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# Executive Orders

## EXECUTIVE ORDER EWE 84-31

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

WHEREAS, the volume of Bonds which may be issued in the State of Louisiana during the calendar year 1984 is restricted by the Tax Reform Act to \$150 per person which, based on the July 1, 1983 estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, would allow the issuance of \$665,700,000 of Bonds in the State of Louisiana during the calendar year of 1984 (the "Ceiling");

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

WHEREAS, the formula for allocating the Ceiling included in the Tax Reform Act would provide excessive allocations to certain issuers of Bonds and insufficient allocations to other issuers of Bonds, thus causing an inefficient use of the Ceiling and resulting in a decrease in the amount of industrial, agricultural, commercial and economic growth in the State of Louisiana;

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

WHEREAS, the Ceiling for the year 1984 (not including Bonds issued to finance projects which received an inducement resolution or other comparable preliminary approval before June 19, 1984 and which are delivered before January 1, 1985 which are excluded from the Ceiling and need not obtain an allocation under the provisions of this Executive Order) should be sufficient to satisfy the needs of the State of Louisiana and its political subdivisions; and

WHEREAS, the governor of the State of Louisiana desires to (i) exercise his authority under the Tax Reform Act to modify the allocation of the Ceiling among the issuers of Bonds within the state, (ii) set forth the procedure for obtaining an allocation of Bonds under the volume limitations, and (iii) provide for a central record keeping arrangement.

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

SECTION 1. The aggregate amount of Bonds which may be issued collectively by all issuers (as used herein "issuer" or "issuers" means any entity or entities now or hereafter authorized to issue Bonds under the Constitution or laws of the State of Louisiana) during the calendar year 1984 (not including Bonds approved by an issuer prior to June 19, 1984 and delivered prior to January 1, 1985) shall not exceed the total amount of the Ceiling.

SECTION 2. The Ceiling shall be allocated among all issuers on the basis of the chronological order of receipt from an issuer of the application described in Section 3 of this Executive Order.

SECTION 3. An issuer which proposes to issue Bonds for a specific project or purpose must make application for an allocation of a portion of the Ceiling for the particular project or purpose by submitting an application to the director of the State Bond

Commission or such other person or persons on the staff of the State Bond Commission designated by him for such purpose (the "SBC Staff") which contains the following information:

(a) The name and address of the issuer of the Bonds;

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

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

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

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

(f) Either (i) a bond purchase agreement or other written commitment to purchase the Bonds for which an allocation is requested, executed by one or more purchasers, setting forth in detail the principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds, (ii) in the case of a public offering of the Bonds for which the allocation from the Ceiling is requested, a binding Bond purchase or underwriting agreement obligating the underwriter or underwriters to sell or purchase the Bonds within 60 days of the receipt of an allocation hereunder, setting forth in detail the proposed principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds, or (iii) a \$7,500 escrow deposit which will be forfeited in the event the Bonds for which an allocation is granted are not delivered within the allocation period (The \$7,500 deposit shall be returned to the party depositing the same without interest upon the substitution of the items described in (i) or (ii) above or delivery of the Bonds within the allocation period (including any extension). In the event that such Bonds are not delivered within the allocation period the deposit shall be forfeited and deposited in the State Treasury, unless the failure to deliver such Bonds is the result of the State Bond Commission denying approval of such Bonds in which case the deposit shall be returned to the party depositing same without interest.); and

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

SECTION 4. Immediately upon receipt of a completed application described in Section 3 hereof, for projects or purposes which require \$40,000,000 or less of Bonds, the SBC Staff shall automatically grant an allocation of Bonds up to that amount based on chronological order of receipt of such completed applications, limited only to the availability of Bonds under the Ceiling. In the event that an issuer submits an application for an allocation of more than \$40,000,000 in Bonds, the SBC Staff shall immediately allocate to that issuer \$40,000,000, provided that there are sufficient Bonds available under the Ceiling to award \$40,000,000, and shall retain in its files the application for the purpose of reconsideration on November 15, 1984.

On November 15, 1984 the SBC Staff shall determine the amount of the Ceiling remaining and shall allocate to each application which has requested more than \$40,000,000 of Bonds up to an additional \$20,000,000 of Bonds based on chronological order of receipt of the completed applications and shall continue allocating up to \$20,000,000 of Bonds based on the chronological order of receipt of the completed applications until all such appli-

cations have been satisfied or the Ceiling shall have been reached, as set forth in the following example:

#### EXAMPLE

Assume the following facts: Application "A" is received on September 1, 1984 and requests \$50,000,000, application "B" is received on September 15, 1984 and requests \$65,000,000 and application "C" is received on October 5, 1984 and requests \$100,000,000. The SBC Staff initially granted each of such applications a \$40,000,000 allocation. On November 15, 1984 the Ceiling remaining equals \$70,000,000.

The SBC Staff would allocate the \$70,000,000 Ceiling by initially granting application "A" \$10,000,000, application "B" \$20,000,000 and application "C" \$20,000,000. The SBC Staff would then grant application "B" an additional \$5,000,000 and the remainder of the Ceiling (\$15,000,000) would be allocated to application "C".

SECTION 5. Upon receipt of the completed application required by Section 3 hereof, the SBC Staff shall within ten days of the receipt thereof notify the person designated in the application of the allocation of the portion of Ceiling to be applied to the project or purpose requested in the issuer's application. The allocation from the Ceiling will remain valid through the earlier of (i) 60 days from the date the notice of the allocation is mailed to the person designated, (ii) December 31, 1984 or (iii) the date upon which the State Bond Commission denies approval of the Bonds which have received an allocation; unless, in the case of (i) above, the issuer requests an extension of time for the allocation to remain valid, in which event the allocation will be automatically extended one time to the earlier of 30 days from the date of the expiration of the 60 day period, December 31, 1984 or the date upon which the State Bond Commission denies approval of the Bonds which have received an allocation.

SECTION 6. In the event the allocation of the Ceiling for a particular project or purpose expires as provided in Section 5 of this Executive Order, the issuer may resubmit its application for an allocation of a portion of the Ceiling for such project or purpose, and the application of the issuer relating to such project or purpose will be reviewed in chronological order of receipt, but no preference or priority will be given to the issuer as a result of its prior application for such project or purpose.

SECTION 7. The SBC Staff shall maintain accurate records of all allocations and all Bonds delivered. All issuers of Bonds which have received an allocation must notify the SBC Staff of the delivery of Bonds within five days of the delivery of such Bonds and shall specify the total principal amount of Bonds issued. The SBC Staff shall provide to any person so requesting every two weeks and any other time requested: (i) a list of the amount of unallocated Ceiling remaining on the date such request is made (ii) a list of allocations (naming the issuer and amount of allocation) which have been made by the SBC Staff and the date of each allocation and any extension, (iii) a list of applications being held by the SBC Staff which have requested more than \$40,000,000 of Bonds and (iv) a list of Bonds which have been given an allocation and have been delivered.

SECTION 8. The director of the State Bond Commission, or a person on the SBC Staff designated by him, shall be the person authorized to sign the Certificate of No Consideration For Allocation required by Section 621 of the Tax Reform Act, with respect to each allocation.

SECTION 9. If at any time the remaining amount of the Ceiling is insufficient to meet the request for allocation of two or more applications which were received in completed form by the SBC Staff on the same day, then the allocation shall be made based on the chronological order of adoption of an inducement or other resolution by the respective issuer for the project or purpose for

which an allocation is requested, and if the inducement or other resolution of such applications were adopted on the same day the allocation for those projects induced on the same day shall be made on a *pro-rata* basis.

SECTION 10. If the Ceiling exceeds the aggregate amount of Bonds issued during 1984 by all issuers, the SBC Staff shall allocate such excess to issuers for use as a carryforward for one or more carryforward projects, as defined in Section 621 of the Tax Reform Act, on a *pro-rata* basis, for all carryforward projects which have submitted a completed application to the SBC Staff and a request to be treated as a carryforward project. The SBC Staff shall notify the issuers which are allocated a portion of the Ceiling for a carryforward project at least five days prior to the last date an election to carryforward a portion of the Ceiling may be made. For purposes of requesting an allocation to be used for a carryforward project, issuers may request such allocation for Bonds which received an inducement resolution or other comparable preliminary approval on, before or after June 19, 1984.

SECTION 11. This Executive Order only relates to "private activity bonds" as defined in the Tax Reform Act, which are referred to herein as "Bonds". No issuer shall apply for or be entitled to an allocation from the Ceiling for bonds which do not constitute "private activity bonds" as defined in the Tax Reform Act.

SECTION 12. The responsibility for allocating the Ceiling hereunder is hereby delegated solely to the SBC Staff and shall be exercised by the SBC Staff independent of any of its other duties and responsibilities with respect to the State Bond Commission.

SECTION 13. This Executive Order shall be effective on the date of execution by the Governor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 5th day of October, in year of our Lord One Thousand Nine Hundred and Eighty Four.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 84-32

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

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

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

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



in the State and adversely affect the development of environmental protection facilities;

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

WHEREAS, the governor of the State of Louisiana desires to (i) exercise his authority under the Tax Reform Act to modify the allocation of the Ceiling, (ii) set forth the procedure for obtaining an allocation of Bonds under the volume limitations, and (iii) provide for central record keeping in connection with the allocations of the Ceiling.

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

## **Article I**

### **Definitions**

SECTION 1.1 All terms defined in the preamble hereof shall have the same meanings in this Executive Order.

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

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

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

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

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

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

## **Article II**

### **State Allocation Pool**

SECTION 2.1 There is hereby reserved and placed in a pool to be designated "State Allocation Pool" 60 percent of the Ceiling, which pool shall be administered as hereinafter provided.

SECTION 2.2 For the period commencing January 1, 1985 through September 14, 1985, the State Allocation Pool shall be allocated to those projects whose operations and lines of business offer now or in the foreseeable future the most favorable economic return to the State or an area within the State. Only issuers having statewide jurisdiction may apply for allocations from the State Allocation Pool as provided herein. 50 percent of the Ceiling (five-sixths of the State Allocation Pool) shall be reserved for applications submitted by the Louisiana Public Facilities Authority ("LPFA"). In the event the LPFA utilizes all of the 50 percent of the Ceiling so reserved, the LPFA shall be entitled to make application for allocations from the remaining funds in the State Allocation Pool. Each allocation from the State Allocation Pool shall be evidenced by Executive Order supplemental hereto and a copy of each such Executive Order shall be filed with the SBC Staff.

## **Article III**

### **Local Allocation Pool**

SECTION 3.1 In order to provide for the special needs of local units of government, the remaining 40 percent of the Ceiling is hereby reserved for the benefit of local issuers. The portion of the Ceiling reserved for the benefit of local issuers in this Section is hereinafter referred to as the "Local Allocation Pool."

SECTION 3.2 It is the intention of this Executive Order to allow issuers in heavily populated areas to issue a sufficient amount of Bonds to meet their minimal needs without adversely affecting the ability of issuers in small population areas to also issue

bonds for their purposes. Therefore, there is hereby created within the Local Allocation Pool, a dedicated pool for each Parish having a population greater than 250,000, based upon the July 1, 1983 Preliminary Population Estimates for Louisiana Parishes, prepared by the Research Division, College of Administration and Business, Louisiana Tech University, Ruston, Louisiana (the "Parish Population Estimate"). Each such dedicated pool shall contain a portion of the Local Allocation Pool equal to \$50 multiplied by the population of the respective parish based upon the population set forth in the Parish Population Estimate (all such pools shall collectively be referred to as the "Dedicated Pools," and individually as a "Dedicated Pool").

SECTION 3.3 For the period commencing January 1, 1985 through August 31, 1985, only issuers having jurisdiction solely within the boundaries of a parish for which a Dedicated Pool was formed under Section 3.2 hereof shall be entitled to apply for an allocation from the respective Dedicated Pool. (For example, only issuers having jurisdiction **solely** within the respective parish such as the parish governing authority, incorporated municipalities and city and parish industrial development boards and other issuers authorized to issue Bonds solely within the parish would be entitled to apply for an allocation from the respective Dedicated Pool, but an issuer with jurisdiction beyond the boundaries of a parish such as a multi-parish issuer is not entitled to receive an allocation from any Dedicated Pool).

SECTION 3.4 There is hereby further created within the Local Allocation Pool a special pool for the benefit of port commissions and port, harbor and terminal districts and multi-parish issuers (the "Special Issuer Pool"). The Special Issuer Pool shall contain ten percent of the Ceiling. Each allocation from the Special Issuer Pool shall be granted by the governor and shall be evidenced by Executive Order supplemental hereto and a copy of each such Executive Order shall be filed with the SBC Staff.

SECTION 3.5 For the period commencing January 1, 1985 through August 31, 1985, only port commissions and port, harbor and terminal districts and multi-parish issuers shall be entitled to apply for an allocation from the Special Issuer Pool.

SECTION 3.6 For the period commencing January 1, 1985 through September 14, 1985, all local issuers shall be entitled to apply for an allocation of Bonds from the Local Allocation Pool; provided, however, that local issuers entitled to receive an allocation from a Dedicated Pool or Special Issuer Pool must first use the Dedicated Pool or Special Issuer Pool until the total amount within the Dedicated Pool or Special Issuer Pool has been allocated.

