, ultralight aircraft should exit and enter the ultralight pattern in conformity to the guidelines in the Airman's Information Manual.

2. If terrain or populated areas dictate non-standard traffic pattern exit-entry procedures, the airport management should specify what flight paths will be followed and ensure that ultralight pilots understand them.

3. Ultralight pilots desiring to enter or depart the pattern across a runway in use by conventional aircraft should cross the runway at ultralight pattern altitude after ensuring there will be no conflict with conventional aircraft. A specific crossing point may be designated if desired.

C. Airport management should specify all ultralight flight paths and altitudes in the vicinity of the airport to ensure minimum noise impact on airport neighbors.

III. OPERATING ANNOUNCEMENTS

A. An Ultralight Operating Area symbol should be displayed permanently at each airport where ultralights operate on a regular basis.

B. Ultralight operations should be included in Unicom airport information.

C. Each unusual concentration of ultralight activity such as competitive event should be included in NOTAMS.

IV. SAFETY

A. Ultralight pilots should demonstrate to airport management a knowledge of appropriate airspace regulations and the airport operating guidelines in the Airman's Information Manual. (All persons, whether they are FAA certificated airmen or not, are responsible for compliance with Federal Air Regulations).

B. Before operating from an airport, each ultralight pilot should be briefed on airport policy, traffic pattern procedures in various wind conditions, population areas to be avoided, local weather phenomena and area terrain features significant to ultralight safety.

C. Ultralight pilots should be familiar with local IFR procedures and the non-standard patterns flown by aircraft operating IFR.

D. Ultralight and conventional aircraft pilots alike should be aware of the effect of wake and helicopter rotor turbulence on ultralight aircraft and the separation criteria to be observed.

E. The first solo flight of an ultralight pilot should be conducted only under the supervision of an experienced ultralight instructor who has taken appropriate precautions to insure there will be no conflict with other traffic.

V. REFERENCES

Federal Air Regulations

Part 91 - General Operating and Flight Rules

Part 101 - Moored Balloons, Kites, Ultralight Vehicles,

Unmanned Rockets and Unmanned Free Balloons

Part 103 - Ultralight-Vehicles

FAA Airman's Information Manual

FAA Advisory Circular 90-66 - Recommended Standard Traffic Patterns for Airplane Operations at Uncontrolled Airports.

Paul J. Hardy

Secretary

RULE

Department of Transportation and Development Offshore Terminal Authority

In accordance with the provisions of LSA 49:951 et seq, the Administrative Procedure Act, and relative to authority granted by R.S. 34:3101 et seq, the Secretary of the Department of Transportation and Development has adopted the following Rules for the purpose of providing Rules and Regulations for licensing offshore terminal facilities for dry bulk cargoes.

RULE

I. STATUTORY PROVISIONS

1. Section 3101A of Louisiana Act 444 of 1972, as amended by Act 358 of 1974 (hereinafter called the "Act"), states that one of its objects and purposes is to "license, regulate, (and) supervise ... offshore terminal facilities within the jurisdiction" of the Authority in order to promote the economic welfare of the citizens of Louisiana.

2. Section 3101B(6) of the Act states that a purpose of the Authority is to "assert and protect Louisiana's economic, social and environmental interest in the development of any offshore terminal facilities outside the State of Louisiana where such development may have an impact upon the State of Louisiana."

3. Section 3103A of the Act provides that "the Authority shall have exclusive jurisdiction over the authority development program within the coastal waters of Louisiana, the areas of the State extending seaward thereof to the extent of the State's rights thereto, and over such other waters, water bottoms, wetlands and lands within the territorial boundaries of the State necessary to effectuate the purposes" of the Act.

4. Section 3103C of the Act grants the Authority "exclusive power to own, operate, license or otherwise regulate all offshore terminal facilities within its jurisdiction."

5. Section 3109A(4) empowers the Authority to "take such actions, promulgate such rules and regulations, and issue such orders, as necessary or appropriate" to carry out the provisions of the Act.

6. Section 3109A(6) of the Act empowers the Authority "to issue licenses, certificates and permits for the construction of facilities or use of services or facilities subject to the authority's jurisdiction, pursuant to the rules and regulations promulgated by the Authority."

7. Section 3109C(6) of the Act empowers the Authority "to collect tolls and fees."

8. Section 3109G of the Act gives the Authority "exclusive and plenary power to issue licenses, certificates and permits, and otherwise regulate all phases of the construction and operation by any person of offshore terminal facilities within the jurisdiction of the Authority."

9. Section 3114A of the Act prohibits any person from constructing or operating, or causing to be constructed or operated, offshore terminal facilities within the jurisdiction of the Authority without first obtaining a license or other appropriate authorization from the Authority.

10. Section 3114B of the Act provides that a license shall issue only if the Authority finds that the applicant "is qualified, and that the facilities or operations conform to the provisions" of the Act and "the rules and regulations of the Authority and will be consistent with the public interest" declared in the Act. It is further provided that any license so issued or transferred "shall be subject to and contain such reasonable conditions as necessary to carry out the purposes" of the Act.

11. Section 3114C of the Act directs the Authority to establish qualifications for applicants, including evidence of financial responsibility, as will insure an applicant's ability to comply with the Act and the Rules and Regulations of the Authority.

12. Section 3114D of the Act empowers the Authority to establish the procedures for submission of applications for the issuance of licenses and shall determine what information must be submitted by the applicant. The Authority is further authorized to "impose reasonable filing fees and may require the applicant to reimburse the Authority for all expenses incurred in processing the application."

13. Section 3114E of the Act provides that the Authority "shall determine the length of time during which a license shall be valid, and the conditions upon which it may be revoked." It is also provided that licenses "may be revoked, suspended, annulled or withdrawn in accordance with the procedures set forth in the Louisiana Administrative Procedure Act."

14. Section 3116 of the Act provides that it is the policy of the Act that the Authority development program be pursued so that there is "full coordination and cooperation between agencies and groups that have complementing or overlapping interest and the Authority."

II. APPLICABILITY OF THESE RULES; PRIOR RULES AND REGULATIONS

These Rules and Regulations shall be applicable to offshore terminal facilities for dry bulk cargoes within the jurisdiction of the authority.

The Rules and Regulations adopted by the Authority on September 30, 1975 as amended by the Authority on the third day of August, 1976 shall be applicable to Offshore Terminal Facilities other than Offshore Terminal Facilities for dry bulk cargoes within the jurisdiction of the Authority.

III. DEFINITIONS

As used in these Rules and Regulations:

(a) "Act" means Act 444 of 1972, as amended by Act 358 of 1974 (R.S. 34:3101 et seq), which establishes the Offshore Terminal Authority, and any amendments thereto.

(b) "Administrative Costs" include: (1) the wages and salaries of the Authority's staff and employees; (2) the engineering, legal and operation costs incurred by or on behalf of the Authority; (3) the equipment, supplies and overhead required for the Authority to carry on its functions; and (4) any other similar administrative costs reasonably required for the operation and management of the Authority.

(c) "Applicant" means any person who makes an application for a license pursuant to these Rules and Regulations.

(d) "Application" means an application submitted under these Rules and Regulations (1) for a license to construct or operate offshore terminal facilities for dry bulk cargoes within the jurisdiction of the Authority; (2) for transfer or renewal of any such license; or (3) for any substantive change in any of the conditions or provisions of any such license.

(e) "Application Processing Fees" means all fees or charges imposed by the authority pursuant to Section VII of these Rules and Regulations.

(f) "Authority" means the Offshore Terminal Authority as established by the Act.

(g) "Economic Costs" shall include, but not be limited to,

costs for facilities and services related to transportation, education, health, highways, roads and streets, police protection, fire protection, sewerage and water facilities and services, sanitation, flood protection, parks and recreation, libraries and other similar types of community services.

(h) "Environmental Costs" means those costs described as environmental costs in the Authority's Environmental Protection Plan.

(i) "Environmental Protection Plan" has the identical meaning given that term in the Act.

(j) "Executive Director" means the executive director of the Authority chosen by the Board of Commissioners as provided for in the Act.

(k) "License" means a license issued by the Authority, pursuant to these Rules and Regulations, to any person to construct or operate offshore terminal facilities for dry bulk cargoes within the jurisdiction of the Authority.

(l) "Licensee" means the holder of a valid license.

(m) "Offshore Terminal Facilities" has the identical meaning given that term in the Act.

(n) "Person" has the identical meaning given that term in the Act.

IV. APPLICATIONS

A. GENERAL

1. No person shall construct or operate, or cause to be constructed or operated, offshore terminal facilities within the jurisdiction of the Authority without first filing an application and obtaining a license from the Authority pursuant to the provisions of these Rules and Regulations.

B. CONTENTS OF APPLICATION

1. An application shall contain the following general information:

(a) A brief summary of the entire application suitable for use by the Authority in giving the notices required by Section V(A)(3) of these Rules and Regulations.

(b) The name, address, citizenship and telephone number of the applicant and of each person having an ownership interest in the applicant.

(c) The ownership interest of each person having an interest in the applicant. A description of the agreements establishing such interest shall be included in the application.

(d) The name, address, citizenship and telephone number of any person owning a controlling interest in any person having an ownership interest in the applicant.

(e) The name and address of the person designated by the applicant to receive formal notices or documents.

(f) A statement at the end of the application, subscribed and sworn to before a Notary Public, that the person who signs the application represents that he is authorized and empowered to sign the application on behalf of the applicant and that the contents of the application are true.

(g) If the applicant is a corporation, a copy of the applicant's Charter or Certificate and Articles of Incorporation, certified by the appropriate official of the State of incorporation.

2. An application shall contain the following information relating to the financial responsibility of the applicant:

(a) The applicant's most recent certified financial statements.

(b) The most recent certified financial statements of each person having an ownership interest in the applicant.

(c) Estimates of the minimum annual dry bulk cargo throughput required for the proposed offshore terminal facilities to break even financially. Throughput required to break even financially means the throughput required to cover operating, debt retirement and other costs, but shall not include throughput required to provide a reasonable return on investment.

(d) An estimate of capital expenditures and operating costs, tariffs, and projected revenue based on estimated dry bulk cargo throughput.

(e) Plans for financing capital expenditures and operating costs, including sources of financing, and the type, amount and percentage of equity, short-term and long-term financing.

(f) A general projection of the use of the proposed offshore terminal facilities during the anticipated life of the project.

(g) A description of any guarantees, options, nominations, agreements, commitments or representations by specific companies which are relied upon in determining that the proposed offshore terminal facilities will be economically viable at all times.

3. An application shall contain an analysis of:

(a) The extent to which the construction and/or operation of the proposed offshore terminal facilities may increase the demand on the State of Louisiana and its political subdivisions for public services and facilities, including, but not limited to, schools, parks, transportation facilities, wharfs, docks, electricity, water, and sewerage facilities, flood protection, police and fire protection, and other physical and social services.

(b) An estimate as to the direct and indirect economic, environmental and administrative costs attributable to the construction and operation of the proposed offshore terminal facilities. An application shall contain a separate analysis of the nature and amount of each of such costs which pertain to the State and its political subdivisions.

(c) All relevant facts showing the extent to which the construction and operation of the proposed offshore terminal facilities will contribute to increased employment and employment benefits in Louisiana.

(d) The projected temporary and permanent demographic effect of the construction and operation of the proposed offshore terminal facilities.

(e) The projected demand for support services related to the proposed offshore terminal facilities, with emphasis on the duration and location of such services. Support services as used in these Rules and Regulations include, but are not limited to skilled and unskilled labor, boat services, contractors, fabricators, engineering and other professional consultants, suppliers, divers, surveyors and repair and maintenance services and personnel and living accommodations.

4. An application shall contain all pertinent information with respect to dry bulk cargoes as required by the Environmental Protection Plan.

5. An application shall contain a statement by the applicant that (i) there will be no substantial changes from the plans, operational system, and methods, procedures and safeguards set forth in his application, as approved, without prior approval in writing from the Authority; and (ii) he will comply with all reasonable conditions the Authority may prescribe in accordance with the provisions of the Act or the Authority's Rules and Regulations.

6. An applicant shall designate those portions of any information submitted to the Authority as part of an application, which concern or relate to trade secrets or which are by nature confidential.

7. An applicant shall (i) furnish the Authority, as part of an application, a listing or description of all studies, reports and analyses performed by or on behalf of the applicant which were used by the applicant in preparing an application, and (ii) make such studies, reports and analyses available to the Authority upon request.

V. FILING AND PROCESSING OF APPLICATIONS

A. GENERAL PROCEDURE

1. Thirty copies of an application shall be filed with the Executive Director of the Authority.

2. After the filing of an application, the Executive Director shall determine as promptly as reasonably possible, whether or not such application contains all of the information required by these Rules and Regulations.