## **Article IV**

### **Consolidation of Pools**

SECTION 4.1 On September 1, 1985 the Dedicated Pools and the Special Issuer Pool shall be consolidated with the Local Allocation Pool and thereafter all local issuers shall be entitled to obtain an allocation from the consolidated Local Allocation Pool, which allocations shall be granted in chronological order of receipt of the application for an allocation referred to in Section 5.4 hereof without regard to whether the application requested an allocation from a Dedicated Pool, the Special Issuer Pool or the Local Allocation Pool.

SECTION 4.2 On September 15, 1985 the Local Allocation Pool (including the Dedicated Pool and the Special Issuer Pool) and the State Allocation Pool shall be consolidated and combined into one pool to be designated the "State Pool." Commencing September 15, 1985 and extending through December 31, 1985 all issuers will be eligible to obtain an allocation from the State Pool, subject to the following:

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

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

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

#### **Article V**

##### **Application and Procedure for Allocations**

SECTION 5.1 On January 1, 1985 or the first business day thereafter, the State Bond Commission staff (the "SBC Staff") shall determine the total volume of Bonds that may be issued by the State of Louisiana during the year 1985, according to the most recently published population estimate by the U.S. Department of Commerce—Bureau of Census.

SECTION 5.2 The SBC Staff shall as soon as practicable thereafter publish a notice in the "Daily Journal of Commerce" and the official journal of the state or their successor publication, specifying the amount of the Ceiling.

SECTION 5.3 The allocation of the Ceiling from the appropriate pools created hereby will be considered on the basis of the chronological order of receipt from an issuer of the application set forth in Section 5.4 of this Executive Order.

SECTION 5.4 An issuer which proposes to issue Bonds for a specific project or purpose must make application for an allocation of a portion of the Ceiling for the particular project or purpose by submitting an application to the SBC Staff, which contains the following information:

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

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

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

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

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

(f) Either (i) a Bond purchase agreement or other written commitment to purchase the Bonds for which an allocation is requested, executed by one or more purchasers, setting forth in detail the principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds, (ii) in the case of a public offering of the Bonds for which the allocation from the Ceiling is requested, a binding Bond purchase or underwriting agreement obligating the underwriter or underwriters to sell or purchase the Bonds within 60 days of the receipt of an allocation hereunder, setting forth in detail the proposed principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds, or (iii) a \$7,500 escrow deposit which will be forfeited in the event the Bonds for which an allocation is granted are not delivered within the allocation period (The \$7,500 deposit shall be returned to the party depositing the same without interest upon the substitution of

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

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

SECTION 5.5 Upon receipt of the completed application required by Section 5.4 hereof for allocations from the Local Allocation Pool or a Dedicated Pool, the SBC Staff shall, within ten days of the receipt thereof, notify the person designated in the application of the allocation of the Ceiling to be applied to the project or purpose requested in the issuer's application.

SECTION 5.6 Immediately upon receipt of a completed application described in Section 5.4 hereof for an allocation of a portion of the Ceiling from the Local Allocation Pool or a Dedicated Pool for a particular project or purpose which requires the issuance of \$20,000,000 or less of Bonds, the SBC Staff shall automatically grant an allocation of Bonds up to that amount limited only to the availability of Bonds under the appropriate allocation pool. In the event that an issuer submits an application for an allocation from the Local Allocation Pool or a Dedicated Pool of more than \$20,000,000 in Bonds, the SBC Staff shall immediately allocate to that issuer \$20,000,000, provided there is sufficient Bonds available under the appropriate allocation pool, and shall retain the application for consideration of the allocation of additional amounts of Bonds on November 1, 1985.

SECTION 5.7 Upon receipt of a completed application described in Section 5.4 hereof for an allocation of a portion of the Ceiling from the State Allocation Pool, the Special Issuer Pool or the State Pool for a particular project or purpose, the SBC Staff shall immediately forward such application to the governor. Upon consideration by the governor and determination by the governor that a project is eligible for an allocation, the governor may allocate up to \$20,000,000 of Bonds for such project or purpose from the appropriate pool. If an issuer submits an application for an allocation from the State Allocation Pool, the Special Issuer Pool or the State Pool requesting an allocation of more than \$20,000,000 in Bonds, the SBC Staff shall retain the application for reconsideration by the governor on November 1, 1985 for an additional amount of allocation.

SECTION 5.8 Any allocation from the Ceiling from any pool will remain valid through the earlier of (i) 60 days from the date the notice of the allocation is mailed to the person designated, (ii) December 31, 1985 or (iii) the date upon which the State Bond Commission denies approval of the Bonds which have received an allocation; unless, in the case of (i) above, the issuer requests an extension of time for the allocation to remain valid in which event the allocation will be extended one time to the earlier of 30 days from the date of the expiration of the 60 day period, December 31, 1985 or the date upon which the State Bond Commission denies approval of the Bonds which have received an allocation.

SECTION 5.9 On November 1, 1985 the SBC Staff shall determine the remaining amount of the Ceiling for 1985 and shall submit to the governor for consideration all applications for allocations of Bonds in excess of \$20,000,000 for which the SBC staff has received in writing during the period commencing October 15, 1985 through October 31, 1985 a notification of the applicants' continued desire to receive an increased allocation. The governor may grant, until the Ceiling is exhausted, additional allocations limited to \$20,000,000 per project unless the governor determines that a project satisfies a particularly important state or local

need, in which event the governor may allocate additional amounts limited only to the amount of the Ceiling remaining. Each additional allocation shall be evidenced by an Executive Order and a copy of each Executive Order shall be filed with the SBC staff.

SECTION 5.10 In the event the allocation of the Ceiling for a particular project or purpose expires as provided in Section 5.8 of this Executive Order, the issuer may resubmit its application for an allocation of a portion of the Ceiling for such project or purpose, and the application of the issuer relating to such project or purpose will be reviewed in chronological order of receipt, but no preference or priority will be given to the issuer as a result of its prior application for such project or purpose.

SECTION 5.11 In order to make maximum use of the Ceiling, to promote economic growth and the development of environmental protection facilities in the State of Louisiana, and to treat all interests fairly, it is the intent of this Executive Order that the SBC staff shall not exercise any discretion in the allocation of Bonds from the Local Allocation Pool or a Dedicated Pool. The SBC Staff shall handle and dispose of each application in the chronological order of receipt. If an application is received for an allocation from a Dedicated Pool that has insufficient volume remaining to satisfy such request, the SBC staff shall, if the issuer so requests, allocate to such issuer the amount available within the Dedicated Pool and to the extent there are amounts remaining in the Local Allocation Pool, shall allocate the additional amounts to such issuer from the Local Allocation Pool, subject to the dollar amount limitations set forth in Section 5.6 hereof. In the event that an application is made for an allocation from the Special Issuer Pool and there is an insufficient volume remaining for such request, the governor may allocate the amount remaining in the Special Issuer Pool and to the extent there are amounts remaining in the Local Allocation Pool, the governor may direct the SBC Staff to allocate additional amounts from the Local Allocation Pool, subject to the dollar limitations set forth in Section 5.6 hereof. If an application is received for an allocation from the Local Allocation Pool and the Local Allocation Pool has insufficient volume remaining to satisfy such request, the SBC staff shall notify the issuer requesting the allocation and if the issuer so requests, shall allocate to such issuer the amount available within the Local Allocation Pool. If the issuer further requests, the remaining portion of the issuer's request (up to a total initial allocation of \$20,000,000 for such project or purpose) shall be reconsidered upon consolidation of the Local Allocation Pool, the Special Issuer Pool and the Dedicated Pools described in Article IV hereof based on the date of the original filing of the application requesting an allocation.

SECTION 5.12 The SBC staff shall maintain accurate records of all allocations and all Bonds delivered. All issuers of Bonds which have received an allocation must notify the SBC staff of the delivery of Bonds within five days of the delivery of such Bonds and shall specify the total principal amount of Bonds issued. The SBC staff shall provide to any person so requesting every two weeks and any other time requested: (i) a list of the amount of unallocated Ceiling remaining on the date such request is made (ii) a list of allocations (naming the issuer and amount of allocation) which have been made by the SBC staff or the governor and the date of each allocation and any extension, (iii) a list of applications being held by the SBC staff which have requested more than \$20,000,000 of Bonds and (iv) a list of Bonds which have been given an allocation and have been delivered.

SECTION 5.13 The director of the State Bond Commission, or a person on the SBC staff designated by him, shall be the person authorized to sign the Certificate of No Consideration for Allocation required by Section 621 of the Tax Reform Act, with respect to each allocation from the Local Allocation Pool or a Dedicated Pool, and the governor shall sign such Certificate with re-

spect to each allocation from the State Allocation Pool, the Special Issuer Pool and the State Pool.

SECTION 5.14 If at any time the remaining amount of the Ceiling in the Local Allocation Pool or a Dedicated Pool is insufficient to meet the request for allocation of two or more applications which were received in completed form by the SBC staff on the same day, then the allocation shall be considered based on the chronological order of adoption of an inducement or other resolution by the respective issuer for the project or purpose for which an allocation is requested, and if the inducement or other resolution of such applications were adopted on the same day the allocation for those projects induced on the same day shall be made on a *pro-rata* basis.

SECTION 5.15 If the Ceiling exceeds the aggregate amount of Bonds issued during 1985 by all issuers, the governor may allocate such excess to issuers for use as a carryforward for one or more carryforward projects, as defined in Section 621 of the Tax Reform Act, through the issuance of an Executive Order for all carryforward projects which have submitted a completed application to the SBC staff and a request to be treated as a carryforward project. The SBC staff shall notify the issuers which are allocated a portion of the Ceiling for a carryforward project at least five days prior to the last date an election to carryforward a portion of the Ceiling may be made.

SECTION 5.16 This Executive Order only relates to "private activity bonds" as defined in the Tax Reform Act. No issuer shall apply for or be entitled to an allocation from the Ceiling for bonds which do not constitute "private activity bonds" as defined in the Tax Reform Act.

SECTION 5.17 The responsibility for granting allocations from the Local Allocation Pool and Dedicated Pools is hereby delegated solely to the SBC staff and shall be exercised by the SBC staff independent of any of its other duties and responsibilities with respect to the State Bond Commission.

SECTION 5.18 This Executive Order shall be effective on January 1, 1985.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 5th day of October, in year of our Lord One Thousand Nine Hundred and Eighty Four.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

### EXECUTIVE ORDER EWE 84-33

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

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

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

WHEREAS, it is mandated that state and local agencies

closely coordinate their efforts in developing plans which met the locally determined need for programs to alleviate employment problems; in reducing duplication and gaps in program plans and services, and in effectively and economically utilizing state and federal funds; and

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

WHEREAS, a state job training coordinating council must be established in accordance with the guidelines set forth in the JTPA, and in the Secretary of Labor's rules and regulations as published in the *Federal Register*.

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

SECTION 1: The Louisiana Department of Labor is designated as the administrative entity for all JTPA operations in the state.

SECTION 2: The Governor's State Job Training Coordinating Council is established in the office of the secretary of the Department of Labor and shall consist of the following members, each of whom shall be appointed by the governor:

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

(B) Not less than 20 percent of the membership of the council shall be representatives of the state legislature and state agencies and organizations, such as the state educational agency, the state vocational education board, the state advisory council on vocational education, the State Board of Elementary and Secondary Education (when not otherwise represented), state public assistance agencies, the office of employment security, the division of rehabilitation services, the state occupational information coordinating council, state postsecondary institutions, the Governor's Economic Development Commission, state veteran's affairs agencies or equivalent, and such other agencies as the governor determines to have a direct interest in employment and training and human resources utilization within the state.

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

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

(E) The governor shall select one nongovernmental member to serve as chairman of the council. Each member shall serve at the pleasure of the governor.

SECTION 3: The council shall meet at regular intervals and at other times it deems advisable.

SECTION 4: The council shall be provided professional, technical, and clerical staff of the Department of Labor and shall be answerable to the secretary of the Department of Labor or his designee.

SECTION 5: The plans and decisions of the council shall be subject to approval by the governor or his designee.

SECTION 6: The council shall:

(A) Plan, coordinate and monitor the programs and services under the JTPA.

(B) Recommend a governor's coordination and special services plan.

(C) Recommend to the governor substate service delivery areas, and shall plan resource allocations under Section 302 (b) for the governor's coordination and special services plan; develop appropriate linkage with other programs; coordinate activities with private industry council; and shall recommend variations in performance standards.

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

(E) Review the operation of programs conducted in each service delivery area, and the availability, responsiveness, and adequacy of state services, and shall make recommendations to the governor, appropriate elected officials, and private industry councils, service providers, the legislature, and the general public as to ways to improve the effectiveness of such programs or services.

(F) Review and comment on the state plan developed for the state employment service agency.

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

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

(I) Comment at least once annually on the reports required pursuant to section 105 (d) (3) of the Vocational Education Act of 1963.

(J) Review plans of each state agency providing employment, training, and related services, and provide comments and recommendations to the governor, the legislature, state agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the state.

SECTION 7: No member of the council, other than a legislator serving thereon, shall receive a per diem or other compensation for his duties pursuant to this order, but shall be reimbursed for his actual expenses incurred in the performance of his duties in accordance with the rules and regulations of the Division of Administration. A legislator serving as a member of the council shall receive a per diem in accordance with law.

SECTION 8: This order shall remain in effect until amended, modified, or rescinded by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 10th day of October, 1984.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 84 - 34

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

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

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

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

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

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

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

SECTION 1: The administrative unit of Louisiana's labor market information programs shall be within the Louisiana Department of Labor under the direction of the secretary of the department;

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

SECTION 3: The secretary of the Department of Labor shall be responsible for the allocation of any federal, state, or private funds appropriated for labor market information purposes or programs.

SECTION 4: This order shall remain in effect until amended, modified, or rescinded by the governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 10th day of October, 1984.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 84 - 35

WHEREAS, because the welfare of our children is a major priority of the citizens of this nation, the Child Support Enforcement

Program was developed as a state and federal effort to ensure that children are supported financially by their parents, to foster family responsibility, and to reduce the cost of welfare to the taxpayers; and

WHEREAS, the number of single parent households increased by 97 percent in the past decade, 90 percent of which are maintained by women; and

WHEREAS, an estimated 40 percent of marriages contracted in the 1980's will end in divorce, further increasing the number of single parent households; and

WHEREAS, due to the inability, in a significant number of cases, of the single parent maintaining such a household to obtain or collect child support payments from the noncustodial parent, the single parent family has become a significant factor in the nation's high poverty figures and growing social spending; and

WHEREAS, the United States Congress has addressed this growing problem by enacting H.R. 4325, the Child Support Enforcement Amendments of 1984, to strengthen the child support enforcement system, which amendments were signed into law by the president on August 17, 1984; and

WHEREAS, these amendments require each state to examine those provisions of state law which relate to its role in the child support enforcement system to determine whether revisions in state law are necessary to implement the federal amendments;

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

SECTION 1: The Child Support Enforcement Commission is hereby established in the office of the governor.

SECTION 2. The commission shall be composed of the following members, each of whom shall be appointed by the governor to serve at the pleasure of the governor:

- a. Three members of the Senate.
- b. Three members of the House of Representatives.
- c. Two attorneys licensed to practice law in this state.
- d. Two state court judges.
- e. Two members of the Louisiana District Attorneys Association.
- f. One member of the Louisiana Sheriffs Association.
- g. One member of the staff of the Department of Health and Human Resources.
- h. Two members of the Governor's Commission for Women.
- i. Two members of the Louisiana Child Support Enforcement Association.
- j. One custodial parent.
- k. One noncustodial parent.
- l. One representative of a child welfare agency.
- m. One representative of the office of the governor.

SECTION 3: The governor shall designate one member to serve as chairman of the commission. The commission may elect such other officers as is deemed necessary.

SECTION 4: The commission shall study the state's role in the child support enforcement system as well as specific problems addressed by this system, including:

- a. Visitation by the noncustodial parent.
- b. Establishment of objective standards for setting child support awards.
- c. Enforcement of interstate child support obligations.
- d. The availability, cost and effectiveness of child support enforcement services currently provided by the state and federal governments.
- e. Additional federal and state legislation to ensure support for all children.

SECTION 5: The commission shall submit to the governor and the legislature a written report of their findings and rec-

ommendations for legislation by April 1, 1985. This report shall be made available to the public.

SECTION 6: The commission is authorized to use the staff, services, and facilities of the Department of Health and Human Resources to carry out its duties and may use such other personnel, counsel, and facilities as may be obtained from any other public or private source. The commission further is authorized to accept and to expend or otherwise utilize grants, donations, appropriations, or contributions of money from any public or private source to fulfill the purposes of this order.

SECTION 7: No member of the commission, other than a legislator serving thereon, shall receive a per diem or other compensation for his services. A legislator serving as a member shall receive a per diem in accordance with law. Each member shall be reimbursed for his actual expenses incurred in the performance of his duties hereunder in accordance with the rules and regulations of the Division of Administration.

SECTION 8: This order shall remain in effect until modified, amended, or rescinded by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of October, 1984.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 84-36

WHEREAS, the Community Action Agencies (CAA's) within the state operate to ameliorate poverty in local areas and to receive funds for specific state and federal programs from several recognized departments and agencies of the state; and

WHEREAS, coordination of activities between the departments and agencies of the state which provide funds for CAA's will result in serving the poor of the state in a more effective manner; and

WHEREAS, the coordination of activities can best be accomplished by the establishment of a Community Action Agency Task Force, comprised of designated representatives for the recognized departments and agencies of the state which provides funding for the CAA's, and of appointed representatives of the CAA's in the state;

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

SECTION I: The Governor's Community Action Agency Task Force is hereby established in the office of the secretary of the Department of Labor.

SECTION II: Membership; terms; compensation

A. The task force shall consist of representatives of each state department or agency which provides funding to Community Action Agencies, and representatives of the Community Action Agencies within the state, to be selected as follows:

1. The secretary of each state department or the director of each state agency as described hereinabove shall designate two representatives from his department or agency to serve as members of the task force.
2. The executive director of the Louisiana Association of Community Action Agencies shall serve as a member.
3. The governor shall select two members from the executive directors of the Community Action Agencies.

B. Each member shall serve at the pleasure of the appointing authority.

C. No member of the task force shall receive compensation for his services on this task force.

SECTION III: The governor shall appoint the chairman of the task force from among the members, who shall serve at the pleasure of the governor.

SECTION IV: The goals of the task force shall include, but not be limited to:

A. Establishment of a system of communication between departments to assist in resolution of common problems.

B. Coordination of the development of standardized forms for use by all departments to alleviate paperwork.

C. Coordination of efforts to implement the single audit concept of all activities of the CAA.

D. Identification of any areas which need coordinated efforts, and establishment of systems to provide the coordination.

SECTION V: The task force is authorized to use the staff, services and facilities of the Department of Labor to carry out its duties pursuant to this order.

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 15th day of October, 1984.

Edwin Edwards  
GOVERNOR OF LOUISIANA

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 84-37

WHEREAS, one of the primary responsibilities of state government is to promote the welfare of the citizens of the state by recognizing and meeting the special problems and needs of certain members of our society; and

WHEREAS, it is the policy of this state and of this administration to ensure the provision and adequacy of treatment programs for the mentally and physically handicapped children of this state in the least restrictive environment; and

WHEREAS, in order to meet this responsibility and to adhere to this policy, it is essential that the judgment and other orders rendered in the matter entitled "Gary W., et al vs. State of Louisiana, et al" be fully implemented and obeyed as soon as possible, said implementation to be assigned a high priority by this administration and to be accomplished not later than six months from the date of this order;

NOW THEREFORE I, EDWIN EDWARDS, do hereby order and direct as follows:

SECTION 1: All responsibility for the implementation of the judgment and orders in the suit entitled "Gary W., et al vs. State of Louisiana, et al" is hereby transferred to the office of the secretary of the Department of Health and Human Resources (DHHR).

SECTION 2: George Fischer is hereby appointed as special assistant to the governor and shall be assigned to the office of the secretary of DHHR for the purpose of expediting implementation of the abovementioned judgment and orders.

SECTION 3: George Fischer is hereby granted full responsibility and authority for implementation of said judgment and



orders and is directed to cooperate fully with the secretary of DHHR in this matter.

SECTION 4: The assistant secretaries of the office of mental health and office of alcoholism and substance abuse, office of family security, the office of human development, and the office of mental retardation and all other officials and employees of DHHR, are hereby directed to render full and complete cooperation to George Fischer and the secretary of DHHR in expediting the implementation of said judgment and orders, and are further directed to comply with any orders, requests, or instructions of Mr. Fischer in order to fulfill the purposes of this order.

SECTION 5: The secretary of DHHR is directed to assign Melvin Meyers, assistant secretary, on a high priority basis to assist Mr. Fischer on all programmatic matters and issues necessary to implement said judgment and matters as soon as possible.

SECTION 6: The program and placement plan for each plaintiff class member which has been reviewed and approved by the Special Review Committee, as designated under the order in this matter, shall be implemented, and care shall be taken to ensure that no such class member will be placed in an environment without adequate support services.

SECTION 7: The cost of any special studies, evaluations, reports, or other similar programs or matters relating to this subject shall be paid from funds appropriated or otherwise allocated to the Department of Health and Human Resources.

SECTION 8: This order shall remain in effect until amended, modified, supplemented, or rescinded by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 16th day of October, 1984.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

### EXECUTIVE ORDER EWE 84-38

WHEREAS, Executive Order EWE 84-13 imposed a moratorium on the approval of applications for certain health care facilities or services under the federal Title XIX, Section 1122 program for an indefinite period of time beginning August 1, 1984; and

WHEREAS, this moratorium was imposed to enable the staff responsible for administering said program to assist the Statewide Health Coordinating Council in the development of a new State Health Plan designed to better serve the needs of the citizens of this state; and

WHEREAS, upon review of the moratorium as required by said Executive Order, it has been found that the revision of the State Health Plan has not been completed as yet;

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

1. The moratorium imposed by Executive Order EWE 84-13, with the following modification, is hereby extended for an indefinite period of time.
2. The Division of Policy, Planning and Evaluation may perform an expedited review and render approval where justified, of the following proposed projects or capital expenditures:
  - a. Replacement or modification of equipment with an expenditure in excess of \$600,000.

- b. Sale or lease of an existing facility which requires no change in services or beds.
  - c. Renovation of any existing facility with no change in services or beds.
  - d. Addition of non-medical equipment or purchase of land.
  - e. A cost overrun on an initially approved project.
3. The Health Planning Bureau and the Statewide Health Coordinating Council, as well as any other staff responsible for the revision of the State Health Plan, are directed to continue the revision of said plan on a high priority basis.

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 30th day of October, 1984.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

### EXECUTIVE ORDER EWE 84-39

WHEREAS, the government and people of the State of Louisiana recognize that recent environmental research facilitated by newly advanced technological means has revealed existing or potential hazardous conditions of the air, water, and soil of this state, which has been or may be created inadvertently by certain industrial and other activities which affect these resources; and

WHEREAS, over the last decade, this recognition has led the executive and legislative branches of state government to order affirmative action and further studies and to enact legislation to regulate and to restrain environmental pollution and to effectuate clean-up of existing hazardous waste sites; and

WHEREAS, a healthy and symbiotic relationship with the environment should be the goal of each party responsible for the creation of and/or the solution to the problem of environmental pollution, including the state regulatory agencies, the chemical, petroleum, and manufacturing industries, the mineral owner, the environmentalist, and the citizens of the state who enjoy and utilize the state's resources; and

WHEREAS, the attainment of this goal and the solution to the problem can best be achieved through cooperation and negotiation between these parties which fosters understanding, efficiency, and constructive focusing of effort;

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

SECTION 1: The Forum for Environmental Action is hereby created in the office of the secretary of the Department of Environmental Quality.

SECTION 2: The Forum for Environmental Action shall be composed of seven members, each of whom shall be appointed by the governor from industrial and environmentalist groups, to serve at the pleasure of the governor. The secretary of the Department of Environmental Quality, the secretary of the Department of Natural Resources, and the secretary of the Department of Commerce, or their respective designees, shall serve as ex-officio voting members.

- A. Subject to gubernatorial approval, the Forum may enlarge its membership by two-thirds vote of its initial membership, to include unrepresented parties necessary for consideration of relevant issues and problems. Such additional memberships may be limited to particular issues or projects, and the additional members shall



# Emergency Rules

be appointed by the governor from recommendations submitted by the Forum.

- B. The governor shall designate one member to serve as chairman of the Forum. The members may elect such other officers as is deemed necessary.

SECTION 3: The functions and duties of the Forum are to:

- A. Audit the cleanup of abandoned hazardous waste sites and report on any problems discovered in light of their origins and possible solutions.
- B. Review current legislative and executive regulatory programs on the environment for unnecessary adversarial policies or trends and to propose objectives for state action in the environmental field over the next five years.
- C. Formulate a program for use in the siting of waste disposal operations that will facilitate negotiation and cooperation between the regulatory authorities, generators, disposers, and the components of the general public that are benefitted by the processes that produce the waste, as well as those which could be adversely affected by its necessary disposal.
- D. Develop an information gathering, dissemination, and educational process concerning the above three projects and to issue a model for others to use in additional cooperative negotiating forums.

SECTION 4: The Forum shall meet on call of the chairman and shall promulgate rules and regulations or by-laws to govern its meetings and to fix the time and place at which meetings shall be held. A majority of the members shall constitute a quorum for transacting the business of the Forum. Any action of the Forum shall be approved by the affirmative vote of a majority of the members present.

SECTION 5: The Forum is authorized to accept and to expend donations or grants from any public or private source, but the terms of any onerous donation or of any restrictive grant must receive approval of the governor prior to its acceptance.

SECTION 6: The Forum shall submit to the governor a written summary of its activities and findings every four months and shall submit to the legislature and to the governor its recommendations for legislation at least six weeks prior to each regular session of the legislature.