3. If the Executive Director determines that an application appears to contain the information required by these Rules and Regulations, he shall publish notice of the filing of the application and a summary of the application immediately in the Official Journal of the State of Louisiana, and a newspaper of general circulation in each Parish in which the proposed offshore terminal facilities are to be located. A copy of the notice and summary shall also be mailed to all interested parties who have made written request of the Authority for such information.

4. If the Executive Director determines that all the required information is not contained in the application, the Executive Director shall promptly notify the applicant and, if appropriate, take no further action with respect to the application until such deficiencies have been remedied.

B. PROCESSING

1. The Authority may hold such investigatory or adjudicatory hearings as it deems necessary for a proper review and consideration of an application.

2. All outside agency reviews shall be completed not later than 30 days after the filing of the application.

3. The Authority's processing of the application shall be approved or disapproved by the Authority as soon as possible but not later than 120 days after receipt of the recommendations of the Three Directors as defined in the Environmental Protection Plan.

4. At any time during an application proceeding, the Authority may require an applicant to submit such additional information as the Authority deems necessary in order to meet the requirements of these Rules and Regulations and other applicable law, and to enable the Authority to carry out its responsibilities thereunder.

5. An application may be amended or withdrawn at any time before the Authority renders a final decision thereon, by submitting 30 copies of the amendment, or a written request for withdrawal, to the Executive Director. If information in an application becomes inaccurate or incomplete after it is filed but before a final decision is rendered on the application, the applicant shall furnish the correct or additional information.

C. PUBLIC ACCESS TO APPLICATIONS

1. All documents filed with the Authority as part of an application shall be subject to the provisions of the Louisiana Public Records Law (R.S. 44:1, et seq) and other applicable laws.

2. Appropriate provision will be made, in accordance with applicable law, to protect information that concerns or relates to trade secrets or which is by nature confidential. The environmental assessment and data appendices filed with an application shall be held confidential by the Authority for the period of time during which other applications for the same application area may be filed under the Act.

VI. LICENSES

A. ISSUANCE OF A LICENSE

1. No license shall issue authorizing unconditionally the construction or operation of offshore terminal facilities within the Authority's jurisdiction unless the applicant has obtained the environmental approvals required by the Environmental Protection Plan for such construction or operations.

2. No license shall issue unless the Authority determines that:

(a) The construction and operation of the proposed offshore terminal facilities will promote the economic and industrial well being of the State of Louisiana, and will be consistent with the public interest as declared in the Act.

(b) The proposed offshore terminal facilities will be con-

structured and operated in conformance with the Act, the Rules and Regulations of the Authority, other applicable law and conditions of the license.

(c) The applicant has furnished sufficient evidence of financial responsibility as will insure his ability to comply with the Act and the Rules and Regulations of the Authority.

(d) The applicant has reimbursed the Authority for all costs incurred by or on behalf of the Authority in processing the application and has paid to the Authority any other sums due the Authority under these regulations or applicable law.

B. CONTENTS OF A LICENSE

1. A license shall contain the name and address of the licensee, and the licensee's agent for service of process in the State of Louisiana.

2. A license shall contain a description of the offshore terminal facilities licensed.

3. A license shall describe all activities authorized by the license.

4. A license shall be subject to and contain such reasonable conditions as the Authority deems necessary to carry out the purpose of the Act and the Authority's Rules and Regulations, including, but not limited to conditions requiring that the licensee:

(a) Comply with all applicable laws and regulations, now in effect or hereafter adopted or amended, including specifically the Environmental Protection Plan.

(b) Construct and operate the offshore terminal facilities in accordance with the description of such construction and operation in the license.

(c) Promptly provide the Authority with the name, address, citizenship and telephone number of any person with whom the applicant has made, or proposes to make, a significant contract for the design, construction or operation of offshore terminal facilities within the Authority's jurisdiction, and a description of any such contract.

(d) Notify the Authority of any substantive changes in any data submitted to the Authority.

(e) Cooperate with the Authority in monitoring the construction and operation of the offshore terminal facilities licensed.

(f) Submit detailed construction drawings, plans and specifications to the Authority for all components of the offshore terminal facilities sufficiently in advance of commencement of construction of such components to enable the Authority to properly review such drawings, plans and specifications for conformance with the provisions and conditions of a license, the Authority's Rules and Regulations and other applicable law.

(g) Promptly provide the Authority with copies of any plans, reports, studies, or analyses of proposals approved by the licensee to make any modifications to the offshore terminal facilities which would not constitute a substantive change in the conditions or provisions of a license.

(h) Afford reasonable access, at reasonable times, to licensed offshore terminal facilities to representatives of the Authority for the purposes of inspection of relevant records, files, papers, processes, controls, operations, and facilities for the purpose of ascertaining the state of compliance with the license, the Act, and the Rules, Regulations, and orders of the Authority.

C. SPECIFIC UNDERTAKINGS OF LICENSEE

At the time of issuance of a license by the Authority, the Authority and the licensee shall enter into a written agreement which shall provide that:

1. A licensee which exercises its rights under the license shall pay to the Authority reasonable fees and charges lawfully recoverable by the Authority to compensate for cost incurred by the Authority since its inception and which pertain to offshore terminal facilities for the handling of dry bulk cargoes; and

2. A licensee which exercises rights under the license shall indemnify and hold harmless the Authority from and against any and all liability, loss, demands, claims, costs, damages, expenses and attorney's fees, and any and all liability therefor, which the Authority may sustain or incur, arising from or connected with acts or omissions of the licensee, its agents, servants, employees or contractors with respect to the location, design, construction or operation of offshore terminal facilities licensed to the licensee; provided however, that the licensee shall not be required to indemnify the Authority for damages resulting solely from negligent acts or omissions on the part of the Authority or its agents, servants, employees or contractors.

D. TERM OF LICENSE

Except as otherwise provided in these Rules and Regulations, a license shall be for a term not to exceed 20 years.

E. SUSPENSION, MODIFICATION OR REVOCATION OF LICENSE

1. A license may be revoked, suspended, or modified by the Authority for the following reasons:

(a) The willful making of a false statement or willful misrepresentation of a material fact in connection with securing or maintaining such license.

(b) The failure of a licensee to qualify as financially responsible.

(c) The failure of a licensee to comply with or respond to, lawful inquiries, Rules, Regulations, or orders of the Authority or the conditions of any license issued by the Authority.

(d) A material change regarding a licensee or the subject matter covered by a license issued by the Authority.

2. The Authority may not revoke, suspend, annul, modify, or withdraw a license unless, prior to the institution of Authority proceedings, the Authority gives notice by certified mail to the licensee of facts which warrant the intended action, and the licensee is given an opportunity at a hearing to show compliance with all lawful requirements for the retention of the license. If the Authority finds that public health, safety, or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for suspension, revocation or other action. These proceedings will be promptly instituted and a decision promptly rendered. All hearings held on the suspension, revocation, annulment, or withdrawal of a license will be governed by the Authority's general Rules and Regulations concerning adjudications.

F. TRANSFER OF LICENSE

Upon the filing of an application by a licensee, a license issued to such licensee under these Rules and Regulations shall be transferred, if the Authority finds that such transfer will be consistent with the public interest as declared in the Act and that the transferee meets all requirements of the Act, the Authority's Rules and Regulations, and other applicable law.

G. CHANGES OF LICENSE CONDITIONS OR PROVISIONS

1. The Authority may make clerical corrections in a license upon written request by the licensee demonstrating clearly a need for such changes.

2. Before the Authority may approve any change by a licensee to the offshore terminal facilities licensed which would constitute a substantive change in any condition or provision of a license, a licensee shall file an application therefor with the Authority and the Authority shall give such application full consideration as provided in these Rules and Regulations.

H. RENEWAL OF LICENSE

1. Licenses may be renewed by following the procedures herein for obtaining issuance of a license.

2. When a licensee has made timely and sufficient application for renewal of a license with reference to any activity of a continuing nature, his existing license shall not expire until the application has been determined finally by the Authority, and, in case the application is denied or the terms of the renewal license limited, until the last day for seeking review of the Authority's order, or a later date fixed by order of the reviewing court.

VII. APPLICATION PROCESSING FEES

A. Any person who files an application with the Authority, shall reimburse the Authority, in accordance with these Rules and Regulations, for all costs incurred by or on behalf of the Authority in processing any such application.

B. Any person who files an application with the Authority for a license to construct or operate offshore terminal facilities for dry bulk cargoes within the Authority's jurisdiction shall remit to the Authority at the time such application is filed an initial application processing fee of \$25,000, represented by a certified or cashier's check drawn on a bank or trust company doing business under the laws of the State of Louisiana or the United States, payable to the Board of Commissioners of the Authority.

C. The application processing fee provided for in the preceding paragraph, and all interest accrued thereon, shall be used by the Authority to compensate the Authority for cost incurred by or on behalf of it in processing the application. An applicant shall also reimburse the Authority in accordance with these Rules and Regulations for all costs incurred by or on behalf of the Authority in processing such application, which are not covered by the initial application processing fee.

D. Should the application be withdrawn by the applicant before issuance by the Authority to the applicant of a license to construct or operate offshore terminal facilities for dry bulk cargoes, the Authority shall refund to the applicant any portion of the application fee remaining after payment by the Authority of all costs incurred by or on behalf of it in processing such application through the date of such withdrawal.

VIII. PROCEDURE FOR DETERMINATION AND ASSESSMENT OF APPLICATION PROCESSING FEES

A. The Authority shall periodically make a determination of the amount of all costs incurred by or on behalf of the Authority in processing the application.

B. The Authority shall assess, as application processing fees, all such costs against the person or persons whose application(s) has given rise to the costs incurred and sought to be recovered, and shall serve on each such person a "notice of assessment." Such person or persons shall thereafter make full payment of such fees to the Authority within 30 days from receipt of the notice of assessment.

C. Any person on whom a notice of assessment is served under these regulations shall be entitled to a hearing before the Authority on such assessment provided a written request for a hearing is filed with the Authority within 30 days after receipt of the notice of assessment.

D. The Authority's general Rules and Regulations and the Louisiana Administrative Procedure Act (R.S. 49:951 et seq) shall apply to any hearing held in connection with any notice of assessment under these Rules and Regulations.

E. Should any person fail to pay any application processing fees when due, such person shall pay interest at the legal rate per annum on the unpaid balance of such assessment from the date the assessment is due until paid.

F. The Authority shall maintain such records as may be necessary in order to identify, determine and recover all application processing fees pursuant to these Rules and Regulations, and the Authority shall make such records available to interested persons in accordance with applicable law.

G. Application processing fees recovered by the Authority

pursuant to these Rules and Regulations shall be limited to the amount necessary to compensate the Authority for the actual costs incurred by or on behalf of it in processing the application.

H. These Rules and Regulations shall not be interpreted to preclude the State of Louisiana or any political subdivision thereof, including the Authority, from imposing any otherwise valid fee, charge or toll permitted under applicable law.

IX. COMPENSATION FEES FOR ADMINISTRATIVE AND ENVIRONMENTAL COSTS

A. The Authority may impose on a licensee reasonable compensation fees for the use of any offshore terminal facilities and directly related land based facilities subject to the Authority's jurisdiction as compensation for the administrative and environmental costs of the Authority attributable to the construction and operation of such offshore terminal facilities and directly related land based facilities. Such compensation fees shall be fixed, assessed and collected by the Authority in accordance with these Rules and Regulations.

B. Such compensation fees may not exceed the actual administrative and environmental costs of the Authority as determined in accordance with the Act and regulations and orders issued pursuant thereto.

C. In no event shall the Authority recover administrative or environmental costs which are otherwise reimbursed by application processing fees paid to the Authority pursuant of these Rules and Regulations.

D. The Authority shall maintain such records as may be necessary, in order to determine, assess and collect any administrative and environmental costs.

E. The provisions of the Authority's general Rules and Regulations and the Louisiana Administrative Procedure Act shall apply to any hearings held in connection with the imposition of compensation fees under the Regulations.

F. This section shall not be interpreted to enlarge or diminish the right of the State of Louisiana or any political subdivision thereof, to impose any other valid tax, fee or charge.

X. PROCEDURE FOR DETERMINATION, ASSESSMENT AND COLLECTION OF ADMINISTRATIVE AND ENVIRONMENTAL COSTS

A. COMPENSATION FEES FOR ADMINISTRATIVE COSTS

1. Prior to the commencement of each fiscal year, the Authority shall determine, to the fullest extent practicable, the total amount of administrative costs to be incurred by the Authority during such fiscal year which it intends to recover hereunder, and the Authority shall thereafter immediately give written notice to the licensee of such determination.

2. After receiving notice of the Authority's determination of administrative costs, the licensee shall be afforded an opportunity to confer with representatives of the Authority to review the amount of such costs and the basis for the Authority's determination.

3. The licensee shall thereafter reimburse the Authority quarterly for such actual costs as have been incurred by or on behalf of the Authority upon presentation by the Authority to the licensee of an appropriate invoice or statement therefor.

B. COMPENSATION FEES FOR ENVIRONMENTAL COSTS

1. After the issuance of a license by the authority, but prior to the commencement of construction of the licensed facilities, if required by the Authority the licensee shall pay an initial compensation fee of \$50,000 to the Authority to be used only for the purposes of expenditures for "environmental costs" as defined in the Environmental Protection Plan for the licensed offshore terminal facilities for dry bulk cargoes.

2. Payment of the initial compensation fee provided in the preceding paragraph, if requested by the Authority, shall be made sufficiently in advance of commencement of construction to permit appropriate environmental monitoring programs, conducted by or on behalf of the Authority, covering the offshore terminal facilities and related land based facilities to be in operation at the time construction of such facilities begins.

3. The licensee shall thereafter reimburse the Authority on a quarterly basis for expenditures for "environmental costs" for licensed offshore terminal facilities for dry bulk cargoes upon presentation by the Authority of the licensee of an appropriate invoice or statement therefor.

4. Except in the case of an emergency, the Authority shall make no expenditure of monies for "environmental costs" for which the authority intends to seek reimbursement from the licensee, without first giving the licensee written notice of such proposed expenditure, as affording the licensee an opportunity to confer with representatives of the Authority to review the amount of the proposed expenditure and basis for the Authority's determination of its necessity or reasonableness.

XI. COORDINATION AND COOPERATION

The Authority shall coordinate, consult and cooperate with any Federal or State agencies, or political subdivisions of the State, having an interest in the construction and operation of offshore terminal facilities for dry bulk cargoes within the Authority's jurisdiction.

XII. REMEDIES AND ENFORCEMENT

Whenever enforcement of any provision of these Rules and Regulations is warranted, the Authority may initiate and pursue appropriate administrative procedures and may issue such orders and decrees as may be necessary and authorized by the Authority's general Rules and Regulations, and the Authority may initiate and pursue all appropriate judicial remedies to assure compliance with these Rules and Regulations.

Paul J. Hardy
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Commerce Office of Commerce and Industry

The Louisiana Department of Commerce does hereby give notice in accordance with law that it intends to adopt new Rules providing for the administration of R.S. 47:4201, et seq., the Mississippi River Bridge Relocation Tax Exemption Program.

Copies of the proposed Rule may be obtained by telephoning the Department at (504) 342-5399 or by writing to Box 44185, Baton Rouge, LA 70804.

The office will be open from 8 a.m. to 4:45 p.m. and interested persons may call Kevin H. Couhig during this time, holidays and weekends excluded, for a copy of this Rule.

All interested persons may submit written comments relative to this Rule through July 4, 1983.

Kevin H. Couhig
Director

Fiscal and Economic Impact Statement for Administrative Rules Rule Title: R.S. 47:4201 Mississippi River Bridge Relocation

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

The Departments of Commerce and Revenue and Taxation estimate the increase in staff time and operating services from promulgation of these Rules to approximate \$12,572 and \$12,207 respectively in 1983-84. These costs can be absorbed, however, by the Departments with their current operating budgets.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Computations based on an assumed 50 businesses participating in the assistance program over a five year contractual period would result in an estimated \$1,729,338 reduction in state tax revenues for FY 1983-84, \$1,285,918 for 1984-85 and \$842,498 for 1985-86.

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

Businesses that have been displaced by the proposed new bridge will be exempted from state sales and use taxes to be paid on machinery and equipment to be used in their facility, and on materials and supplies necessary for the manufacture or production of their product, and for corporation income tax and corporation franchise tax liabilities for a five year period.

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

There should be no effect on competition and any impact on employment should be positive.

Kevin H. Couhig
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Commerce and Industry

The Louisiana Department of Commerce does hereby give notice in accordance with law that it intends to adopt new Rules providing for the administration of Article VII, Part II, Section 21(H) of the Louisiana Constitution, the Restoration Tax Abatement Program.

Copies of the proposed Rule may be obtained by telephoning the Department at (504) 342-5399 or by writing to Box 44185, Baton Rouge, LA 70804.

The office will be open from 8 a.m. to 4:45 p.m. and interested persons may call Kevin H. Couhig during this time, holidays and weekends excluded, for a copy of this Rule.

All interested persons may submit written comments relative to this Rule through July 4, 1983.

Kevin H. Couhig
Director

Fiscal and Economic Impact Statement for Administrative Rules Rule Title: Article VII, Part II, Section 21(H) of LA Constitution - Restoration Tax Abatement

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

The Department estimates the increase in staff time

and operating services from promulgation of these Rules to approximate \$18,526. These costs can be absorbed however, by the Department of Commerce with their current operating budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Since the taxes to be abated, or frozen, are ad valorem (local property taxes) and it is assumed that without the benefits of this program the improvement of property would not have taken place (and therefore taxes would not have been increased), there should be no fiscal impact on state or local revenues associated with this program.

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

Applicants for the benefits of this program will benefit from the tax freeze by not paying the higher property tax normally associated with property improvement for the five years of the contractual period. They will however, begin paying a rate based on the reassessed valuation at the end of the five year contractual period.

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

There should be no effect on competition and any impact on employment should be positive.

Kevin H. Couhig
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend and readopt Rule LAC 11-6:14.4 relative to license applications, fingerprints and photographs.

A copy of this proposed Rule may be obtained by calling the Commission at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068, or may be viewed at the Office of the State Register, 1500 Riverside, Baton Rouge, LA.

The Office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of this proposed Rule. All interested persons may submit written comments relative to this proposed Rule through July 4, 1983.

Gordon A. Burgess
Chairman

**Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: LAC 11-6:14.4**

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

There is no implementation cost to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

Benefit: The Louisiana State Racing Commission will benefit by requiring positive identifications of all horse owners wishing to race in Louisiana.

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

There is no effect on competition and employment.

Alan J. LeVasseur
Executive Assistant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of State Museum**

The Office of the State Museum proposes to increase admission fees to the Cabildo, Presbytere, 1850 House, Madame John's Legacy and Jackson House in New Orleans, LA effective July 1, 1983. Admission fees for each building will be increased to \$2 for adults and to \$1 for students over 12.

Museum buildings will be open to the public from 10 a.m. to 6 p.m., Tuesday through Sunday.

Interested persons may comment on these proposed Rules, in writing, until 5 p.m., June 30, 1983 at the following address: Robert R. Macdonald, Assistant Secretary, Department of Culture, Recreation and Tourism, Box 2458, New Orleans, LA 70176-2458.

Robert Macdonald
Assistant Secretary

**Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: Admission Fees**

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

There will be no costs or savings to implement the proposed Rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Based on admissions for 1981-82 Fiscal Year and 1982-83 through April, self-generated revenues will increase approximately \$130,000 annually.

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

The effect of this rate change will be minimal. Most museums in the Southeast region charge more. All children under 12 and chaperoned school groups will continue to be admitted free of charge.

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

There will be no effect on competition or employment as a result of this Rule change. The new admission charges will make Louisiana State Museum admissions comparable to other museums in the area.

Robert Macdonald
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. A Graduated Salary Schedule for Paraprofessionals and Teacher Aides.

(Also an Emergency Rule)

2. The Board adopted a fee schedule for teacher certification documents.

(Also an Emergency Rule - see that Rule for fee schedule)

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

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

a. Each parish shall choose an ITV Coordinator.

b. The coordinators shall meet annually to review old and new programs.

c. The coordinators shall report their recommendations for additions or deletions of programs to the Department of Education.

5. The Board approved the proposed revision of Standards for Certification in Home Economics.

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

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

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

7. The Board approved the 1983 Revised *Pupil Appraisal Handbook*, Bulletin 1508 and the 1983 revised *Act 754 Regulations* as recommended by the State Department of Education.

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

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement for Administrative Rules

Rule Title: Teacher Certification Fees

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

It is estimated that it will cost approximately \$19,000 per year for one accountant position and associated operating expense to process fee collections.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Based on the proposed fee schedule and the 1982-83 level of certificate transactions, approximately \$330,405 in revenues would be generated annually. However, it should be noted that initiation of fees may result in a significantly decreased demand for some services, particularly transcript analysis and requests for duplicate certificates, which could

result in reduced revenues. The reduced income would be offset in part by savings resulting from decreased need for supplies, postage and manpower.

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

The certification fees are required of individuals seeking certification based on the following fee schedule:

Initial certificate (in-state graduate)	\$15
Initial certificate (out-of-state graduate)	25
Additional certification endorsement	10
Transcript analysis	5
Copies of materials in certification folder	1

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

There should be no effect on competition and employment as a result of the proposed action.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement for Administrative Rules

Rule Title: Graduated Salary Schedule

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

The estimated increase in salaries and related benefits for Special School District #1 teacher aides based on the proposed salary schedule is \$70,412 in 1983-84 and \$137,455 in 1984-85. This increase in cost results from step increases that would be granted to those aides who have sufficient experience to place them on scale above their current salary. The large increase in 1984-85 is related to the large number of new teacher aides with less than three years experience who would not be eligible for a salary increase during the first year of implementation. The increase represents merit or step increases of 4.34 percent over a two-year period.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Implementation of the proposed pay scale would have no effect on revenue collection.

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

No other groups would be affected in terms of costs or benefits as a result of the proposed pay scale as the salary schedule would apply only to teacher aides employed by Special School District #1.

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

There would be no measurable effect on competition and employment in either the public or private sector as a result of implementation of the proposed pay scale.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: GED Policy

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Some implementation costs through the MFP due to entry of additional students into high school is possible; however, any additional cost is anticipated to be minimal due to the extremely small number of individuals who are expected to return to a regular high school program after receiving a GED diploma.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No impact on revenue collections will result.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Only those few individuals who have received a GED but wish to enter an area of employment, particularly military service, in which a GED is not at all times permitted as an equivalent to a high school diploma would be anticipated to be affected by the Rule change which would allow them to return to high school. A minimal increase in cost to local school systems is possible; however, in most cases, it is anticipated that these students would be absorbed into existing classes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Individuals with a GED diploma would be able to seek a regular high school diploma in order to qualify for employment in areas in which a GED is not recognized as an equivalent to a high school diploma.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Home Economics (Occupational Programs)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation of the revision in the requirements for teacher certification in Home Economics (Occupational Programs) has no expected costs (savings) to the Department of Education or to the Board of Elementary and Secondary Education.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenue collections will not be affected by adoption of the revision in the requirements for teacher certification in Home Economics (Occupational Programs), *Louisiana Standards for State Certification of School Personnel*, Bulletin 746 (as revised), page 25.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No additional costs are expected due to adoption and implementation of the revision in certification requirements for Home Economics (Occupational Programs). Benefits will be in certifying experienced teachers without work experience requirement and in continuing approval of established occupational home economics programs.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Implementation of the revision in certification requirements for Home Economics (Occupational Programs) will have no impact on competition and employment.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: ITV Broadcasting Schedules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no extra implementation costs, since review and evaluation of ITV programming is routinely conducted by the Department's ITV Section on an annual basis.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Local school systems get the benefit of having access to over 1,500 televised lessons to supplement their K-12 curriculum without having to purchase either the ITV programming or broadcast rights themselves.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Book Adoption

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Act No. 872 requires that nine libraries display textbooks being considered for adoption. It is estimated that an additional visit to each location will be required. The estimated cost of \$900 per year will be absorbed in the operating budget of the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Cost of providing the galleys and finished books to be borne by publishers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition or employment.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: Bulletin 1508**

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

The estimated savings to the state through the MFP is \$1,430,000 including the following:

1) Deletion of Education Handicapped - It is anticipated that 800 students would have been so classified in 1983-84 without this change. $800 \div 20$ (pupil/teacher ratio) x \$18,000 (average salary including retirement) = \$720,000.

2) Change of Learning Disabilities Criteria - It is anticipated that 300 students would have been so classified in 1983-84 without this change. $300 \div 20$ (pupil/teacher ratio) x \$18,000 = \$270,000.

3) Change of pre-school gifted criteria 200 additional students not so classified $\div 15$ (pupil/teacher ratio) x \$18,000 = \$240,000.

4) Change of speech and adapted physical education criteria and other revisions - approximately 11 positions x \$18,000 = \$200,000.

This savings would be realized through a reduction in the entry of additional students into special education. The 1983-84 MFP funding level contains no provision for a growth in special education; therefore, this savings is already reflected in the 1983-84 appropriation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No impact on state revenues is anticipated.

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

The estimated savings to local school systems is \$304,000 based on reduction of approximately 80 in the number of teaching positions required at an average local salary supplement of \$3,800 including retirement. The growth in MFP allocations to local systems would be reduced by \$1,430,000 as reflected in the 1983-84 MFP appropriation. The proposed changes are intended to provide for more accurate identification and more efficient evaluation of students by reducing confusion in the existing criteria, providing additional flexibility to local systems in the pupil appraisal process, reducing the number of inappropriate classifications as "learning disabled" and discontinuing the classification of Educationally Handicapped (except for those already so classified).