SECTION 7: The Forum is authorized to utilize the staff, services, and facilities of the Departments of Environmental Quality, Natural Resources, and Commerce, subject to approval by the respective secretaries of these departments, and may request further assistance from the office of state planning through the office of the governor.

SECTION 8: Members of the Forum shall receive no compensation for their duties pursuant to this order, but shall receive reimbursement for actual expenses incurred in the performance of their duties in accordance with the rules and regulations of the division of administration.

SECTION 9: This order shall remain in effect until modified, amended, or rescinded by the governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 1st day of November, 1984.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## DECLARATION OF EMERGENCY

### Department of Agriculture Office of Agricultural and Environmental Sciences Louisiana Feed Commission

In accordance with R.S. 49:953 of the Administrative Procedure Act, the following emergency rules and regulations were adopted by the Louisiana Feed Commission, under the authority of R.S. 3:1892 (B) on November 10, 1984 in order to conform with new legislation establishing the Louisiana Feed Commission:

#### LOUISIANA FEED COMMISSION RULES AND REGULATIONS

##### RULE 1. Definitions

1. "Commercial feed" means all materials including vitamin and mineral mixes, except whole seeds unmixed or physically altered entire unmixed seeds, which are distributed for use as pet food or as feed for livestock or for mixing in pet food or in feed for livestock.

2. "Ingredient" or "ingredients" means any of the constituent materials making up a commercial feed.

3. "Medication" means any drug, antibiotic, or other substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than feed ingredients intended to affect the structure or any function of the animal body.

4. "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

5. "Manufacture" means to grind, mix, blend, or further process a commercial feed for distribution.

6. "Manufacturer" means a person who manufactures a commercial feed or a customer-formula feed.

7. "Livestock" means horses, mule, cattle, sheep, goats, swine, domestic rabbits, poultry, animals identified with aquaculture, game birds, and such other animals of agricultural importance as the commissioner may designate.

8. "Commissioner" means the commissioner of agriculture or his duly authorized representatives acting in his direction.

9. "State chemist" means the director of the Agricultural Experiment Station at Louisiana State University and Agricultural and Mechanical College.

10. "Package" means a parcel, bag, or other container.

11. "Premises" means any place such as, but not exclusively, warehouses, factories, stores, trucks, railroad cars, boats, etc.

12. "Distribute" means to sell, offer for sale, or expose for sale or trading.

13. "Person" includes individual, partnership, corporation, and association, or other legal entity.

14. "Distributor" means a person who distributes.

15. "Registrant" means the person registering a feed with the commission.

16. "Brand name" or "brand" means any word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a registrant and distinguishing it from that of others.

17. "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.

18. "Labeling" means all labels and other written, printed, or graphic matter (a) upon a commercial feed or any of its containers or wrapper or (b) accompanying such commercial feed.

19. "Ton" means a net weight of two thousand pounds avoirdupois.

20. "Percent" or "percentages" mean percentages by weights.

21. "Official sample" means a sample of feed taken by the commissioner or his agent in accordance with provisions of R.S. 3:1898(A), (B), (E), or (F).

22. "Commission" means the Louisiana Feed Commission.

23. "Rule", "rules", "regulation", "regulations", or "rules and regulations" mean those of the commission adopted initially and from time to time to achieve the intent and purposes of R. S. 3:1891, et seq. or to facilitate its administration.

24. "Byproducts" means secondary products produced in addition to the principal product except ingredients which are a primary source of protein.

25. "Guaranteed feeding units" means the minimum crude protein, minimum crude fat, maximum crude fiber, and minimum or maximum minerals expressed as percentages and indicated on the label as being contained in the commercial feed.

26. "Value of the protein deficiency" means the value of the crude protein as set by the state chemist times the difference between the guaranteed protein analysis and the actual protein analysis of the feed sample.

27. "Pet food" means any commercial feed prepared and distributed for consumption by pets.

28. "Pet" means any domesticated animal normally maintained in or near the household of the owner thereof.

#### RULE 2. Feed Commission, powers and authority

A. The Louisiana Feed Commission shall be composed of the commissioner of agriculture, the director of the Louisiana Agricultural Experiment Station, the director of the Louisiana Cooperative Extension Service, the president of the Louisiana Farm Bureau Federation, Inc., the chairman of the Livestock Advisory Committee and the Dairy Advisory Committee of the Louisiana Farm Bureau Federation, the president of the Louisiana Thoroughbred Breeder's Association, the president of the Cattlemen's Association, the president of the Louisiana Grain and Feed Dealers Association, and a person who owns or operates a feed business which is not a member of the Louisiana Grain and Feed Dealer's Association and an independent feed manufacturer domiciled in Louisiana each of whom shall be appointed by and who shall serve at the pleasure of the governor, or their duly authorized representatives. Each appointment by the governor shall be submitted to the Senate for confirmation, and every appointment confirmed by the Senate shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation.

B. The commission may adopt all rules and regulations necessary to carry out the intent and purposes of R.S. 3:1891 through R.S. 3:1907.

C. In the interest of uniformity, the commission by regulation shall adopt, unless it determines that they are inconsistent with the provisions of this Chapter or are not appropriate to conditions which exist in this state, the following:

(1) The Official Definitions of Feed Ingredients and Official Feed Terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization.

(2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act.

D. All rules and regulations shall be adopted in accordance with the Administrative Procedure Act.

E. The commissioner of agriculture shall be ex officio chairman of the commission and shall be its chief executive officer responsible for the enforcement and administration of R.S. 3:1891, et seq.; and the enforcement of the rules and regulations adopted from time to time by the commission.

F. The director of the Agricultural Experiment Station shall be designated as the state chemist and shall be responsible for making any chemical analysis or other tests necessary for carrying out the provisions of this Chapter.

G. The commission by rule may exempt from the provisions of R.S. 3:1891, et seq. hay, straw, stover, silage, cobs, husks, hulls, individual chemical compounds or substances, and similar commodities when they are not mixed with substances regulated under R.S. 3:1891 et seq.

H. The commission, with the approval of the commissioner, may employ a director and an assistant director who shall be in the unclassified service. The commissioner shall employ all other personnel of the commission. All employees of the commission shall be under the supervision and direction of the commissioner.

#### RULE 3. Registration and Labeling

A. No person shall manufacture a commercial or customer-formula feed for distribution in this state unless he has registered with the commissioner by filing on forms provided by the commissioner his name, state of incorporation if incorporated, the location of his principal place of business, and the location of each manufacturing facility in this state when such facilities are so located. A distributor may apply to the commissioner for registration as a manufacturer and for authority to label feeds for sale in this state. All provisions applicable to a manufacturer shall then apply to the distributor.

B. Registration shall authorize the registrant to distribute in this state any commercial feed for which a label has been approved by the commissioner.

C. No person registering with the commissioner shall manufacture for distribution in this state or distribute a commercial feed which has not been approved as to labeling pursuant to the provisions of R.S. 3:1894 and such additional regulations of the commission as may be adopted from time to time.

D. Approved labeling shall authorize a registrant to manufacture, sell, or offer for sale in this state a particular commercial feed.

E. The commissioner may refuse approval of the label of any commercial feed not in compliance with the provisions of R.S. 3:1891, et seq., and may revoke approval of any registration or approval of any label when a commercial feed is found not to be in compliance with any provision of this Chapter. No registration or label shall be revoked or cancelled unless the registrant shall have been given an opportunity to be heard before the commission and to amend his application or label in order to comply with the requirements of R.S. 3:1891, et seq.

#### RULE 4. Labeling requirements

A. Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format.

(1) Net Weight.

(2) Product name and brand name if any.

(3) If a drug is used:

(a) The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.

(b) The purpose of medication (claim statement).

(c) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts ex-

pressed in units as accepted in the Official Publication of the Association of American Feed Control Officials (AAFCO).

(d) The required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements appear elsewhere on the label.

(4) The guaranteed analysis of the feed as required under the provisions of R.S. 3:1894 include the following items:

(a) Minimum percentage of crude protein.

(b) Maximum or minimum percentage of equivalent protein from non-protein nitrogen.

(c) Minimum percentage of crude fat.

(d) Maximum percentage of crude fiber.

(e) Minerals, to include, in the following order: (a) minimum and maximum percentages of calcium (Ca), (b) minimum percentage of phosphorus (P), (c) minimum and maximum percentages of salt (NaCl), and (d) other minerals.

(f) Vitamins in such terms as accepted in the Official Publication of the Association of American Feed Control Officials.

(g) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content.

(h) Exemptions.

(1) Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than three percent of Calcium, Phosphorus, Sodium, and Chloride.

(2) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(3) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(5) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of R.S. 3:1894.

(a) The name of each ingredient as defined in these regulations or in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the commission.

(b) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

1. When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

2. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

(6) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code.

(7) The following information shall appear in its entirety on one side of the label or on one side of the container:

(a) The net weight.

(b) The product name and brand name.

(c) The guaranteed analysis.

(d) The common or usual name of each ingredient or the appropriate collective term.

(e) The name and principal mailing address of the registered manufacturer or distributor.

(8) The following information shall be in a prominent place on the label or container but not necessarily on the same side as the information in (7)(a)-(e).

(a) Adequate directions for safe and effective use of all feeds containing medications.

(b) Any precautionary statements necessary for the safe and effective use of any feed.

(c) When the information in (8)(a)-(b) is placed on a different side of the label or container from the information in (7)(a)-(e), it must be referenced on the front side with a statement such as "See back side of label for directions for use."

(9) None of the information required in section 4 A (7)-(8) shall be subordinated or obscured by other statements or designs.

B. Customer-formula feed shall be accompanied with the information prescribed in this regulation using labels, invoice, delivery ticket, or other shipping document bearing the following information:

(1) The name and address of the manufacturer.

(2) The name and address of the purchaser.

(3) The date of sale or delivery.

(4) The customer-formula feed name and brand name if any.

(5) The product name and net weight of each registered commercial feed and each other ingredient used in the mixture.

(6) The direction for use and precautionary statements as required by Section 4.

(7) If a medication containing product is used:

(a) The purpose of the medication (claim statement)

(b) The established name of each active ingredient and the level of each medication used in the final mixture expressed in units accepted in the Official Publication of the Association of American Feed Control Officials.

C. Brand and Product Names

(1) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose.

(2) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.

(3) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name: Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the analysis, and the brand or product name is not otherwise false or misleading.

(4) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

(5) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": Provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

(6) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as

recognized by the Association of American Feed Control Officials unless the commission designates otherwise.

(7) The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared.

(8) The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(9) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

#### RULE 5. Misbranding

A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If it is distributed under the name of another commercial feed.

(3) If it is not labeled as required in R.S. 3:1894 and Rule 4 of the rules and regulations.

(4) If it purports to be or is represented as a commercial feed but has no label filed with the commission or fails to meet any requirement for labeling provided by R.S. 3:1894 or any regulation of the commission and purports to contain or is represented as containing a commercial feed ingredient unless such commercial feed or feed ingredient conforms to the requirements of any applicable provision of R.S. 3:1891, et seq., or of any applicable regulation adopted by the commission.

(5) If any word, statement, or other information required by or under authority of R.S. 3:1891, et seq., and appearing on the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

#### RULE 6. Adulteration

A commercial feed shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health. If the substance is not an added substance, the commercial feed shall not be considered adulterated under this Paragraph if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health.

(2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive.

(3) If it is or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act.

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act. Where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exception granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic Act and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed feed is not greater

than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal which is unsafe within the meaning of Section 408 (a) of the Federal Food, Drug, and Cosmetic Act.

(5) If it is or it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act.

(6) If any valuable constituent has been in whole or part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(7) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(8) If it contains a drug or antibiotic and the methods used in or the facilities or controls used for its manufacture, processing or packaging do not conform to good manufacturing practice regulations promulgated by the commission to assure that the drug meets the requirement of R.S. 3:1891 et seq., as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess.

(9) If it contains viable or poisonous weed seeds in amounts that would be unhealthy or injurious to the animals for which the feed is intended. The commissioner and the state chemist shall seek the advice of the state veterinarian and toxicologists at the Louisiana State University School of Veterinary Medicine when determining what amount of a poisonous seed would be unhealthy or injurious.

(10) The commission adopts the good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act.

#### RULE 7. Prohibited acts

The following acts and the causing thereof are hereby prohibited:

(1) The manufacture for distribution in this state or distribution of any commercial feed that is adulterated or misbranded.

(2) The adulteration or misbranding of any commercial feed.

(3) The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls which are adulterated within the meaning of R.S. 3:1896.

(4) The removal or disposal of a commercial feed in violation of an order under R.S. 3:1899.

(5) The failure or refusal to register or label in accordance with R.S. 3:1893 and 3:1894.

(6) Any violation of the provisions of R.S. 3:1901.

#### RULE 8. Inspection, sampling and analysis

A. For the purpose of enforcement of R.S. 3:1891, et seq., and in order to determine whether its provisions have been complied with including whether or not an operation may be subject to such provisions, officers or employees duly designated by the commissioner upon presenting appropriate credentials to the owner, operator, employee in charge, are authorized to enter, during normal business hours, any premises within the state in which commercial feeds are manufactured, processed, packed, held for distribution, or sold or to enter any vehicle being used to commercially transport or hold such feeds; and to obtain official samples and to inspect at reasonable times and within reasonable limits and in a reasonable manner such premises or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling there. The inspection may include the verification of such records and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations for medicated feeds. Each such inspection shall

be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

B. If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained an official sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

C. For the purpose of the enforcement of R.S. 3:1891, et seq., the commissioner, or his duly designated agent, is authorized to enter upon any premises including any vehicle of transport during regular business hours to have access to and to examine records relating to distribution of commercial feeds.

D. If the owner of any premises or his agent refuses to admit the commissioner or his agent to inspect or sample, the commissioner is authorized to obtain from any state court of competent jurisdiction and venue an appropriate order to submit the premises described in such order to inspection.

E. Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists or in accordance with other generally recognized methods.

F. The results of all analyses of official samples shall be forwarded by the commissioner to the registrant and to the owner of record at the time of sampling. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within 10 days following receipt of the analysis the commissioner shall furnish to the registrant a portion of the sample concerned.

#### RULE 9. Detained commercial feeds

A. Withdrawal from distribution orders. When the commissioner or his authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of R.S. 3:1891, et seq., or of any of the prescribed regulations of the commission, he may issue and enforce a written or printed "withdrawal from distribution" order warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the commissioner or the court. The commissioner shall release the lot of commercial feed so withdrawn when the provisions and regulations have been complied with. If compliance is not obtained within 30 days, the commissioner may begin or upon request of the distributor or registrant shall begin proceedings for condemnation.

B. Condemnation and confiscation. Any lot of commercial feed not in compliance with the provisions of R.S. 3:1891, et seq., and regulations of the commission shall be subject to seizure upon the petition of the commissioner to the district court of the parish in which the commercial feed is located. In the event the court finds the commercial feed to be in violation of R.S. 3:1891, et seq., and orders the condemnation of the commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state including sale of the feed at public auction or destruction of the feed at the distributor's expense. In no instance shall the disposition of the commercial feed be ordered by the court without first giving the registrant or distributor an opportunity to apply to the court for release of the commercial feed or for permission to process or relabel the commercial feed to bring it into compliance.

C. Stop order. The commissioner may stop the sale, distribution, or movement of any commercial or customer-formula feed, whole or cracked unmixed grains or seeds, whole hays, straw, chaff, or hulls from grains or seeds, corn stover, or other materials which are sold for the purpose of feeding livestock and which the commissioner has probable cause to believe contains any disease,

toxin, hazardous waste, poisonous residues, or other material which poses an immediate threat to the lives or health of livestock in this state or which poses a threat to man and the environment. A stop order may be issued without a court order and the feed or material which is subject to the stop order may be detained for up to five working days. If an amicable agreement as to the disposition of the feed or material cannot be reached in that time, the commissioner shall begin proceedings for condemnation.

#### RULE 10. Penalties; enforcement

A. If a given lot or shipment of feed is found by official sample and analysis to be deficient in one or more of the guaranteed feeding units, a penalty shall be assessed against the registrant with respect to the lot of shipment of feed in question in accordance with the following provisions:

(1) Crude protein:

(a) For feeds guaranteed to contain 0-19.99 percent protein a penalty of four times the value of the protein deficiency if such deficiency is in excess of two percent of the guaranteed analysis plus an analytical tolerance factor of .3 percent.

(b) For feeds guaranteed to contain 20-34.99 percent protein a penalty of four times the value of the protein deficiency if such deficiency is in excess of two percent of the guaranteed analysis plus an analytical tolerance factor of .4 percent.

(c) For feeds guaranteed to contain 35-49.99 percent protein a penalty of four times the value of the the protein deficiency if such deficiency is in excess of two percent of the guaranteed analysis plus an analytical tolerance factor of .5 percent.

(d) For feeds guaranteed to contain fifty percent or more protein a penalty of four times the value of the protein deficiency if such deficiency is in excess of two percent of the guaranteed analysis plus an analytical tolerance factor of .6 percent.

(2) Crude fat: A penalty of 10 percent of the retail purchase price of the feed if the deficiency of crude fat is greater than 10 percent of the guarantee.

(3) Crude fiber: A penalty of 10 percent of the retail purchase price of the feed if the excess of crude fiber is greater than 10 percent of the guarantee.

(4) Minerals: A penalty of 10 percent of the retail purchase price of the feed if the mineral deficiency or excess, where applicable, is greater than one recommended Permitted Analytical Variation (PAV) based on the check sample program of the Association of American Feed Control Officials (AAFCO) and printed in the AAFCO Official Publication.

B. When the commissioner has evidence which indicates that a person has committed an offense for which the penalty is found in Subsection A of this Section, the commissioner shall notify the person by certified mail, return receipt requested, of the facts involved in the alleged offense. If the alleged violator does not pay the penalty within thirty days of the notice, the commissioner may call a hearing to adjudicate the matter as provided in Subsection E of this Section. All penalties assessed pursuant to this Subsection shall be paid to the person who purchased the feed for use when that person can be identified. When the purchaser cannot be identified, the penalty shall be paid to the Department of Agriculture.

C. The commission may assess a civil penalty of not more than \$1,000 for any violation of R.S. 3:1900 other than those found in Subsection A of this Section. Each day on which a violation occurs shall be considered a separate offense.

D. The commission may suspend or revoke the registration of any manufacturer for any violation of the provisions of R.S. 3:1891, et seq., or of the rules and regulations adopted under the provisions of that Chapter.

E. Civil penalties may be assessed and registrations may be suspended or revoked only by a ruling by the commission based

on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

F. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the violation occurred.

G. The commission may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of R.S. 3:1891, et seq., or of the rules and regulations adopted under the provisions of that Act in the district court for the parish in which the violation occurred.

H. The commission shall not waive any penalty imposed under the provisions of R.S. 3:1900 and Section 10 of The Rules and Regulations of The Louisiana Feed Commission.

#### RULE 11. Fees

A. Each application for registration with the commission shall be accompanied by a registration fee of \$25.

B. Each registrant filing a label with the commission shall pay to the commissioner a labeling fee of \$5 for one to 50 products, \$4 for 51 to 200 products, \$3 for 201 or more products.

C. Except as provided in Subsection E of this Section, each registrant who manufactures a commercial or customer-formula feed for distribution in this state shall pay the commissioner an inspection fee of \$.75 per ton on all commercial feed sold in the state. Payment of the inspection fee shall be made on the basis of tonnage reports submitted by the registrants of commercial feeds. A registrant shall keep all records necessary to accurately indicate the tonnage and kind of commercial feed sold and shall permit the commissioner or his authorized representatives to examine these records and to verify the statement of tonnage. Tonnage reports shall be made on forms supplied by the commissioner and suitable for providing the necessary tonnage and statistical information. The tonnage reports and inspection fees shall be due and payable on the first day of October, the first day of January, the first day of April, and the first day of July. If the report is not filed and payment made within 30 days after the date due, a penalty of 25 percent of the amount due shall be assessed against the registrant. If payment is not made within 30 days after the due date, the amount of fees due, plus the penalty, shall constitute a debt and become the basis of a judgement against the registrant. All information as to the amount of feed sold and business practices of the registrant obtained from tonnage reports or from inspection of records and books shall remain confidential and shall not be revealed by the commissioner or his employees to the public or to any other person.

D. The inspection fee shall be collected only once on each lot of ingredients. To achieve this end, the following provisions shall apply:

(1) No fee shall be paid on a commercial feed if the fee has been paid by a previous manufacturer.

(2) No fee shall be paid on customer-formula feeds if the inspection fee has been paid on the commercial feeds which are used as ingredients therein.

(3) No fee shall be paid on commercial feeds which are used as ingredients for the manufacture of registered commercial feeds. If the fee has already been paid, credit shall be given for that payment.

E. In the case of a commercial feed which is distributed in this state only in packages of 10 pounds or less, an annual fee of one hundred dollars shall be paid in lieu of the inspection fee provided in Subsection C of this Section.

#### RULE 12. Exemptions

The provisions of this Chapter shall not apply to any commercial feeds that have been manufactured or produced by any person for the purpose of feeding his own livestock.

#### RULE 13. Nonresidents

Every nonresident manufacturer of commercial feed shall at the time of registration and before selling or offering for sale his product in this state designate with the commissioner of agriculture an agent for service of process who is a resident of this state.

#### RULE 14. Evidence

In any controversy or prosecution arising under the provisions of R.S. 3:1891, et seq., a certificate of the state chemist or other state employee making analyses or inspection, duly sworn to by the state chemist or employee, shall be prima facie evidence of the facts therein certified.

#### RULE 15. Cooperation with other entities

The commissioner may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of R.S. 3:1891, et seq.

#### RULE 16. Publication

A. The commission shall publish at least semiannually, in such form as it may deem proper, information concerning the sales of commercial feeds together with such data on their production and use as it may consider advisable and a report of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label. The information concerning production and use of commercial feed shall not disclose the operations of any person.

B. The commission shall publish an annual report which shall provide information concerning the sales of commercial feeds together with such data as to their production and use as it may consider advisable, a report of the results of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label, and a report as to label and license revocation and the commission's findings with respect to inspections for good manufacturing practices. Penalties administered during the year by the commission shall be included in the report. The information concerning the production and sale of commercial feed shall not disclose the operations of any person.

#### RULE 17. Disposition of funds

A. All fees and all other funds received by the commission under the provisions of R.S. 3:1891, et seq., and these rules and regulations shall be handled as provided for in R.S. 3:1907.

Bob Odom  
Commissioner

### DECLARATION OF EMERGENCY

#### Department of Agriculture Office of Marketing Louisiana Agricultural Finance Authority

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B), the Department of Agriculture, Louisiana Agricultural Finance Authority, in accordance with the authority granted under R.S. 3:266, adopted an Emergency Rule at its board meeting on November 5, 1984 which will place the Authority's rules and regulations in line with new federal regulations. These Emergency Rules will be in effect for the period November 5, 1984 to November 20, 1984. These Emergency Rules are set forth in their entirety in the "Rules" printed in this issue of the *Louisiana Register*.

Bob Odom  
Commissioner



## DECLARATION OF EMERGENCY

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

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

#### RULE

Effective for services beginning October 29, 1984, the Title XIX State Plan and Chapter XIX Medical Assistance Manual are being amended to show that optometrists who perform eye care services that are within the scope of optometric practice will receive Medical reimbursement to the same extent, and according to the same standards, as physicians who perform these same eye care services.

The adoption of this Emergency Rule is necessary to comply with the judgment of the U. S. Court of Appeals, Fifth Circuit, in the case of Sandefur vs Cherry, docket No. 82-3564, which was rendered on October 29, 1984.

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

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

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, exercised the emergency provision of the Administrative Procedure Act R.S. 49:953B to adopt the following changes in the Food Stamp Program as mandated by federal regulations as published in the *Federal Register*, Volume 49, No. 193, Wednesday, October 3, 1984, pg. 39035-39038. Section 12-229 of the Food Stamp Operating Guidelines will be revised to reflect these changes.

#### RULE

Effective January 2, 1985, the rule entitled "Voluntary Quit in the Food Stamp Program" published in the *Louisiana Register* Vol. 5, Number 8, August 20, 1979, pp. 245-246, shall be amended to read as follows:

**VOLUNTARY QUIT.** No household whose primary wage earner voluntarily quit his or her most recent job without good cause shall be eligible for participation in the Program as specified below. At the time of application, the state agency shall explain to the applicant the consequences of the household's primary wage earner quitting his or her job without good cause.

#### **Determining Whether a Voluntary Quit Occurred and Application Processing.**

1. When a household files an application for participation, or when a participating household reports the loss of a source of income, the Office of Family Security (OFS) shall determine whether any household member voluntarily quit his or her job. Benefits shall not be delayed beyond the normal processing times pending the outcome of this determination. This provision applies only if the employment involved 20 hours or more per week or provided weekly earnings equivalent to the federal minimum wage multiplied by 20 hours; the quit occurred within 60 days prior to the date of application or anytime thereafter; and the quit was

without good cause. Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer will not be considered a voluntary quit for purposes of this section. An employee of the Federal Government, or of a state or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, shall be considered to have voluntarily quit his job without good cause.

2. In the case of an applicant household, the OFS shall determine whether any currently unemployed (i.e. employed less than 20 hours per week or receiving less than weekly earnings equivalent to the Federal minimum wage multiplied by 20 hours) household member who is required to register for work has voluntarily quit his or her most recent job within the last 90 days. If the OFS learns that a household has lost a source of income after the date of application but before the household is certified, the OFS shall determine whether a voluntary quit occurred.

3. In the case of a participating household, the OFS shall determine whether any household member voluntarily quit his or her job while participating in the Program.

4. If an application for participation is filed in the third month of disqualification, the eligibility worker shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met.