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

Currently, 52 percent of the 7,500 teachers who are in special education classrooms in the state are not fully certified to teach special education. Reducing the number of special education teachers needed for the 1983-84 school year by approximately 80 is anticipated to reduce the necessity for employment of additional non-certified individuals under Bulletin 665 or emergency permit provisions.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: Regulations for Implementation of Act 754
(R.S. 17:1941-1958)**

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

The estimated savings to the state through the MFP is \$2,275,000 based on an estimated reduction of 175 teaching positions (100 due to new pupil/teacher ratios and 75 due to combination classroom settings) at an average salary of \$13,000 including retirement of 9.3 percent. This decreased funding requirement is already reflected in the proposed 1983-84 MFP appropriation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No impact on state revenues is anticipated.

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

The estimated savings to local school systems is \$695,500 including the following:

1) Reduction of 175 teaching positions at an average local salary supplement of \$3,800 including retirement = \$665,000.

2) Savings of \$300 per teacher for transportation for 75 positions related to combination classroom setting = \$22,500.

3) Savings related to compilation and typing of P.L. 94-142 child count (80,000 names x 10¢/name savings) = \$8,000.

MFP allocations to local school boards will be reduced by \$2,275,000 as reflected in the proposed 1983-84 MFP appropriation.

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

Currently, 52 percent of the 7,500 teachers who are in special education classrooms in this State are not fully certified to teach special education. Reducing the number of special education teachers needed for the 1983-84 school year by 175 is anticipated to affect those non-certified individuals filling special and regular education positions under Bulletin 665 or emergency permit provisions.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

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 the 1974 Constitution, a public hearing will be held in the Board of Trustees Conference Room, 151 Riverside Mall, Baton Rouge, LA, beginning at 9:30 a.m. on July 29, 1983. At such hearing the board will consider enactment of PART III, Section 7 — Capital Outlay Budget Request Procedure, of the Policies and Procedures of the Board of Trustees for State Colleges and Universities.

The Board of Trustees for State Colleges and Universities shall accept written comments until 4:30 p.m., July 26, 1983 at the following address: Susan Walker, Assistant Director, Academic Research and Planning, Board of Trustees for State Colleges and Universities, 151 Riverside Mall, Baton Rouge, LA 70801.

Bill Junkin
Executive Director

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

Rule Title: New Part III, Section 3.7 Capital Outlay Budget Request Procedure

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No proposed savings or expenditures resulting from this change that would affect this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Procedural change only. Revenue collections will not be affected.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There are no costs involved in abiding by these guidelines.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition and employment will not be affected by this change in procedures.

Bill Junkin
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

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 the 1974 Constitution, a public hearing will be held in the Board of Trustees Conference Room, 151 Riverside Mall, Baton Rouge, LA, beginning at 9:30 a.m. on July 29, 1983. At such hearing the Board will consider enactment of PART VI, 6. (J) Foreign Student Service Fee, of the Policies and Procedures of the Board of Trustees for State Colleges and Universities.

The Board of Trustees for State Colleges and Universities shall accept written comments until 4:30 p.m., July 26, 1983 at the following address: Susan Walker, Assistant Director, Academic Research and Planning, Board of Trustees for State Colleges and Universities, 151 Riverside Mall, Baton Rouge, LA 70801.

Bill Junkin
Executive Director

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

Rule Title: New Foreign Student Services Fee

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be minimal cost to the BTSCU for printing and dissemination of new Rule; less than \$25.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Increase agency self generated by:
500,000 in FY 83-84; 500,000 in FY 84-85; 500,000 in FY 85-86.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED

GROUPS - (Summary)

This will allow system institutions to continue to offer foreign students specialized services designed to help them during tenure at BTSCU institutions.

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

There will be no effect on competition and employment.

Bill Junkin
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Educational Television Authority**

The Louisiana Educational Television authority intends to repeal a Rule published in the *Louisiana Register* of April 20, 1981, entitled "Policy on Compensation to Non-commercial Broadcast Stations Not Licensed to the Louisiana Educational Television Authority."

The Authority voted on May 5, 1983, to repeal the Rule because it established a formula-based grant arrangement that has never been entirely satisfactory. The Authority intends to continue to support non-commercial broadcasting stations for which it does not hold licenses through contracts for specific services rendered as provided for in its enabling legislation, specifically R.S. 17:2505.8.

Interested persons may submit written comments on the proposed change through July 6, 1983, to: A. Fred Frey, Executive Director, Louisiana Educational Television Authority, 2618 Wooddale Boulevard, Baton Rouge, LA 70804.

A. Fred Frey
Executive Director

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

Rule Title: Policy on Compensation to Non-commercial Stations Not Licensed to the Louisiana Educational Television Authority

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The potential costs or savings cannot be determined. Repeal of this Rule will eliminate formula funding of non-licensee stations for which \$815,964 was budgeted in 1982-83. However, funding to these entities could be available based on proposals for contract services to LETA.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The four stations which currently receive formula funding-WYES-TV in New Orleans, WWNO-FM in New Orleans, WRKF-FM in Baton Rouge and KRVS-FM in Lafayette could receive funding for contract services to LETA. The impact to these non-licensees of this change in the funding method cannot be determined at this time.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

A. Fred Frey
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Governor's Special Commission on Education Services Loan/Grant Division

The Loan/Grant Division of the Governor's Special Commission on Education services intends to amend its policies and procedures to adopt Part 177 of Title 45 of the Code of Federal Regulations, as published in the *Federal Register* Volume 44, No. 181 dated September 17, 1979, pertaining to the Guaranteed Student Loan Program under provisions of Title IV, Part B, of the Federal Higher Education Act of 1965 as amended (20 U.S.C. 1071-1087-4).

A copy of the proposed changes will be available for inspection at the office of the Commission, 4637 Jamestown Avenue, Baton Rouge, LA, until July 5, 1983. Persons who desire to do so may submit comments or suggestions in writing to Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70804.

Richard W. Petrie
Director

Fiscal and Economic Impact Statement for Administrative Rules

Rule Title: Guaranteed Student Loan Program

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

No costs except for mailing. Federal Regulations will be furnished by the U.S. Dept. of Education.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

No revenue impact. Avoids some confusion of regulation interpretation.

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

There will be no effect on competition or employment.

Richard W. Petrie
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Southern University Board of Supervisors

The Southern University Board of Supervisors does hereby give notice in accordance with law that it intends to consider for adoption the assessment of graduate fees for enrolling graduate students at Southern University - New Orleans. This action is planned for the July 23, 1983 meeting of the Board at 10 a.m. in the Board's Meeting Room, Joseph Samuel Clark Administration Building, Southern University, Baton Rouge campus.

Assessments of \$319 for full-time students with an additional \$315 fee charged to out-of-state students, and part-time fees of \$90 for 0-3 hours; \$153 for 4-6 hours; and \$240 for 7-8

hours are proposed, and, if approved, will become effective during the 1983 fall Semester.

Information concerning the proposed graduate fees may be reviewed at the office of the Board of Supervisors, 4th floor, Joseph Samuel Clark Administration Building, Southern University, Baton Rouge. The Office of the Board is open from 8 a.m. to 5 p.m., Monday through Friday.

The Board of Supervisors of Southern University shall accept written comments until 5 p.m., July 12, 1983 at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Box 10879, Baton Rouge, LA 70813.

Jesse N. Stone, Jr.
President

Fiscal and Economic Impact Statement for Administrative Rules

Rule Title: Graduate Enrollment Fees

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

There will be no cost to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

1983-84	\$31,900
1984-85	35,090
1985-86	38,599

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

Only graduate students will be affected — no other groups or agencies will be affected.

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

There will be no effect on competition and employment.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Southern University Board of Supervisors

The Southern University Board of Supervisors does hereby give notice in accordance with law that it intends to consider for adoption an increase of housing and food service fees for on-campus students at Southern University, Baton Rouge campus.

Consideration of the increases will take place at the July 23, 1983 meeting of the Board in the Board's meeting room, Joseph Samuel Clark Administration Building, Southern University, Baton Rouge. If approved, the proposed fee increase will become effective during the 1983 Fall Semester.

Information concerning the proposed housing and food service fee increases may be reviewed at the Office of the Board of Supervisors, Joseph Samuel Clark Administration Building, Southern University, Baton Rouge. The Office of the Board is open from 8 a.m. to 5 p.m., Monday through Friday.

The Board of Supervisors of Southern University shall accept written comments until 5 p.m., July 12, 1983 at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Southern University Board of Supervisors, Box 10879, Baton Rouge, LA 70813.

Jesse N. Stone, Jr.
President

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

Rule Title: Housing and Food Service Fees

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

There will be no cost to the agency.

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

The following increases in revenue collections are anticipated:

1983-84	\$581,113
1984-85	586,924
1985-86	592,793

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

Only on-campus students will be affected — no other groups or agencies are affected.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT - (Summary)**

There will be no effect on competition and employment.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Southern University Board of Supervisors

The Southern University Board of Supervisors does hereby give notice in accordance with law that its meeting scheduled for May 28, 1983 at which time it was to consider for adoption the assessment of a supplemental fee to international students has been rescheduled.

Consideration of the assessment of a supplemental fee to international students will take place at the July 23, 1983 meeting in the Joseph Samuel Clark Administration Building, Southern University Baton Rouge campus.

A copy of proposed fee can be reviewed at the office of the Board of Supervisors, Joseph Samuel Clark Administration Building, Southern University at Baton Rouge. The office of the Board will be open from 8 a.m. to 5 p.m., Monday through Friday.

The Board of supervisors shall accept written comments until 5 p.m., July 12, 1983 at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Southern University Board of Supervisors, Box 10879, Baton Rouge, LA 70813.

Jesse N. Stone, Jr.
President

NOTICE OF INTENT

Southern University Board of Supervisors

The Southern University Board of Supervisors does hereby give notice in accordance with law that it intends to consider for adoption the assessment of an orientation fee for beginning freshman students housed on campus during the orientation registration period. This action is planned for the meeting of the Board scheduled for July 23, 1983 at 10 a.m. in the Board's Meeting Room, 2nd Floor, Joseph Samuel Clark Admin-

istrative Building, Southern University, Baton Rouge campus.

The assessment of \$42.55, which includes \$5.51 per day for meals and \$3.00 per day for housing, is proposed, and, if approved, will become effective during the 1983 fall semester.

Information concerning the proposed orientation fee may be reviewed at the office of the Board of Supervisors, 4th Floor, Joseph Samuel Clark Administration Building, Southern University, Baton Rouge. The Office of the Board is open from 8 a.m. to 5 p.m., Monday through Friday.

The Board of Supervisors of Southern University shall accept written comments until 5 p.m., July 12, 1983 at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Box 10879, Baton Rouge, LA 70813.

Jesse N. Stone, Jr.
President

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

Rule Title: Orientation Fee

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

There will be no cost to the agency.

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

Projected self-generated income from this fee is \$51,060 in 1983-84, \$53,613 in 1984-85, and \$56,293 in 1985-86.

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

Cost in the amount of the fee is to entering on-campus students only.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT - (Summary)**

There will be no effect on competition and employment.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security proposes to amend in accordance with 45 CFR 224.51 the Aid to Families with Dependent Children Program policy on Work/WIN participation. The Aid to Families with Dependent Children Program Manual (15-701), 15-785, 15-839A and 15-903 (1) and (2) will be amended to read as follows:

PROPOSED RULE

15-701 REQUIRED AGE FOR AFDC CHILD

C. Child 16 to 18 Not Attending School

A child 16 to 18, not attending school full-time who is a Mandatory Work or WIN Registrant, meets the condition of age for an AFDC child if he is registered for Work or WIN, participating in the WIN Program or co-operating with Employment Security, has not refused a job offer whether or not from Employment Security, and has not terminated employment or reduced earnings without good cause. (15-903)

15-785 FAILURE TO CO-OPERATE WITH EMPLOYMENT SECURITY OR TERMINATION OF JOB OR REDUCTION OF EARNINGS WITHOUT GOOD CAUSE

A person who is mandatorily registered but who fails or refuses to appear for an interview requested by Employment Security or refuses a job offer whether or not from Employment Security, or terminates employment or reduces earnings without good cause shall have his needs removed from the certification for three months for the first occurrence and six months for subsequent occurrences.

15-839 COMPUTING COUNTABLE INCOME FOR EMPLOYMENT AND SELF-EMPLOYMENT

A. The Earned Income Disregards (30 and 1/3, child care and standard deduction) shall not apply to the Earned Income of the individual for the month in which an individual has earned income and one of the following conditions applies:

(1) An individual who within 30 days terminated his employment or reduced his earned income without good cause. Persons who are exempt from Work or WIN registration shall be determined to have good cause.