5. Upon a determination that the primary wage earner voluntarily quit employment, the OFS shall determine if the voluntary quit was with good cause. In the case of an applicant household, if the voluntary quit was without good cause, the household's application for participation shall be denied and sanction imposed for 90 days, starting from the date of application. The OFS shall provide the applicant household with a notice of denial. The notice shall inform the household of the proposed period of disqualifications; its right to reapply at the end of the 90 day period; and of its right to a fair hearing. In the case of participating households, benefits shall be terminated for a period of 90 days.

6. If the OFS determines that the primary wage earner of a participating household voluntarily quit his or her job, while participating in the Program, the OFS shall provide the household with a notice of adverse action within 10 days after the determination of a voluntary quit is made. Such notification shall contain the proposed period of disqualification and shall specify that the household may reapply at the end of the disqualification period. Except as otherwise specified in this paragraph, the disqualification period shall be for three months or 90 days beginning with the first of the month after all normal procedures for taking adverse action have been followed. The 90 day disqualification period may be converted to a three calendar month period only for participating households. For those households which leave the Program before the sanction can be levied, the sanction shall not be imposed until the household returns to the Program. Each household has a right to a fair hearing to appeal a reduction or termination of benefits due to a determination that the household's primary wage earner voluntarily quit his or her job without good cause. If the participating household requests a fair hearing and the OFS's determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

"Exemptions from Voluntary Quit" remain unchanged by this amendment.

It is necessary to adopt this as an Emergency Rule to avoid sanctions as federal regulations mandate a January 2, 1984 implementation date.

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



## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, exercised the emergency provision of the Administrative Procedure Act R.S. 49:953 B to implement the following changes in the Food Stamp Program as mandated by federal regulations as published in the *Federal Register*, Volume 49, No. 193, Wednesday, October 3, 1984, pg. 39035-39038. Section 12-229 of the Food Stamp Operating Guidelines will be revised to reflect these changes.

#### RULE

Effective January 2, 1985, each household member who is not exempt from work registration shall be registered for employment at the time of application and once every 12 months after initial registration, as condition of eligibility.

#### Failure to Comply With a Comparable Work Incentive (WIN) or Unemployment Compensation Work Requirement.

A household containing a member who was exempt from work registration because he or she was registered for work under WIN or unemployment compensation and who fails to comply with a WIN or unemployment compensation requirement comparable to a food stamp work registration requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.

1. If the Office of Family Security (OFS) learns that a household member has refused or failed without good cause to comply with a WIN or unemployment compensation requirement, the OFS shall determine whether the requirement was comparable. Similarly, if the household reports the loss or denial of AFDC or unemployment compensation or if the OFS otherwise learns of such loss or denial, the OFS will determine whether the loss or denial was caused by a determination by the administering agency that a household member refused or failed without good cause to comply with the work requirement and, if so, whether the requirement was comparable to the work registration requirement. The WIN or unemployment compensation requirement shall not be considered comparable if it places responsibilities on the household which exceed those imposed by the food stamp work registration requirements.

2. If the OFS determines that the requirement is comparable, the entire household shall be disqualified in accordance with the following provisions. The OFS shall provide the household with a notice of adverse action within 10 days after learning of the household member's noncompliance with the unemployment compensation or WIN requirement. A household shall not be disqualified from participation if the noncomplying member meets one of the work registration exemptions. Household members who fail to comply with a noncomparable WIN or unemployment compensation requirement shall lose their exemption.

3. If the State agency determination of noncompliance with a comparable WIN or unemployment compensation work requirement leads to a denial or termination of the household's food stamp benefits, the household has a right to appeal the decision.

4. A disqualified household may resume participation in the Program in accordance with 12-229 I.

#### Exemptions From Work Registration

Section 12-229 B.(1)(b) was revised to exempt from work registration a parent or other household member who is responsible for the care of a dependent child under the age of six. Section 12-229 B.(1)(c) was omitted to delete the exemption from work registration for a parent or caretaker of a child under 18 in a

household where another able bodied person is subject to the work registration requirement.

#### Determining Good Cause

The Office of Family Security shall be responsible for determining good cause in those instances where the work registrant has failed to comply with the work registration and voluntary quit requirements. In determining whether or not good cause exists, the Office of Family Security shall consider the facts and circumstances, including information submitted by the household member involved and the employer. Good Cause shall include circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12.

#### Job Search

The Office of Family Security has opted not to impose job search at the time of application.

It is necessary to adopt this as an Emergency Rule to avoid sanctions as federal regulations mandate a January 2, 1985 implementation date.

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

# Rules

#### RULE

### Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

Under the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture, Livestock Sanitary Board, in accordance with the authority granted under R.S. 3:2095 and pursuant to the Notice of Intent published on September 20, 1984, adopted the following amendments to its rules and regulations at its board meeting on September 27, 1984:

Regulation 1, Section 8, Paragraph C was amended to read as follows:

(C) The state veterinarian may prohibit the entry of birds, eggs, or poultry by-products into Louisiana from any state which has an area under quarantine due to a contagious and/or infectious disease in that state which in his opinion, may seriously threaten the health of Louisiana poultry.

Regulation 1, Section 8, Paragraph G was amended to read as follows:

(G) Prior to January 1, 1985, the interstate movement of exhibition poultry to Louisiana livestock and/or poultry shows is prohibited. After January 1, 1985, all poultry brought into Louisiana shall be accompanied by a VS Form 9-2 indicating the flock of origin is under the National Poultry Improvement Plan and is free of *Salmonella pullorum* (*pullorum*) and *Salmonella typhimurium* (*typhoid*). If the flock of origin is not under the National Poultry Improvement Plan, the birds must be accompanied by a test report from an approved laboratory indicating the birds were tested negative for *Salmonella typhimurium* (*typhoid*) within 30 days prior to entry into Louisiana.

Bob Odom  
Commissioner

## RULE

### Department of Agriculture Office of Marketing Agricultural Finance Authority

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture, Louisiana Agricultural Finance Authority, in accordance with the authority granted under R.S. 3:266 and pursuant to the Notice of Intent published on August 20, 1984, adopted the following rules and regulations for the administration of the LAFA Tax-Exempt Direct Placement Agricultural Revenue Bond Program at its board meeting on November 5, 1984:

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part II: Agricultural Credit Corporation

#### Chapter 5. Louisiana Agricultural Finance Authority

#### §501. Definitions

A. "Bond" or "Bonds" means LAFA Direct Placement Agricultural Revenue Bonds which are exempt from Federal taxation. Such bonds are issued from time to time throughout the year, and each issue will be identified by a letter designation, e.g., Series 1984-A, Series 1984-B, etc. The letter designation merely identifies the date of issue of each series of bonds. The proceeds of such bonds are used to purchase loans and pay the costs of issuance of the bonds.

B. "Bond resolution" means the resolution adopted by LAFA to authorize the issuance of a bond to be sold to a lender.

C. "Borrower" means an individual, partnership, firm, corporation, company, cooperative, association, society, trust or any other business unit or entity, including any state or federal agency, which uses proceeds of a loan for any project which meets the requirements of these regulations.

D. "Borrower's certificate" is the certified statement which each borrower must execute, prior to submission of the offer, setting forth the borrower's eligibility to participate in the program.

E. "Closing" means the date on which a loan is originated by a lender, which shall be mutually agreed upon between lender and borrower and sold to LAFA.

F. "Code" means the Federal Internal Revenue Code of 1954 as amended. In these regulations, the term "Code" may have specific reference to Section 103(b)(6) of the Internal Revenue Code and/or to regulations enacted by the Internal Revenue Service pursuant thereunder.

G. "Default" or "in default", with respect to any loan, means any payment of principal or interest which is more than 30 days in arrears.

H. "Farm" means and includes "stock, dairy, poultry, fruit, fur-bearing animal and truck farms; plantations; ranches; nurseries; ranges; greenhouses or similar structures used primarily for the raising of agricultural or horticultural commodities; and orchards".

I. "Fee" or "Fees" means any and all of the following:

1. "Application fee" is a set fee based on the total value of the loan which is paid by the borrower and transmitted by the lender to LAFA for LAFA processing of the application for a loan.

2. "Commitment Fee" is a percentage of the total value of the loan which is paid by the borrower to the lender prior to submission of the offer to cover the costs of issuing the bond to support the loan granted to the borrower. This fee is refundable to the borrower under the conditions set forth in LAC 7:521(B) hereof.

3. "Cost of issue fee" is a percentage of the total value of the loan which is paid by the borrower to cover the costs of issuing the bond to support the loan granted to the borrower. The fee is paid in the form of a discount from the original principal amount of the loan when purchased by a LAFA from lender.

4. "Origination fee" is a percentage of the total value of the loan which is paid by the borrower to the lender to cover the costs of processing, originating, and disbursing the proceeds of the loan granted to the borrower.

5. "Program participation fee" is a percentage of the remaining principal balance of the loan granted to borrower which is paid by the borrower to the lender on the due date of the annual payment directed by trustee. The lender transmits to the trustee along with the loan payment, and the proceeds thereof are used to cover the administrative costs of trustee and LAFA.

J. "First-time farmer" means an individual who has never had any direct or indirect ownership interest in substantial farmland in the operation of which such individual materially participated. Ownership or participation by a spouse or child is treated as ownership or participation by the individual. Substantial farmland means any parcel of land unless:

1. such parcel is smaller than 15 percent of the median farm size in the parish in which such parcel is located, and

2. the fair market value of the land does not at any time while held by the individual exceed \$125,000.

K. "Intent resolution" means the resolution adopted by LAFA stating its intent to accept the offer and to issue a bond, the proceeds of which will be used to purchase an agricultural loan originated by the lender and accepting the offer.

L. "Interest rate" means one of the following when applied to a loan:

1. "Fixed interest rate" is a rate of interest which does not change throughout the term of the loan.

2. "Variable interest rate" is a rate of interest which may change from time to time at stated intervals throughout the term of the loan.

3. "Prime interest rate" means the base rate on corporate loans at large U.S. money center commercial banks as published in *The Wall Street Journal* as the "Prime Rate". When the "Prime Rate" is published in the *Wall Street Journal* as a range in the form of a low and high rate, then in that event, LAFA may designate a rate within the published range which shall be the "Prime Interest Rate". When LAFA does not designate a rate within the published range the "Prime Interest Rate" shall be the high of the range.

M. "IRS" means the Internal Revenue Service of the United States.

N. "LAFA" means the Louisiana Agricultural Finance Authority, an agency of state government under the jurisdiction of the Louisiana Department of Agriculture, and any of its duly authorized agents; the term also means the "issuer" of Direct Placement Agricultural Revenue Bonds.

O. "Lender" means any of the following, when participating in the program: a bank, bank or trust company, federal land bank, production credit association, bank for cooperatives, building and loan association, homestead, insurance company, investing banker, mortgage banker or company, pension or retirement fund, savings bank or savings and loan association, small business investment company, credit union, any other financial institution authorized to do business in Louisiana or operating under the supervision of any federal agency or any "Edge Act Corporation" or agreement, or a corporation organized or operating pursuant to Section 25 of the Federal Reserve Act.

P. "Loan" or "Loans" means an interest-bearing agricultural loan, described by an offer, originated by a lender participating in the LAFA Program to an eligible borrower, and evidenced by a loan note.

Q. "Loan file" means the loan documents pertaining to a particular loan, which consist of the following, all in the form provided by LAFA:

1. loan purchase agreement;

2. loan submission voucher;

3. opinion of lender's counsel;
4. officer's closing certificate;
5. loan note;
6. mortgage or any other evidence of security securing the borrower's obligations under the loan note;
7. certificate of economic life; and
8. assignment of loan note.

R. "Loan note" means a promissory note or other evidence of indebtedness executed by a borrower to evidence the borrower's obligation to repay the loan.

S. "Loan purchase agreement" is an agreement between LAFA and a lender under which, among other required provisions, LAFA agrees to purchase a loan after it is originated by the lender and the lender agrees to repurchase the loan in the event of default by the borrower.

T. "Loan submission voucher" is a document provided by LAFA and submitted by the lender to the trustee requesting the purchase of the loan by LAFA at a price equal to a specified percentage of the principal amount of the loan and which also contains substantially the same terms and conditions set forth in the loan terms schedule contained in the offer.

U. "Loan terms schedule" is a loan description form, to be attached to the offer, which describes the terms and conditions of the proposed loan and the project to be financed with loan proceeds.

V. "Offer" means the written document entitled "Offer to Originate and Sell Agricultural Loans" executed by a lender setting forth the terms and conditions whereby the lender agrees to originate and sell a loan to LAFA and to purchase a bond in the same principal amount as the loan.

W. "Origination period" is a six-month period beginning with the date of issuance of a bond by LAFA.

X. "Principal user" means a person or company who uses more than 10 percent of a project, measured by the value paid by such user for the project. All capital expenditures for the project, must be taken into account to determine which are "principal users" of the project. For example, A, B, and C own Farm X in Parish X, each owning individually and not as a partner, respectively, 55 percent, 40 percent, and 5 percent by value, of the farm. A and B are "principal users" of Farm X (i.e., each owns more than 10 percent, by value), but C is not a "principal user" of Farm X because C only owns 5 percent by value. If A or B seek to acquire another Farm Y in Parish X, to be financed by a bond, the capital expenditures of A or B on Farm X will be deducted from the maximum principal amount of the bond (either \$1,000,000 or \$10,000,000; see LAC 7:511. Since C is not a principal user of Farm X, if he acquired Farm Y with bond financing, he would not be required to deduct his capital expenditures on Farm X from the loan proceeds for the purchase of Farm Y.

Y. "Program" means the Direct Placement Agricultural Revenue Bond Program administered by LAFA.

Z. "Project" means the property to be financed with loan proceeds, pursuant to the terms and conditions contained in the offer and in the loan purchase agreement.

A1. "Rehabilitation expenditures" means any costs associated with renovation or modernization of an existing building or the equipment located within an existing building which can be properly charged to a capital account; the term does not include expenditures for enlargement of an existing building.

A2. "Related person" means the following:

1. The following are related persons if borrower is an individual:
  - a. Borrower's spouse or a spouse's ancestors or lineal descendants;
  - b. Borrower's siblings (i.e., brothers and sisters);

- c. Borrower's ancestors and/or lineal descendants;
- d. A corporation in which more than 50 percent in value of the outstanding stock is owned, directly or indirectly, by or for borrower;
- e. A trust of which borrower is the grantor or the beneficiary; and
- f. A partnership of which borrower owns, directly or indirectly, more than 50 percent of the capital or profits interest.

2. The following are related persons if borrower is a corporation:

- a. An individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation;
- b. A trust which owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation;
- c. A corporation that is a member of the same parent-subsidiary controlled group, a brother-sister controlled group, or a combined group of corporations;
- d. A partnership which owns, directly or indirectly, more than 50 percent of the outstanding stock of the corporation; and
- e. For purposes of these regulations, stock owned, directly or indirectly, by or for a corporation, partnership, estate or trust is considered to be owned proportionately by or for its shareholders, partners or beneficiaries. In addition, an individual is considered to be the owner of stock owned, directly or indirectly, by or for his family.

3. The following are related persons if borrower is a partnership:

- a. A partner who owns, directly or indirectly, more than 50 percent of the capital or profits interest of the partnership;
- b. Another partnership in which the same persons own, directly or indirectly, more than 50 percent of the capital or profits interest;
- c. If an individual owns stock in a corporation, other than constructively through his family, he is considered as owning the stock owned, directly or indirectly, by or for his partner; and
- d. A partner is considered as the owner of partnership interests (a) owned by a corporation, partnership, estate or trust, proportionately, if he is a shareholder, partner, or beneficiary, and (b) owned by his brothers, sisters, spouse, ancestors or lineal descendants.

4. The following are related persons if borrower is a trust:

- a. Its grantor;
- b. Another trust, if the same person is the grantor of both trusts;

- c. A beneficiary of the trust;
- d. A beneficiary of another trust, if the same person is the grantor of both trusts; and

e. A corporation of which more than 50 percent in value of the outstanding stock is owned, directly or indirectly, by or for the trust or by or for a grantor of the trust.

A3. "TEFRA" means the Tax Equity and Fiscal Responsibility Act of 1982 (Federal).

A4. "Trustee" means Capital Bank and Trust Company of Baton Rouge, Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:263 and R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

§503. Administration of LAFA's Affairs

A. LAFA officers shall be a chairman, vice-chairman, secretary and assistant secretary, who shall serve terms of one year but may be elected for an indefinite number of terms.

B. After the initial election of officers, the officers shall be elected at LAFA's regular meeting during the first quarter of the year.

C. In the absence of the chairman at any LAFA meeting, the vice-chairman shall preside.

D. LAFA shall hold at least one meeting during each quarter of the year but may meet more frequently upon the call of the chairman.

E. LAFA meetings shall normally be held at its domicile but may be held at other locations upon the determination of the chairman or the will of the members.

F. LAFA's quorum shall be three members.

G. Official actions shall require an affirmative vote of a majority of the members present at any meeting.

H. There shall be no voting by proxy.

I. LAFA rules and regulations, and amendments thereto, shall be noticed, adopted, and promulgated under the Administrative Procedure Act.

J. The chairman shall designate a hearing officer, who may or may not be a LAFA member, to preside at all adjudicatory proceedings. The chairman may, if he so desires, serve as hearing officer at any such proceeding. All adjudicatory proceedings held by LAFA shall be conducted in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:264, R.S. 3:265 and R.S. 3:266.

§505. Program Authorization; Applicability of Federal Law

A. State Statutes

The Louisiana Direct Placement Agricultural Revenue Bond Program is authorized by Louisiana Revised Statutes of 1950, Title 3, Chapter 3-B, Sections 261-283. These statutes permit funding by Agricultural Revenue Bonds of a wide range of agricultural loans.

B. Federal Statutes

However, Federal income tax law contains provisions which restrict the type of projects which may be financed through the Louisiana program. In order for LAFA's bonds to qualify as tax-exempt bonds under the Code, each bond and each loan is subject to the restrictions contained in the Code, particularly the provisions of Section 103(b)(6) and regulations promulgated by IRS pursuant thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

§507. Projects Eligible for Loans Funded With LAFA Bond Proceeds

A. Loan proceeds may be used for acquisition, construction, reconstruction, equipping or installation of any property which, under the Code, is (1) eligible for a depreciation allowance or (2) chargeable, for Federal income tax purposes, to a capital account (or that would be chargeable to a capital account either with a proper election by the borrower or but for a proper election by the borrower), including but not limited to the following:

1. Improvements to real estate such as land clearing, fencing, land forming, land leveling, terracing, wells and water impoundment, subject to an approving opinion of nationally recognized bond counsel.

2. Acquisition of depreciable personal property used in:

a. a farmer's or rancher's trade or business, including but not limited to:

i. new equipment, such as tractors, combines, plows, rakes, cultivators and related equipment; trucks and pickups;

ii. irrigation systems, including center pivot operations and equipment for ditch operations;

iii. buildings used to shelter livestock, store equipment, store and preserve grain, such as cribs, bins; and equipment used to dry grain, such as grain dryers and seed cleaners; and

iv. breeding stock, such as bulls, heifers, dairy cows, boars and sows.

b. an individual's or company's agribusiness, including but not limited to: cotton gins, grain elevators, sugar mills and equipment contained therein; meat or crawfish processing plants; and related equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

§509. Projects Ineligible for Loans Funded with LAFA Bond Proceeds; Exceptions

A. LAFA bonds may not be used for the following purposes, except as provided under this rule:

1. Land acquisition, EXCEPT THAT:

a. 25 percent of a loan may be used to acquire non-farm land; and

b. First-time farmers may utilize a maximum of \$250,000 in loan proceeds to purchase land to be used for farming, if

i. the borrower meets the definition of "first-time farmers" contained in LAC 7:501(J);

ii. the borrower will be the principal user (as defined in rule LAC 7:501(X)) of the land; and

iii. the borrower will materially and substantially participate in the operation of the farm of which the land is a part;

2. Acquisition of existing agribusiness facilities (used buildings or equipment), except that, the restriction against use of loan proceeds to purchase existing facilities does not apply to any building, and the equipment therein if at least 15 percent of the cost of acquiring the building and equipment are used for rehabilitation expenditures;

3. Working capital;

4. Production expenses;

5. Refinancing of existing indebtedness;

6. Financing of residential housing;

7. Purchase of any property from any related person (as defined in rule LAC 7:501 (A2) of these regulations); or

8. Purchase of property from a partner of the borrower, when the borrower is a partnership, regardless of the degree of the partner's interest in the borrower.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

§511. Maximum Amount of Agricultural Loans for Capital Expenditures

A. Section 103(b)(6) of the Code restricts use of tax-exempt bonds to "small issues", which thereby limits the principal amount of the corresponding loans. To determine whether a bond is eligible under the established limits, the Code requires that certain sums be added to the principal amount of the bond. Therefore, the following amounts must be subtracted from the established limit to determine the maximum principal amount of bonds and corresponding loans:

1. \$1,000,000 Limit

If (1) the facilities to be financed with proceeds of LAFA bonds are located in the same incorporated municipality or in unincorporated areas of the same parish (i.e., the "same political subdivision"), and (2) the principal user as defined in rule LAC 7:501(X) of the property financed by a prior bond issue was the borrower or a related person, the sum of the following may not exceed \$1,000,000 (but see also LAC 7:511(A)(2)):

(a) the face amount of the bond to be issued, plus

(b) the remaining principal balance(s) of any loan(s) granted to the borrower or a related person of the borrower with proceeds of earlier bond issues (regardless of the issuer) which were exempt from taxation under Section 103(b)(6) of the Code.

## 2. \$10,000,000 Limit

If LAFA files the proper election with IRS, the maximum amount of LAFA bonds and corresponding loans may be increased to \$10,000,000. In such event, the same qualifying factors (i.e., location of the property to be financed and identity of the principal user of bond proceeds) will apply, and the sum of the following may not exceed \$10,000,000:

- a. the face amount of the bond to be issued, plus
  - b. the remaining principal balance(s) of any loan(s) granted to the borrower or a related person of the borrower with proceeds of earlier bond issues (regardless of the issuer) which were exempt from taxation under Section 103(b)(6) of the Code, plus
  - c. all capital expenditures on the property to be financed with bond proceeds which were paid or incurred during the six-year period beginning three years before and ending three years after the date of issuance of the bond, as follows:
    - i. Capital expenditures which were financed other than out of the proceeds of a tax-exempt bond; and
    - ii. Capital expenditures which are properly chargeable to the capital account of any person or state or local government unit (whether or not such person is the principal user or a related person), in which event capital expenditures are determined without regard to any rule of the Code which permits expenditures properly chargeable to capital accounts to be treated as current expenses, plus
  - d. all other capital expenditures of any principal user in the political subdivision for which the bonds were issued.
3. The requirements of the Code, as effective on the date of issuance of the bond and/or origination of the loan, shall determine the procedures to be followed with respect to all loans exceeding \$1,000,000 in principal amount. If the requirements of the Code are different from the requirements stated in this rule, the requirements of the Code shall supersede this rule.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

### §513. Minimum Amount of Bonds/Agricultural Loans

A. The minimum amount of loans originated by any one lender shall be \$10,000.

B. The minimum amount of a loan shall be \$10,000.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:266 and Section 103(b)(6) of the Internal Revenue Code of 1954, as amended.

### §515. Requirements for Lenders

#### A. Eligibility Requirements:

1. the lender must be an entity listed in LAC 7:501 (0) and must be experienced in originating and servicing agricultural loans;
2. the lender must be qualified and in good standing under all state and federal laws applicable to lenders;
3. within the past three years, the lender cannot have been listed on the Federal Comptroller's "Supervised" or "Watch List", or any substantially similar listing of any state or federal regulatory agency responsible for regulating banks and financial institutions; and
4. each lender must be approved by LAFA prior to participating in the program; LAFA retains the right to reject any lender, even though that lender meets the minimum requirements established by these regulations, or to accept a lender which does not meet these minimum requirements.

B. The lender must collect all payments required under the terms and conditions of a loan note and pay such amounts to the trustee. All such payments must be accompanied by a certification of the lending officer, in a form acceptable to trustee, stating that the computation of interest on the loan is in accordance with terms

as approved by LAFA, and affirming correctness of the amount being submitted.

C. The lender must (1) notify the trustee in no more than five days after any default in any loan and (2) upon LAFA's request, declare all payments on such loan to be due and owing and take such action as may be required by LAFA to obtain the amounts owed thereunder, which amounts shall be paid to the trustee.

D. Whenever any loan is in default (See Rule 7:501 (G)), the lender shall, on or before the 25th day of each month (or, if such day is not a business day, the next business day thereafter), submit a report to the trustee, containing, as of the 20th day of the month (or, if such day is not a business day, the next business day after the 20th of the month), the following information:

1. the principal balance due under the loan note;
2. a statement of the procedures undertaken by the lender to collect such amount and the result of such procedures; and
3. a statement as to the overall status of the loan.

This report is not due in any month when there are no delinquencies or defaults in any loan serviced by the lender.

E. Each lender must administer and service loans originated by the lender and must maintain the loan file for each loan for three years following the date when the loan is fully paid or otherwise terminated.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:263, R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

### §517. Requirements for Borrowers

A. Each borrower must be eligible to receive a loan with proceeds of LAFA bonds. See in particular definitions of "principal user" and "related person" contained in LAC 7:501 hereof in order to make a determination as to each borrower's eligibility.

B. Each borrower must be approved by the lender to whom the borrower makes application for a loan; lenders shall apply the same criteria for approval of borrowers applying for loans to be funded with proceeds of LAFA bonds as they apply to borrowers in the lenders' conventional agricultural loan program.

C. The borrower must expend the proceeds of loan solely to finance the project described in the offer and the loan terms schedule and not for any other purpose.

D. The borrower or a related person of the borrower must be the principal user (as defined in LAC 7:501 (X) hereof) of the project.