(2) An individual who within 30 days refused without good cause (refer to 15-785) to accept a bonafide offer of employment in which he is able to engage. Persons who are exempt from Work or WIN Registration shall be determined to have good cause.

15-903 AFDC INCLUSION IN CERTIFICATION

Who shall be included in the AFDC certification

(1) The child

A child who meets all eligibility conditions for AFDC shall be certified for AFDC and have his flat grant amount included in the assistance payment budget, except that a child otherwise eligible for AFDC shall not be certified if:

(f) The child between 16 and 18 not attending school is determined to be a mandatory Work or WIN registrant, but without good cause refuses to register for employment.

OR

A child between 16 and 18 who has mandatorily registered for Work or WIN but who fails or refuses without good cause to participate in the program or terminates employment or refuses to accept employment or reduces earnings without good cause. This child cannot be included for a period of three payment months for the first failure or refusal without cause. For each subsequent occurrence, the child cannot be included for a period of six payment months.

(2) Parent(s)

The parent(s) with whom the child lives, whether or not he is the payee of the AFDC grant, shall be included in the AFDC assistance payments budget and have his flat grant amount considered in the AFDC budget plan, except when:

(b) The parent is the applicant or payee and he refuses to assign child support rights to the state, is determined to be a mandatory Work or WIN registrant but without good cause he refuses to register for employment, or refuses to be enumerated.

OR

(c) The parent who is mandatorily registered for Work or WIN but who fails or refuses without good cause to participate in the program or terminates employment or refuses to accept employment or reduces earnings without good cause. This parent cannot be included for a period of three payment months for the first failure or refusal without good cause. For each subsequent occurrence, the parent cannot be included for a period of six payment months.

This Notice of Intent and Fiscal and Economic impact Statement are available for review in each local Office of Family Security.

Any interested persons may submit written comments

through July 5, 1983 to R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: AFDC Policy Changes on Work/WIN Participation**

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

	FY 83-84	FY 84-85	FY 85-86
State Fund	(\$2,055)	(\$2,816)	(\$2,816)
Federal Fund	(\$3,784)	(\$5,104)	(\$5,104)
TOTAL	(\$5,839)	(\$7,920)	(\$7,920)

The above savings will result from reduced benefits to certain AFDC recipients sanctioned under the provisions of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The above savings will result in a reduction in federal funds as follows: FY 83-84 (\$3,784), FY 84-85 (\$5,104), FY 85-86 (\$5,104).

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

It is estimated that five AFDC recipients effective September, 1983 and five additional AFDC recipients per month for each month thereafter will be removed from the certification for three months. The average reduction per month per certification is \$44. The reduced grant will continue during the three month period of the sanction.

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

No impact on competition and employment is anticipated as a result of this change.

R.K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement a Rule in the Support Enforcement and Assistance Payments Programs to eliminate double support payments as required by *Federal Register* Vol. 48, No. 14, dated January 20, 1983, which amends 45 CFR Part 302.32.

PROPOSED RULE

The Support Enforcement Program shall require that any support payment used to determine a family ineligible for AFDC benefits shall also be used to reimburse the AFDC grant for assistance payments made to the family. Such support payments and any subsequent payment received by the Support Enforcement Program shall be used to reimburse the AFDC grant for each month a benefit is paid to the family until such time as AFDC

benefits are terminated. Thereafter support payments shall be paid directly to the family through the Support Enforcement Program.

A Public Hearing has been scheduled for July 5, 1983 beginning at 9:30 a.m. in the Louisiana State Auditorium at 760 Riverside, Baton Rouge, LA.

Interested persons may submit written comments on this proposed Rule through July 6, 1983, at the following address: R.K. Banks, Assistant Secretary, Box 44065, Baton Rouge, LA, 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A copy of this Notice is available for review in each parish office of the Office of Family Security.

Roger P. Guissinger
Secretary

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

Rule Title: Elimination of Double Support Payments

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

This Rule which eliminates double support payments to clients, will provide savings in the form of an additional month of reimbursement to the AFDC grant while entailing no additional administrative costs. Total collections retained for grant reimbursement for 1983-84 are estimated to be \$50,112. Of this amount, distribution will be as follows: \$17,514 in state funds, \$26,585 in federal funds and \$6,013 in incentive payments to local district attorneys. Amounts in subsequent years are as follows for 1984-85: \$54,144 in total collections of which \$19,248 is the state share, \$28,399 the federal share and \$6,497 in incentives. For 1985-86: \$58,432 in total collections of which \$20,773 is the state share, \$37,659 the federal share and \$7,012 in incentives.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

This Rule will allow increased revenue to the state general fund by allowing the state to keep an additional month of child support obligations collected in AFDC cases. However, this amount will be used to reimburse the AFDC grant and the resulting savings will cause a decrease in federal revenues, which otherwise would have been used to pay a percentage of AFDC payments. The net revenue increase/decrease is shown as follows:

	STATE FUNDS	FEDERAL FUNDS	LOCAL FUNDS (D.A. INCENTIVES)
1983-84	\$17,514	(\$26,585)	\$6,013
1984-85	\$19,248	(\$28,399)	\$6,497
1985-86	\$20,773	(\$30,647)	\$7,012

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

It is estimated that four percent of Support Enforcement AFDC cases will be affected by this proposed Rule. AFDC recipients subject to this Rule will no longer receive a Support Enforcement refund of their AFDC grant amount for the month of grant closure when support payments result in AFDC ineligibility.

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

There is no effect on competition and employment.

R.K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective July 20, 1983, the Department of Health and Human Resources, Office of Management and Finance, Division of Policy Planning and Evaluation proposes changes to the policies and guidelines for Section 1122 capital expenditure reviews. The proposed changes will be made to the Rule published in Volume 8, Number 8 of the *Louisiana Register*, August 20, 1982.

The proposed changes are the result of the passage of Act 13 of the 1983 Special Session of the Louisiana Legislature. This Act abolished the Office of Licensing and Regulations and re-assigned responsibility for the Section 1122 program. In addition, the Social Security Amendments of 1983 (HR 1900) allowed changes in the Section 1122 capital expenditure review thresholds.

INTRODUCTION

Section 1122 of the Social Security Act, as amended by Public Law 92-603, the Social Security Amendments of 1972, requires that a health facility which proposes to make a capital expenditure obtain prior approval by a designated planning agency in order to be reimbursed for costs related to the capital expenditure under the Medicare and Medicaid Programs. The purpose of this provision is to assure that Federal funds are not used to support unnecessary capital expenditures by health care facilities.

DEFINITIONS

1. Certificate of Need: Louisiana conducts certificate of need reviews in accordance with Section 1122 of the Social Security Act, as amended. This process is required of health care facilities in order to receive full reimbursement under the Medicare and Medicaid Programs. (This should not be confused with state legislated certificate of need programs which Louisiana, at present, does not have enacted.)

2. Division of (Policy Planning and Evaluation) (DPPE): the state agency designated to carry out in Louisiana the provisions of Section 1122 and P.L. 93-641, as amended by P.L. 96-79.

3. Division of Licensing and Certification: that Division of the Department of Health and Human Resources charged with the responsibility of carrying out licensure and certification functions for the State of Louisiana.

4. Hospital: an institution which is engaged in providing to inpatients or to inpatients and outpatients by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled, sick or pregnant persons, or rehabilitation services for the rehabilitation of injured, disabled, sick or pregnant persons; such term does include chronic care hospitals, but does not include psychiatric and tuberculosis hospitals.

5. Person: an individual, a trust or estate, a partnership, a corporation (including associations, joint-stock companies, and insurance companies, a state, or a political subdivision or instrumentality (including a municipal corporation) of a state.

6. Psychiatric hospital: an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons.

7. Tuberculosis hospital: an institution which is primarily engaged in providing to inpatients, by or under the supervision of physician, medical services for the diagnosis and treatment of tuberculosis.

8. Nursing home: a licensed facility that provides nursing care, preventive health, maintenance services, rehabilitative services,

and necessary ancillary and supportive social services to persons who, by reason of illness, or physical infirmity or age, are unable to properly care for themselves.

9. Ambulatory surgical facility: a freestanding facility which is not a part of a hospital, and which provides surgical treatment to patients not requiring hospitalization. Such term does not include the offices of private physicians or dentists, whether for individual or group practice.

10. Home Health Agency: a public or private organization, or subdivision thereof, which is primarily engaged in the provision of skilled nursing services and at least one additional therapeutic health service in the place of residence used as a patient's home.

11. Change of Bed Capacity: any increase or decrease in the licensed bed capacity of a health care facility.

12. Substantial Change in Service: a capital expenditure which results in the addition of a clinically related (i.e., diagnostic, curative, or rehabilitative) service not previously provided in the facility or the termination of such a service which had previously been provided in the facility.

13. Emergency: means an unforeseen occurrence, condition or mischance or perplexing contingency or complication of circumstances bringing with it destruction or injury of life or property (moveable and immovable) or the imminent threat of such destruction or injury or as the result of an order from any judicial body having jurisdiction therein to take any immediate action which requires construction, repair or acquisition of property or equipment, where the unforeseen occurrence, condition or mischance or perplexing contingency or complication of circumstances or court order will not permit a health care facility the time necessary for an application for full review under Section 1122.

14. Secretary: as used within the confines of this document, the term secretary refers to the secretary of the United States Department of Health and Human Services or his designee.

REVIEWING AGENCIES

Division of Policy Planning and Evaluation, Box 3776, Baton Rouge, LA 70821;

Division of Licensing and Certification, 333 Laurel Street, Room 610, Baton Rouge, LA 70804.

Any other agency deemed appropriate by Division of (Policy Planning and Evaluation).

RESPONSIBLE AGENCY

The state agency responsible for carrying out Section 1122 provisions in Louisiana is the Division of (Policy Planning and Evaluation) (DPPE), which is the state agency organized under P.L. 93-641, as amended by P.L. 96-79.

FACILITIES INCLUDED

For the purpose of Section 1122, "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers including freestanding hemodialysis units, intermediate care facilities, and ambulatory surgical facilities, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientists, Boston, Massachusetts. Offices of Physicians are also specifically excluded from such reviews.

EXPENDITURES SUBJECT TO REVIEW

Capital expenditures covered are those which are not properly chargeable as expenses of operation and maintenance and which either (1) exceed (\$600,000) or (2) change the bed capacity of the facility or (3) substantially change the services of the facility.

Any questions regarding applicability of expenditures to review should be directed solely to (DPPE) for an official determination.

When making a determination of the total amount of any capital expenditure discussed herein, (DPPE) shall consider the

cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the plant and equipment with respect to which such expenditure is made.

Proposals for the acquisition of facilities or equipment by lease or comparable arrangement or through donation may be subject to review under Section 1122. (DPPE) should be contacted for a determination of applicability and assistance in computing amounts subject to Section 1122 review.

Section 1122 Certificate of Need approvals can neither be sold or transferred.

EFFECTIVE DATE

Any capital expenditure for which the obligation is incurred by or on behalf of a health care facility after December 31, 1972 is subject to review under these provisions.

EXCLUSIONS

1. A capital expenditure for which an obligation was incurred before January 1, 1973, is not subject to review requirements of Section 1122.

2. Section 1122 permits an exception to any health care facility providing services as of December 18, 1970, which as of that date was committed to a formal plan of expansion or replacement as approved by the facility's board of trustees. This can only occur if the facility spent \$100,000 or more during the three-year period ending December 17, 1970, for preliminary items on the plan including payments for studies, surveys, designs, plans, working drawings, specifications and site acquisition. In such a case, Section 1122 shall not apply to capital expenditures made in conformity with that plan. The exception shall, however, not apply to capital expenditures which are not included in the plan.

PRE-APPLICATION CONFERENCE

Anytime prior to submitting an application for review or a request for an election not to review individuals contemplating a Section 1122 expenditure may request a formal conference with (DPPE) to discuss the proposed project. A mutually acceptable meeting time and place will be established between the applicant and the agency. Pre-application conferences are encouraged.

ELECTION NOT TO REVIEW

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

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

An applicant proposing a capital expenditure by or on behalf of a health care facility, which expenditure may qualify for election not to review according to the above criteria, must submit in writing to (DPPE) a request for an elect not to review. After examining the information contained in such request, and any additional information (DPPE) may request, a determination will be made by (DPPE) whether or not to elect not to review the proposed expenditure. If (DPPE) elects not to review the proposed project, all required notifications will contain written reasons for (DPPE)'s determination of election not to review.

If (DPPE) determines that such proposal shall require full or expedited review, the applicant will be notified of such decision and will be supplied with appropriate application forms to provide information adequate for such review of the proposal.

EXPEDITED REVIEW

The (DPPE) at its option may elect to perform an expedited review of a proposed capital expenditure which has been deter-

mined subject to review under Section 1122 of the Social Security Act. In order to be considered for an expedited review, one of the following criteria must be met:

1. Replacement (or modification) of equipment with an expenditure in excess of \$600,000.
2. Sale or lease of an existing facility with no change in services or beds.
3. Renovation of an existing facility up to (\$1,000,000) that does not result in a change in existing services or beds.
4. A change of 10 licensed beds or 10 percent over a two year period whichever is less.
5. A cost overrun on an initially approved project.
6. Addition of non-medical equipment (or purchase of land.)
7. Addition of a new service in an existing facility that will not exceed (\$600,000).

In order to qualify for an expedited review the project must not be a discrete portion of a larger capital expenditure or phased project.

An applicant proposing a capital expenditure which expenditure may be eligible for an expedited review must submit in writing to (DPPE) a request for an expedited review. After examination by (DPPE) a determination will be made whether to proceed with the expedited review process. If (DPPE) determines the expedited or full review process is applicable, the applicant shall be so notified in writing and provided with the necessary forms to begin the process.

REVIEW PROCEDURES

A. Notification Procedures

1. Any person, agency, organization or health care facility which proposes to make a capital expenditure subject to review under the provisions of Section 1122 of the Social Security Act should submit in writing to (DPPE) a request for such review. At any time during the review procedure should the contact person for the project change, it is incumbent upon the applicant to notify (DPPE) of such a change.

2. (DPPE) will promptly send to the applicant the necessary form(s) in addition to a copy of these policies and guidelines.

3. Upon receipt of the completed form(s), (DPPE) may make the following determinations:

- a. The project will require full review, or
- b. The project will require an expedited review, or
- c. The project is subject to elect not to review.

4. In the case of a full review being required:

a. (DPPE) will forward to the proponent a questionnaire and a list of those documents which will be considered in the review;

b. The applicant shall submit the application in triplicate to Division of Policy Planning and Evaluation.

c. The staff of the (DPPE) shall review the application for completeness within 15 calendar days from date application is received by (DPPE). If (DPPE) fails to mail within such period a written notice advising the applicant that the application is complete or additional information is needed, the application shall be deemed to be complete for the purpose of determining the period of review. Failure of the applicant to respond and provide the information requested within 90 days shall be considered withdrawal of the application; and

d. The applicant may not incur an obligation in less than 60 days from the date the application was considered complete by (DPPE). Incumbering an obligation prior to this 60 day time frame may subject the applicant to a timely notice penalty should the project subsequently be approved. Should approval be granted at any time prior to the end of the review period, and obligation may be entered into at that point.

B. Review Procedures

1. When (DPPE) determines that an application is complete, (DPPE) shall notify the applicant in writing that the period for review has begun. The review period will not exceed 90 days from the date of receipt of the application if it is declared incomplete. Or, in the case of an incomplete application, the period for review will not exceed 90 days from the date of receipt of the additional information (if it is determined the additional information completes the application) unless the applicant agrees to a longer period of time.

2. If additional or new information is submitted to (DPPE) after the review process has begun, (DPPE) will again deem the application complete or incomplete. If the additional information is allowed, the timetable must be adjusted so that (DPPE) has 90 days for project review after the receipt of the additional or new information.

3. When the application is determined complete by the (DPPE), the (DPPE) shall issue a press release of its receipt of the completed application through local newspapers, public information channels and professional organizations. Publications to be used in required press releases should include the state journal, the major urban newspaper in the affected service area, the local newspaper in the impacted service area of the projects as specified by the applicant.

4. In the case of applications being subjected to a full review as opposed to an election not to review or expedited review, on the third Wednesday of each month at 10 a.m., the director of the Division of (Policy Planning and Evaluation) shall conduct a public hearing at division headquarters. The purpose of this hearing will be to receive written (in duplicate) and oral comments on applications having been declared complete by the Division 15 days prior to the hearing date. Oral presentations shall be limited to an amount of time to be specified by the individual in charge of the hearing at the time of the hearing. The same amount of time will be allowed to those in favor and those opposed to the application. Comments shall be accepted on only those applications which have not previously been reviewed at public hearing. Notice of applications to be considered at each hearing shall be provided to interested parties and professional organizations requesting such notice at least five calendar days prior to each public hearing.

5. (DPPE) shall send copies of the application to the Division of Licensing and Certification (LIC) solely for review and comments.

6. Findings pursuant to Part B. 5 above shall be received by (DPPE) within 60 days after start of the review period (or later if mutually agreed upon). In the case of an application which specifies that an obligation to make the capital expenditure will be incurred 60 days after start of the review period, (DPPE) shall coordinate with LIC to establish a date by which comments will be received by (DPPE). Such date should allow sufficient time for LIC review, as well as a period for consideration of those comments. Applicants may request a meeting with (DPPE) to discuss their application at any time during the course of the review.

7. The (DPPE), after having consulted with and taken into consideration written public comments and the comments of LIC shall provide written notification to the proponent that:

- a. Such capital expenditure has been determined to be in conformity with the criteria, standards and plans; or
- b. Such capital expenditure has been determined not to be in conformity with the criteria, standards and plans; or
- c. The failure of the (DPPE) to provide any such notification within the time limitations set forth below, shall have an effect of a determination by the (DPPE) that the capital expenditure is in conformity. This step shall be completed not more than 90 days after the date (DPPE) has received the completed

application unless the applicant has indicated an earlier date for obligation of expenditure. (However, a minimum of 60 days from the date (DPPE) considers the application complete must be allotted for completion of the review. At an applicant's request or concurrence, the review period may be for a longer period of time as agreed.)

Notification in accordance with federal interpretation is deemed to be given upon the date of mailing of such notification by (DPPE).

8. Copies of the findings of the (DPPE) shall also be sent to the other reviewing agencies, interested parties and professional organizations who request such notification and shall be publicized through local newspapers and public information channels in the form of a press release.

C. Expedited Review Procedures

1. In the case of a decision by (DPPE) to conduct an expedited review, (DPPE) shall notify the applicant of its decision and forward to the applicant an application which shall be completed and returned to (DPPE) in duplicate.

2. When (DPPE) determines that the application is complete, (DPPE) shall notify the applicant in writing that the period for review has begun. The review period shall not exceed 30 days from date of receipt of the application if it is declared complete. Or, in the case of an incomplete application, the period for review will not exceed 30 days from the date of receipt of the additional information (if it is determined the additional information completes the application) unless the applicant agrees to a longer period of time.

3. If additional information is submitted after the review period has begun, (DPPE) will again confer and deem the application information complete or incomplete. If the additional information is allowed, the timetable must be adjusted so that (DPPE) has 30 days for project review after the receipt of the additional or new information.

4. When the application is determined complete by the (DPPE), the (DPPE) shall issue a press release of its receipt of the completed application through local newspapers and public information channels. Publications to be used in required press releases should include the state journal, the major urban newspaper in the affected area, the local newspaper in the impacted service area of the projects as specified by the applicant.

5. The (DPPE), after having reviewed the application, shall provide written notification to the proponent that:

a. Such capital expenditures have been determined to be in conformity with the criteria, standards and plans;

b. Such capital expenditure has been determined not to be in conformity with the criteria, standards and plans; or

c. The failure of the (DPPE) to provide any such notification within the time limitations set forth below, shall have an effect of a determination by the (DPPE) that the capital expenditure is in conformity. This step shall be completed not more than 30 days after the date (DPPE) has received the completed application unless at an applicant's request or concurrence, the review period may be for a longer period of time as agreed.

Notification in accordance with federal interpretation is deemed to be given upon the date of mailing of such notification by (DPPE).

6. Copies of the findings and recommendations of the (DPPE) shall also be publicized through local newspapers and public information channels and sent to interested parties and professional organizations who request such notification.

D. Appeal Procedures

In the case of a negative finding, a fair hearing will be offered to the applicant to determine whether the proposed expenditure is consistent with the standards, criteria and plans specified in the applicable statutes. The correctness, completeness,

adequacy or appropriateness of the standards, criteria, and plans against which the proposed expenditure was measured are not appealable, although the question of (DPPE)'s adherence to its procedures as outlined in the Federal Regulations and State Health Plan and these policies may be considered. The applicant may introduce evidence and argument on the issue of whether exclusion of expenses related to the proposed expenditure would discourage the operation or expansion of the facility or organization or would discourage the operation or expansion of the facility or organization or would otherwise be inconsistent with the effective organization or delivery of health services or the effective administration of Titles XVIII and XIX. Whether a proposed capital expenditure is subject to review under Section 1122 will not be a question in the fair hearing. The applicant is encouraged to retain counsel for this process.

1. Should the applicant wish to appeal, he must respond in writing to (DPPE) not more than 30 days after the date of notification of disapproval requesting a fair hearing on his case or he forfeits his right of appeal. The hearing must begin within 30 days after receipt of the request or later at the option of the applicant. If the applicant requests an extension beyond the required 30 day time frame, the hearing must be finalized not later than six months after the date of the original request for a fair hearing or the decision of (DPPE) will be considered upheld.

2. (DPPE) will notify the Hearing Officer who is responsible for conducting the appeal. He will select a hearing date and notify all parties.

3. (DPPE) will issue a news release of the hearing.

4. The applicant is required to notify the hearing officer in writing at least 10 days in advance of the hearing of those witnesses whom he wishes to be subpoenaed.

5. As soon as possible, but not later than 45 days after the conclusion of the hearing, the Hearing Officer will notify the applicant, (DPPE) and Regional Health Administrator (DHHS) of the appeal decision. Notification in accordance with federal interpretation is deemed to be given upon the date of mailing of such notification by the hearing officer. The exclusive options available to the hearing officer are as follows:

a. uphold the (DPPE) findings.

b. overturn the (DPPE) findings.

c. revise the (DPPE) findings.

d. order further action by (DPPE).

6. (DPPE) will issue a press release of the appeal decision.

7. Copies of the decision shall be sent to interested parties and professional organizations requesting such notification.

RECONSIDERATION BY (DPPE)

In any case in which the Secretary of the United States Department of Health and Human Services has determined pursuant to a finding by (DPPE) that a proposed capital expenditure is not in conformity with the standards, criteria or plans and that costs related to such capital expenditure shall not be included in determining Federal reimbursement, the health care facility shall be entitled upon its request to (DPPE) in the form of revised applications as required in original submission procedures, to a reconsideration by (DPPE) of such finding whenever:

a. There has been a substantial change (since the previous (DPPE) finding) in existing or proposed health facilities or services, of the type proposed, in the area served; or

b. There has been a substantial change (since the previous (DPPE) finding) in the need for health facilities or services, of the type proposed, in the area served, as reflected in the plans, criteria or standards (see Criteria for Section 1122 Reviews); or

c. At least three years have elapsed from the date of the most recent negative finding of (DPPE).

If (DPPE) finds, after such reconsiderations, that the facilities or services provided by the capital expenditure involved are in

conformity with the applicable standards, criteria, or plans, and so notifies the Secretary of DHHS, the Secretary will include, in determining future payments under Titles XVIII and XIX, expenses related to such capital expenditure. However, *such expenses will be included only for payments following the date of notification to the Secretary of DHHS by (DPPE) of its reconsideration.*

EVIDENCE OF OBLIGATION: TERMINATION OF APPROVAL

Evidence of obligation to make the capital expenditure must be received by (DPPE) within one year after approval of the project, or the approval will expire. As provided in the regulation, the one year approval period may be extended for up to six months at the discretion of (DPPE) upon showing one of the following conditions exist:

a. Delays caused by review bodies beyond control of the applicant. This includes delays caused in the process of obtaining financing due to excessive interest rates substantially greater than those projected in the application.

b. An extension may be granted at the discretion of the designated planning agency when refusal of an extension would be detrimental to the best interest of the community involved.

As provided in the regulations, an obligation to make a capital expenditure shall be incurred not more than one year following the date of approval, unless a six month extension has been granted. An obligation shall be deemed to have been incurred by or on behalf of health care facility:

a. When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

b. upon formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

c. In the case of donated property as described in 45 CFR 100.103(b), the date on which the gift is completed in accordance with applicable Louisiana law.

It is the sole responsibility of the proponent to keep (DPPE) informed of its progress during the one year approval period and to submit documentary evidence as proof that at least one of the above conditions have been fulfilled. The following conditions have been established regarding the acceptance of certain documents as proof of an obligation.

a. In the case of a construction contract, such document must be duly executed by the appropriate parties and filed with (DPPE).

b. In the case of a purchase or lease arrangement, a purchase or lease agreement signed by lessor and lessee must be submitted.

c. In the case of a financial commitment, such commitment must be a documented binding commitment from a lending institution for permanent or interim financing accompanied by an acceptance signature from the proponent. (Loan guarantees do not fulfill the requirements set forth above).

d. In the case of bonds, an obligation is deemed to have been incurred whenever the bonds have received final approval for sale or issuance by either an election or board action of an official public body acting on behalf of a health care facility.

EFFECT OF NEGATIVE RECOMMENDATION

If (DPPE) recommends that the capital expenditure not be made, the Secretary of DHHS shall, in determining the Federal payments to be made under Titles XVIII, and XIX of the Social Security Act to the health care facility, ordinarily exclude certain expenses related to such capital expenditure.

However, if the Secretary, after submitting the matters involved to the national Advisory Council on Health Planning and Development and after taking into consideration the recommendations of (DPPE) and other reviewing agencies, determines that an

exclusion of costs for a capital expenditure would discourage the operation or expansion of a health care facility (or any facility of such an organization) which has demonstrated capability to provide comprehensive health care services efficiently, effectively, and economically or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of Titles XVIII, and XIX, he shall include such expenses in Federal payments under such titles.

EFFECT OF FAILURE TO GIVE TIMELY NOTICE OF PROPOSED EXPENDITURE

When (DPPE) has good cause to believe that an obligation for a capital expenditure has been incurred by or on behalf of a health care facility and that timely notice of at least 60 days was not provided, (DPPE) shall send written notification to such health care facility, the Secretary and all other agencies deemed appropriate by (DPPE) of a proposed finding that an obligation for a capital expenditure subject to review has been incurred and that timely notice was not provided. Procedures for processing such a finding shall be according to Section 100.108 (a) of the regulations, and the policy on lack of timely notice as published in the *Federal Register* on January 26, 1977, Vol. 42, No. 17, and on December 16, 1981, Vol. 46, No. 241.

CRITERIA FOR SECTION 1122 REVIEWS

In making recommendations concerning projects reviewed under Section 1122 of the Social Security Act, the review body or agency at each level designated in the review process shall consider, but not be limited to, the following criteria, as required under P.L. 93-641 and 96-79 and implementing rules and regulations:

I. The relationship of the health services being reviewed to the applicable Health Systems Plan, Annual Implementation Plan and the State Health Plan.

II. The relationship of services reviewed to the long range development plan (if any) of the person providing or proposing such services.

III. The need that the population served or to be served by such services has for such services.

(For computing the need for beds, computations will be based on the population projections for the anticipated year of opening of the facility which in no case will exceed the ending year of the State Health Plan in effect at the time of review. The Division does not recognize the concept of phasing in beds and all beds shall be considered available as of the projected opening date.)

In considering the need for a proposed project, (DPPE) will review, but not be limited to, the following information:

A. The availability of similar facilities, services and institutional beds within the service area, including but not limited to:

1. Number of similar facilities, services and beds in the service area.

2. Ratio of institutional beds to the population, as a whole and where appropriate, to age groups.

3. Comparison of service area bed ratio with other health service areas in the state and other relevant areas.

4. Distribution of institutional beds, services, and facilities within the area.

B. Accessibility of the target population of the proposed project to existing and proposed facilities and services. (This would include physical and financial accessibility.)

C. Measures of utilization of existing facilities and services:

1. Admission rates per 1,000 persons.

2. Occupancy rate:
$$\frac{\text{Average Daily Census}}{\text{Number of beds}}$$

3. Length of stay (average):
$$\frac{\text{Census X 365}}{\text{Annual Admissions}}$$

4. Other appropriate utilization material.

D. Projections of utilization.

- E. A delineation of the proposed service area.
- F. Various projections of bed need.
- G. The projected population growth or lack of growth of the proposed service area.

IV. The availability of alternative, less costly, or more effective methods of providing such services.

- A. Potential availability of such services.

V. The immediate and long term financial feasibility of the proposal.

VI. The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided.

The (DPPE) will review, but not be limited to, the following information:

A. Documentation of coordination and/or linkage agreements between the applicant and existing or planned health care institutions and/or providers within the service area.

VII. The availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provisions of the services proposed to be provided and the availability of alternative uses of such resources for the provision of other health services.

The (DPPE) will review, but not be limited to, the following information regarding health care staffing:

- A. Physicians
 - a. availability in the service area
 - b. projected availability in the service area
- B. Nursing Personnel
 - a. availability in the service area
 - b. projected availability in the service area
 - c. adequacy of proposed staffing according to required standards.

- C. Management and Other Personnel
 - a. availability in the service area
 - b. projected availability for the proposal

VIII. The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

IX. The special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professional schools, multi-disciplinary clinics, and specialty centers.

X. The special needs and circumstances of health maintenance organizations for which assistance may be provided under Title XIII of the Act.

XI. The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantage.

XII. In the case of a construction project —

A. The cost of methods of the proposed construction, including the costs and methods of energy provision; and

B. The probable impact of the construction project reviewed on the cost of providing health services by the person proposing such construction project.

XIII. In the case of a new facility the applicant must specify the specific site where the facility will be located in addition to a legal property description of the site and must present evidence of ownership or option to acquire such site.

XIV. The applicant shall provide disclosure of those natural persons who are registered agents, directors, officers and principal shareholders of the corporation proposing the capital expenditure.

XV. The extent of cooperation with other facilities in the area; and

XVI. Support of the project by the local community, in-

cluding health related agencies and professional organizations.

The criteria adopted for reviews in accordance with the above may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

In the review of proposed expenditures for new facilities or services, the following general criteria also will be considered:

1. Need
2. Accessibility
3. Availability
4. Financial Feasibility
5. Cost

DATA SOURCES USED IN REVIEWS

Data sources to be used in consideration of full reviews, expedited reviews and election not to reviews shall include, but not be limited to, the following:

A. Information compiled by the (DPPE) Bureau of Research and Information as published on a quarterly basis.

B. Population projections recognized by the State Planning Office as official projections to be used by (DPPE) in the conduct of its reviews.

PLEASE BE ADVISED: An approval issued in accordance with Section 1122 of the Social Security Act in no way relieves an applicant of responsibility for fulfilling other state and/or federal requirements.

Notification of intent to make a capital expenditure subject to Section 1122 review should be addressed to (DPPE) at the address set forth below. Also, questions in regard to applicability of Section 1122 to proposed expenditures or in regard to statewide review policies and procedures should be directed to (DPPE).

For assistance in preparing Section 1122 applications contact the Division of (Policy Planning Evaluation), Box 3776, Baton Rouge, LA 70821, (phone: (504) 342-2001)

Interested persons may submit writtem comments on the proposed changes within 15 days of the date of publication at the following address: Joseph Ross, Director, Division of Policy Planning and Evaluation, Department of Health and Human Resources, Box 3776, Baton Rouge, LA 70821.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: Section 1122 Policies and Procedures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation cost.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no significant impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Joseph Ross
Director

Mark C. Drennen
Legislative Fiscal Officer

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

The Department of Health and Human Resources proposes to adopt changes to the foster family care section of the "Rate Setting for Residential Care System Manual." These proposed changes are in accordance with La. R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. These revisions to the manual are necessary to add procedures for payment for the Office of Mental Retardation foster home program.

Proposed Amendments to the
"Rate Setting Residential Care Manual"

1. Change page 2.2-1, A., First sentence to:
"Board payments are made to foster family homes for clients placed in foster care or substitute family care by the Department."
2. On page 2.2-1, A., add as the second sentence:
"Hereafter, when foster care is used, the phrase encompasses substitute family care."
3. On page 2.2-3 and 2.2-4, change (1) to: "\$6.21 per day for a child under 6 years of age,"; (2) to \$7.24 per day for a child between the ages of 6 years and 12 years,"; and (3) to \$8.27 per day for a client over the age of 13 years. Delete the average monthly payment breakdown for each age group. Delete all of (4). Add "The above cited rates include amounts for food and shelter, clothing, and personal needs."
4. Change page 2.2-6, C.2. to:
"The case worker is responsible for initiating necessary forms for the Regional Service Center business office to generate payment. The forms reflect the amount of board payment authorized. Payment is made retroactive for the prior month and payable no later than the 15th day of the following month. Payment is made effective the first day of placement but not the day of removal. In the event of a transfer from one region to another, there shall be no duplication of payment."
5. On page 2.2-12, E. 1.a., change "child" to "client"
6. Change page 2.2-14, second sentence to:
"Any exceptions to the above stated policy will require approval from State Office, or for the Office of Mental Retardation, approval by the Regional Administrator or his authorized representative."
7. Change page 2.2-15, b. to:
Repayment will normally be accomplished through withholdings from future payments made through the Regional Service Center. If this is not feasible, the Regional Service Center is authorized to accept repayment by check or money order only.
In the event collection of overpayments cannot be accomplished within a reasonable time period as determined by the Regional Service Center, referral shall be made to DHHR Central Collections in accord with agency procedures for such referrals.
8. Change page 2.3-2, 2. to:
A special board rate is authorized by the Substitute Family Case Manager subject to supervisory review. Table 2.3.B is the basis for determining the specific amount of the special board rate. All decisions must be documented on forms prescribed by the Regional Service Center.
Approval for a special board rate is subject to review and renewal at least annually. Approval may be given for less than one year if indicated.

9. Change page 2.4-6, 2. to:
Approval of homes for special use and subsidy is made by the Regional Administrator or authorized representative. Payment procedures are the same as for regular homes with the exception that the rate is \$800 per month in addition to basic room and board, special board and other expenses for each client. Agree-

ments in keeping with Regional Service Center policies and procedures must be on file.

10. Change page 2.5-11, 2. to:
The substitute family may pay for the purchases or charge items to a personal account. Reimbursement is claimed on forms prescribed by the Regional Service Center; with documentation of all costs in excess of \$1.00.
Payment may be made directly to third parties when professional services are rendered to a client. Approval of the Regional Administrator or authorized representative is required. No authorization may extend for more than one year. Payment authorizations shall be in keeping with Regional Service Center policies and procedures.

A public hearing on this proposed rule has been scheduled for July 7, 1983 at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes through July 5, 1983 to the attention of Maxine Hanks, Rate Administrator, P.O. Box 3776, Baton Rouge, LA 70821.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: Rate Setting Manual Change - Foster Care Section

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No costs are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect on revenues is anticipated.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No costs or benefits to affected groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment is anticipated.

Roger P. Guissinger
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 Other Residential Care section of the "Rate Setting for Residential Care System Manual." These proposed changes are in accordance with La. R.S. 15:1081-1086, and 42 CFR 447.252 through 42 CFR 447.274. These revisions to the manual are necessary to clarify sentences or to make minor corrections.

Proposed Amendments to the
"Rate Setting for Residential Care Manual"

1. Correct, on page 3.3-3, the page references by changing to the following:

a. (pg. 3.5 - 13)	e. (pg. 3.5 - 13)	i. (pg. 3.5 - 14)
b. (pg. 3.5 - 14)	f. (pg. 3.5 - 14)	j. (pg. 3.5 - 20)
c. (pg. 3.5 - 20)	g. (pg. 3.5 - 14)	k. (pg. 3.5 - 19)
d. (pg. 3.5 - 20)	h. (pg. 3.5 - 14)	

2. Add on page 3.3-6, 1., after the third sentence in the first paragraph (which ends with the words "prior to rate determination, "), the sentences:

"For example, the December, 1981 CPI was 281.5. The December, 1982 CPI was 292.4. The change represented 3.87%. Therefore, inflation could not be set any lower than 1.94% for the state fiscal year of 1983-84."

3. On page 3.3-6, 1, correct the spelling of "aggregate."

4. On page 3.3-6, 1, add as the last sentence:

"Non-inflatable fixed costs include depreciation, interest, amortization, lease costs, rent and management fees."

5. On page 3.3-20 I, change the second paragraph to:

"Any facility not receiving funds from DHHR the entire preceding state fiscal year for services provided, or ..."

6. On page 3.3-20 I, add to the fourth paragraph:

"A change in ownership is that which is so defined by DHHR's Licensing and Regulations Section."

7. On page 3.5-3, 4., change the first sentence to:

"The attached cost report and budget form will be used by all providers for Title XIX and other facilities receiving State funds."

8. On page 3.5-3, 5., change the last sentence to:

"All providers are required to make these records available upon request to representatives of the State DHHR or Federal DHHS."

9. On page 3.5-3, 7., change the second sentence to:

"Cost data will be appropriately adjusted (as described elsewhere in this manual) for rate setting purposes."

10. On page 3.5-3, 7., add the following address for the Rate Administrator:

"P.O. Box 3776, Baton Rouge, LA 70821."

11. On page 3.5-13, a. (3), add as the last sentence:

"State salaries for this purpose include related benefits."

12. On page 3.5-18 i, change all of i after the title to:

"Any income from such items as sale of medical records, sale of scrap and waste, rental of space, etc, (when the item was included as an allowable cost) shall be offset."

13. On page 3.5-20, change (4) to:

"Remuneration for directors on the facility's Board of Directors. This does not include reimbursement for expenses."

14. On page 3.5-20, add as (10), (11) and (12), the following:

(10) Vending machine expenses

(11) Expenses for gift, flower and coffee shops

(12) Depreciation of equipment used to secure self-generated revenue.

15. On page 3.5-20, delete the last two sentences under Section 1.

16. On page 3.5-24, add at the end of Section 2., the following:

Depreciation of assets being used by a vendor at the time he enters the program is allowed; this applies even though such assets may be fully or partially depreciated on the vendor's books.

So long as an asset is being used, its useful life is considered not to have ended, and consequently the asset is subject to depreciation based on a revised estimate of the asset's useful life as determined by the Provider and approved by Rate Administration.

For example, if a fifty year old building is used at the time the vendor enters the program, depreciation is allowable on the building even though it has been fully depreciated on the vendor's books. Assuming that a reasonable estimate of the asset's continued life is twenty years (seventy years from the date of acquisition) the vendor may claim depreciation over the next twenty years — if the asset is in use that long — or a total depreciation to the program of as much as twenty-seventieths of the asset's historical cost.

17. On page 3.5-29, add as the last sentence under J:

"CPA's may include the standard disclaimers for unaudited

statements."

18. On page 3.8-1, change under the first paragraph, the first assurance listed, to:

"that monies allocated and paid to the provider by the Department for services to clients are properly used for the purpose intended as reflected in the cost reports submitted by the provider."

A public hearing on this proposed rule has been scheduled for July 7, 1983 at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside, Baton Rouge, Louisiana.

Interested persons may submit written comments on the proposed changes through July 5, 1983 to the attention of Maxine Hanks, Rate Administrator, P.O. Box 3776, Baton Rouge, LA 70821.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
for Administrative Rules
Rule Title: Rate Setting Manual Change Other Residential
Care Section Correction**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No costs are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect on revenues is anticipated.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No costs or benefits to affected groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment is anticipated.

Roger P. Guissinger
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 Other Residential Care section of the "Rate Setting for Residential Care System Manual." These proposed changes are in accordance with La. R.S. 15:1081-1086, and 42 CFR 447.252 through 42 CFR 447.274. These revisions to the manual are necessary to change the level of care formula.

In addition to the manual pages, the Department of Health and Human Resources proposes to present to the Subcommittee on Oversight in July, 1984 a report on the effect of the Department of Health and Human Resources' rate setting system on both public and private facilities. The Department proposes that subject to the approval of the Louisiana Ethics Commission for Public Employees of placing private provider representatives on the Rate Setting Policy Committee, the Secretary shall appoint two private providers from a list of nominees to serve at the pleasure of the Secretary. Every private provider shall be allowed to make one nomination to the Secretary for appointment to the Rate Setting Policy Committee.

Proposed Amendments to the
"Rate Setting for Residential Care Manual"

1. On page 3.3-15, b., second sentence, delete the phrase

"or only two adjacent levels."

2. On page 3.3-15, c., add after the word "follows:" "(see exceptions in d.)"

3. On page 3.3-15, change paragraph "d" to Paragraph "e". Create a new paragraph "d" with the following:

"d. An exception to the above adjustments will be made if the level of care is Level V or VI. If the facility is a Level V facility and the median level in its group is Level IV or below, the adjustment will be + 15 percent. If the facility is a Level VI facility and

the median level in its group is Level IV or below, the adjustment will be + 20 percent."

A public hearing on this proposed Rule has been scheduled for July 7, 1983 at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside, Baton Rouge, LA

Interested persons may submit written comments on the proposed changes through July 5, 1983 to the attention of Maxine Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement for Administrative Rules

Rule Title: Review to Rate Setting System

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

Additional cost of \$13,098

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Increase of federal funds of \$26,285

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

A net cost of \$13,098 reflected in the rates of 14 facilities

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

None

Roger P. Guissinger
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 Other Residential Care Section of the "Rate Setting for Residential Care System Manual." These proposed changes are in accordance with La. R.S. 15:1081-1086, and 42 CFR:447.252 through 42 CFR 447:274.

Proposed Amendments to the
"Rate Setting for Residential Care Manual"

1. On page 3.3-5, add as the last sentence of the last paragraph:

"Non-allowable costs as specified in this manual, may be allowed for out-of-state providers."

2. On page 3.3-8, change Section 2, which is entitled "Sample Computation of Basic Support Rate," to Section 3. Add

as the new Section 2, the following:

2. Exception to the Inflation Screen Percentage

An exception to the inflation screen percentage set by the Rate Setting Policy Committee can be granted under the following circumstances:

A program office negotiates with an ongoing provider for capital improvements or additions.

The provider submits detailed twelve-month budget schedules showing incremental costs associated with the improvements or additions and a written justification for the change.

The program office recommends an exception to the inflation screen percentage. The amount of the exception should correspond to the incremental costs of the change.

The inflation screen exception request is approved by the Rate Setting Policy Committee.

The Exception is within Title XIX guidelines for Title XIX funded facilities.

3. On page 3.3-16, delete the last paragraph of Section 2.

4. On page 3.5-2, 2. add:

"A penalty of 5 percent of the total monthly payment for the first month and a progressive penalty of 5 percent of the total monthly payment for each succeeding month may be imposed for non-compliance."

5. On page 3.8-1, last paragraph, add:

"A maximum penalty of 10 percent on the per diem in effect when the error is determined may be imposed."

A public hearing on this proposed Rule has been scheduled for July 7, 1983 at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes through July 5, 1983 to the attention of Maxine Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement for Administrative Rules

Rule Title: Rate Setting for Residential Care Manual

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

The projected cost is approximately \$60,000 in state and federal funds for 1983-84 and 1984-85. This additional cost would be offset by the anticipated savings of \$400,000 which was the estimated impact for the original rule published in the April 20, 1983 *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The increased costs will be partially reimbursed with federal funds. This will allow an increase in federal revenues of approximately \$30,000 in 1983-84 and 1984-85.

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

Existing residential providers would benefit by the exceptions to the basic support inflation screen by approximately \$60,000.

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

There will be no anticipated effect on competition and employment.

Roger P. Guissinger
Secretary

Mark C. Drennen
Legislative Fiscal Officer

refinery located in Alliance. Alliance is about 45 air miles from the Refuge. It is not likely this point source could adversely affect visibility in the Refuge. There are some emissions associated with this activity, but they are relatively small and intermittent. As in any Coastal area, the refuge will be covered with fog periodically. This natural occurrence will have a more pronounced effect on visibility than any man-made endeavor.

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

The person within the agency responsible for responding to inquiries about the proposed revisions is Ms. Terrie Lotton, Air Quality Division, Box 44066, Baton Rouge, LA 70804-4066; telephone (504) 342-1206.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the actions proposed above. Comments, received in person or by mail, before the public hearing will be considered by the Commission before final decision on any of the actions is made. All comments and requests to speak at the hearing should be submitted to B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066. All documents relating to the actions on this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Office of Environmental Affairs, 3945 North I-10 Service Road, Metairie, LA

Reception area, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA

Office of Environmental Affairs, 804 31st Street, Monroe, LA

Office of Environmental Affairs, 1525 Fairfield Avenue, Shreveport, LA

Office of Environmental Affairs, 1155 Ryan Street, Lake Charles, LA

Office of Environmental Affairs, 100 Eppler Road, Lafayette, LA

B. Jim Porter
Assistant Secretary

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

Rule Title: State Implementation Plan (SIP) for Protection of Integral Vistas

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

There will be no estimated implementation costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no estimated effect on revenue collections.

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

There will be no costs to affected groups.

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

NOTICE OF INTENT

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

The Department of Public Safety shall implement a new pricing policy for fiscal year 1983/84 for contractual agreements which require multiple updates over a period of time of Motor Vehicle Registration and Drivers License records. The rate for this service has been increased from \$.018 per record to \$.02 per record.

Pricing and conditions for computerized data base information are as follows:

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

I. Pricing policy for Motor Vehicle and Drivers License master records utilizing the standard utility programs available for one time is as follows:

A. Parish and Municipal Governments - Requesting Less Than 25,000 Records	
5,000 or less records	\$100
10,000 or less records	\$200
15,000 or less records	\$300
20,000 or less records	\$400
25,000 or less records	\$500

B. State, Parish and Municipal Governments - Requesting Greater Than 25,000 Records	
Basic Programming Fee	\$500
First 50,000 records	\$.01 each
Next 100,000 records	\$.005 each
Next 850,000 records	\$.0025 each
All additional records	\$.00125 each

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

D. Cost of Supplies
II. Pricing policy for driver history data is \$5 per history as per statute.

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

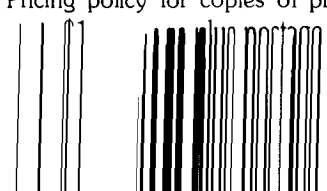
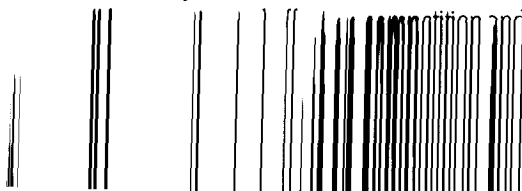
- A. Cost of programmer work hours at \$30 per hour.
- B. Setup cost for Data Control and Operations as applicable (\$20 per hour).
- C. Flat rate charge of \$.02 per record.
- D. Cost of supplies.

IV. Pricing policy for customized one time requests is as follows:

- A. Cost of programmer work hours at \$30 per hour.
- B. Record pricing policy reflected in Section I.
- C. Cost of supplies.

V. Pricing policy for subscriptions to continually updated printed reports requested by non-governmental bodies will be determined on an individual basis.

VI. Pricing policy for copies of preprinted in-house statistical



Rexford L. McDonald, Assistant Undersecretary, Department of Public Safety, Box 66614, Baton Rouge, LA 70896 through close of business July 5, 1983.

Oris B. Johnson
Undersecretary

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

Rule Title: Pricing Policy for Drivers License and Motor Vehicle Registration Records

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

Implementation of this regulation will not affect agency costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The increase in the fee charged will be 2¢ per record. It is estimated that 320,000 such records are sold per year. Therefore the increase in revenue collections is anticipated to be \$6,400 per year.

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

Implementation of this regulation will not produce an adverse effect on any concerned group.

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

Implementation of this regulation will not effect competition or employment.

Oris B. Johnson
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Office of State Fire Marshal**

The Fire Marshal for the State of Louisiana does hereby intend to adopt the following administrative ruling to supplement and amend the present provisions of L.A.C. 17-4:7 and more particularly provisions for IPIA and DAPIA Fees.
L.A.C. 17-4:7.12 IPIA and DAPIA Fees

1. IPIA (In Plant Inspection Agency) fees for the inspection of the construction of manufacturer housing within this state shall be as follows:

A. \$20 for each manufactured home constructed within Louisiana.

B. \$23 per hour for each hour that a field inspector monitors the manufactured housing construction within the Louisiana manufacturing facility.

C. \$30 per hour for each hour the administrative personnel (architect and/or engineer) monitors the mobile home construction within the Louisiana manufacturing facility.

2. DAPIA (Design Approval Primary Inspection Agency) fees shall be \$35 per hour for each hour the administrative personnel (architect and/or engineer) perform plan and specification reviews for mobile home designs.

3. The fees required shall be paid to the Office of State Fire Marshal, made payable to the Department of Public Safety, State

of Louisiana.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street New Orleans, LA 70115, (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 July 5, 1983 at 12 noon at which time and place any person may present their views orally or in writing.

Carrol L. Herring
State Fire Marshal

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

Rule Title: Proposed Admendment to L.A.C. 17-4:7; Mobile Homes Adding Section 17-4:7.12

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

Implementation of this regulation will not affect agency costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

As the fees have been increased for inplant inspections, administrative and engineering services and DAPIA Services there will be an increase in revenue collections. The estimated revenue increases are set forth as follows:

	#hours	old fee	new fee	Increase	Revenue Increase
IAPA (per home manufactured)	3,650	\$15	\$20	\$5	\$18,250
In plant inspection (field inspectors)	275	\$18	\$23	\$5	\$ 1,375
Plant inspections (Administrative and/or engineer)	112	\$25	\$30	\$5	\$ 560
DAPAI (plan review)	130	\$30	\$35	\$5	\$ 650
Total Revenue Increase					\$20,835

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

Implementation of this regulation will cost mobile home manufacturers located in the state an additional \$20,835 per year.

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

Implementation of this regulation will affect the cost of each mobile home manufactured in the state by \$5.71. This increase will not place an undue burden on the manufacturers.

Carrol L. Herring
State Fire Marshal

Mark C. Drennen
Legislative Fiscal Officer