E. A borrower will not be eligible for a loan if prior to LAFA's written acceptance of the offer and adoption of an intent resolution, the borrower or any related person of the borrower has taken any of the following actions:

1. commenced acquisition or construction to be financed with loan proceeds;
2. entered into any building agreement or purchase agreement covering the facilities to be constructed with loan proceeds;
3. commenced the installation or acquisition of any property to be acquired with loan proceeds;
4. commenced any on-site work in connection with construction of the project to be financed with loan proceeds; or
5. commenced any off-site fabrication or acquisition of any portion of the project to be financed with loan proceeds.

F. Each borrower must execute a borrower's certificate, in the form required by LAFA, setting forth the borrower's compliance with the requirements of Section 103(b)(6) of the Code. When the original principal amount of a loan exceeds \$1,000,000, the principal amount of the bond must be aggregated with certain capital expenditures of the borrower in accordance with regulations applicable under Section 103(b)(6) of the Code to determine the total loan proceeds for which the borrower is eligible. In such

circumstances, the borrower must execute, in addition to the borrower's certificate required in the first sentence of this rule, an additional borrower's certificate setting forth the assurances required under the Code.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

**§519. Required Terms and Conditions for Loans Funded with Proceeds of LAFA Bonds**

A. The terms and conditions of each loan, except as required under this rule, shall be determined by the lender and the borrower, but are subject to LAFA approval prior to acceptance of the offer.

B. Each loan must be secured by a promissory note (the "loan note") in the full principal amount of the loan and such other security as may be required by the lender.

C. The maximum loan term shall be the lesser of 30 years or 100 percent of the average reasonably expected economic life of personal property to be financed with the proceeds of the LAFA bond, using IRS Asset Depreciation Guidelines provided by LAFA in the loan terms schedule. The minimum average life of the bonds shall not be less than five years.

D. The agreement between lender and borrower must require payments sufficient to meet the debt service requirements of the bond (i.e., in principal and interest). The loan repayment schedule (amount and due date of each payment) must be approved by LAFA prior to acceptance of the offer.

E. The lender and the borrower will determine the rate of interest to be charged on the agricultural loan subject to LAC 7:519 (F), but such rate of interest must be approved by LAFA prior to acceptance of the offer. The interest rate agreed on by the lender and the borrower must be stated in the offer.

F. Interest rates on loans may be either fixed or variable:

1. A variable interest rate may not exceed 85 percent of the "Prime Interest Rate", as defined in LAC 7:501 (L)(3), (a) on the date of disbursement of loan proceeds, or (b) on any subsequent date when the interest rate for the loan is established for a subsequent period.

2. Loans with fixed interest rates are subject to LAFA review and approval on a case-by-case basis and must comply with the goals of the program.

3. If a borrower defaults on a loan and the loan is repurchased by the lender, the interest rate for the loan may be increased in accordance with the terms and provisions of the loan note executed at origination of the loan.

4. The lender may impose interest on payments which are not timely made by the borrower, but only if the loan note provides therefor and only in accordance with provisions relative to late payments expressed in the loan note.

G. All loans must be prepayable in whole, without a prepayment penalty.

H. Loans may be assumed by a third party, with the prior approval of the lender, if:

1. In the opinion of nationally recognized bond counsel or special tax counsel, such assumption does not adversely affect the tax-exempt status of the LAFA bond; and

2. The third party assuming the loan meets the qualifications of a borrower as set forth in these regulations.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

**§521. Fees Required**

**A. Application Fee**

1. Each borrower must pay an application fee to cover LAFA's cost of processing the loan application. The application fee is non-refundable.

2. The application fee shall be paid by the borrower to the lender and transmitted to LAFA by the lender when the offer is submitted.

3. The amount of the application fee is determined by the total principal amount of the loan requested, as follows:

- |                                   |       |
|-----------------------------------|-------|
| a. Loans of \$25,000 or less      | \$ 50 |
| b. Loans of \$25,001 to \$200,000 | \$100 |
| c. Loans of more than \$200,001   | \$200 |

**B. Fees Imposed by Lender:**

**1. Commitment Fee**

a. The lender may impose a borrower commitment fee in an amount not to exceed two and one-half percent of the original principal amount of the loan which the lender intends to originate to cover the cost of issuing the bond.

b. The commitment fee is paid by the borrower to the lender on or before the loan closing.

c. The commitment fee will be refunded by the lender as follows:

i. in whole if the bonds are not issued by LAFA within one year after acceptance of an offer;

ii. in whole if the loan is not closed during the origination period specified in the offer and accepted by LAFA, if the failure to close the loan is due to any action or inaction by the lender for which the borrower is not responsible;

iii. in whole if the lender cannot finance the loan without exceeding the lender's aggregate authorization for sale and repurchase of loans under the program; and

iv. in whole when the loan is funded by the lender.

**2. Origination Fee**

a. The lender may impose an origination fee to defray the expenses incurred by the lender in processing, originating, and disbursing the proceeds of the loan granted to the borrower in an amount not to exceed one percent of the original principal amount of the loan.

b. The origination fee is paid by the borrower to the lender at the loan closing.

3. The lender may impose lender's reasonable and customary charges for insurance premiums, surveys, and other similar closing costs.

**C. Fees Imposed by LAFA**

**1. Cost of Issue Fee**

a. LAFA will impose a cost of issue fee to defray expenses incurred in issuance of the bond in an amount not to exceed two and one-half percent of the original principal amount of the loan.

b. The cost of issue fee is paid by the borrower to LAFA in the form of a discount of two and one-half percent from the original principal amount of the loan when the loan is purchased by LAFA from the lender.

**2. Program Participation Fee**

a. LAFA shall charge a program participation fee in an amount not to exceed one-eighth of one percent per annum on the outstanding principal amount of the loan.

b. The program participation fee shall be paid by the borrower to the lender on each required loan payment date and transmitted by the lender to the trustee to be used to cover the administrative costs of the trustee and LAFA.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

**§523. Program Description; Procedures Required for Funding of Loans with LAFA Bond Proceeds**

A. Loan applicants (i.e., borrowers) will initially apply for a loan to a participating lender and must be approved by the lender. Borrowers must meet all eligibility criteria established by these regulations and by individual lenders for conventional agricultural loans.



B. After a lender approves a borrower for a loan, the lender will apply to LAFA for a determination of the project's eligibility for tax-exempt bond proceeds and, if the project is approved by LAFA, for issuance of a bond. To apply for LAFA approval of a loan, the lender shall submit the following documents to LAFA, each to be submitted on the form provided by LAFA in fully-executed form:

1. The offer, to be executed by the lender, which must contain the lender's commitment to originate a loan to each eligible borrower;
2. The loan terms schedule, which must specify the principal amount, the interest rate, and the amortization schedule of the loan to be funded;
3. The borrower's certificate, to be executed by the borrower;
4. A letter from lender's credit or loan committee or an authorized officer that lender has completed a satisfactory review of each borrower's credit-worthiness; and
5. The borrower's application fee, payable to LAFA.

C. After submission of the above documents to LAFA, the lender may issue a commitment to fund the loan, but lender's commitment shall in no way represent a commitment by LAFA to issue bonds or cause any specific loan to be funded.

D. Upon receipt of the lender's offer, LAFA will officially accept or reject the offer. Upon acceptance of the offer, LAFA will adopt a resolution stating its intention to issue the bond (the "intent resolution"), a copy of which shall be provided to lender and conduct the hearing required under TEFRA prior to issuing the bond.

E. No lender may permit interim financing prior to receipt of written notification of LAFA's acceptance of the offer and adoption of the intent resolution. Funding a loan prior to LAFA approval of the offer and adoption of the intent resolution may disqualify the borrower and jeopardize the tax-exempt status of the bonds.

F. LAFA will signify acceptance of the offer by signature of an authorized LAFA representative in the "acceptance" section of the offer. Upon receipt of written notification of LAFA's approval of the offer and adoption of the intent resolution, the lender may originate the loan. However, any funding of a loan by a lender prior to delivery of the bond is strictly at lender's risk, there being no assurance by LAFA that bond proceeds will be sufficient to fund any or all such loans.

6. From time to time, as the demand warrants and at LAFA's sole discretion, LAFA will issue and deliver bonds, pursuant to a bond resolution, to the lender. The proceeds from sale of the bond will be deposited with and invested by the trustee in accordance with the bond resolution prior to the purchase of the loan from the lender.

H. During the origination period after delivery of the bond, the lender shall (A) originate the loan and (B) sell the loan to LAFA. To help defray the costs of issuing the bonds, each loan will be funded to the borrower and purchased by LAFA in an amount equal to 97.5 percent of the original principal amount of the loan (i.e., principal amount less the cost of issue fee). If the lender fails to originate and sell the loan prior to expiration of the origination period, LAFA will redeem the bond held by lender at 97.5 percent of the outstanding principal amount of the bond plus any accrued interest thereon.

I. Prior to the loan closing, the lender must enter into a loan purchase agreement with LAFA, whereby the lender must agree in addition to other provisions to repurchase the loan in the event of default on the loan by the borrower.

J. No later than 15 days prior to the date scheduled for each loan closing, the lender must deliver the loan file to the trustee consisting of the following instruments in the form required by LAFA:

1. The loan purchase agreement, executed by the lender;
2. A copy of the executed loan submission voucher (Exhibit A attached to agreement), which shall request the purchase of the loan by LAFA at a price equal to 97.5 percent of the principal amount of the loan;
3. An executed opinion of lender's counsel (Exhibit B attached to the agreement), to be dated the date of the bond closing;
4. A copy of the executed officer's closing certificate (Exhibit C attached to agreement), to be dated the date of the loan closing;
5. A copy of the executed loan note, post-dated to loan closing date;
6. A certified or other copy of the mortgage or other evidence of security (the "mortgage") securing the borrower's obligations under the loan note, if any, showing recordation information;
7. An executed certificate of economic life; and
8. An executed assignment of loan note (Exhibit D attached to the agreement), to be dated the date of loan closing.

K. The trustee shall review the loan file solely to determine (1) whether the loan file contains all required documents, and (2) whether such documents relate to the loan identified in the offer. The trustee is not required to make any further examination of any document in any loan file. The trustee shall notify LAFA and the lender of its approval of the documents in the loan file prior to the date scheduled for closing the loan.

L. Subsequent to issuance of a bond, the loan purchase agreement may not be amended, changed, modified, altered, or terminated without the written consent of LAFA and the bondholder.

M. If any provisions of the loan purchase agreement is breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other provisions of the loan purchase agreement.

N. Simultaneously with the closing of the loan, or at such other time as the trustee and the lender may mutually agree upon, the lender shall sell and LAFA shall purchase the loan. Under the required loan purchase agreement, the lender will service the loan.

O. If a lender fails to maintain its eligibility under the program after the issue and delivery of the bond, but before sale of the loan to LAFA, LAFA will redeem the bond held by the lender in an amount equal to 97.5 percent of the aggregate principal amount of the bond plus any accrued interest thereon.

P. Upon default on a loan and repurchase of the loan pursuant to the provisions of the loan purchase agreement, the corresponding bond shall be redeemed by LAFA at 100 percent of the outstanding principal amount thereof together with any accrued interest thereon.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

#### §525. Causes for Termination of Loan Purchase Agreement

A. LAFA may terminate a loan purchase agreement with any lender in any of the following circumstances:

1. Lender's failure to pay loan note repayments over to the trustee if such failure continues for a period of five days.
2. Lender's failure to observe or perform in any material respect any other covenant or condition of a loan purchase agreement for more than 30 days after receipt of written notice thereof from LAFA or the trustee. Prior to the expiration of such period, LAFA may extend the period by written authorization. If the failure stated in the notice cannot be corrected within 30 days, LAFA will not unreasonably withhold its consent to an extension of such



time if corrective action is instituted by the lender within the applicable period.

3. If any representation of or warranty by lender to LAFA is false in any material respect and LAFA has notice thereof.

4. The issuance of an order against the lender by any court or other supervisory authority having jurisdiction in the premises for the appointment of a conservator, receiver, or liquidator in any insolvency, readjustment of debt, marshalling of assets and liabilities, or liquidation of lender's affairs which remains in force undischarged or unstayed for a period of 60 days.

5. Lender's consent to the appointment of a conservator, receiver, or liquidator in any insolvency, readjustment of debt, marshalling of assets and liabilities, or similar proceedings relating to lender or all or substantially all of its property.

6. Lender's admission, in writing, of its inability to pay its debts generally as they become due, filing of a petition to take advantage of any applicable insolvency or reorganization statute, making an assignment for the benefit of its creditors, or voluntarily suspending payment of its obligations.

B. In any of the circumstances enumerated in LAC 7:525 (A), LAFA or the trustee, on LAFA's behalf, may take one or both of the following steps:

1. Make written demand on the lender for lender's repurchase of the unpaid portion of the loan note at a price equal to the unpaid principal plus any interest which has accrued and is unpaid as of the date of repurchase. Such demand shall be made when the lender fails for more than five days to pay over to the trustee the proceeds of loan note repayments.

2. Take whatever other action at law or in equity may appear necessary or desirable to collect any amounts due or to become due under the loan purchase agreement or to enforce performance and observance of a loan purchase agreement, including actions for costs of legal fees and other expenses incurred in such actions. Any amounts collected pursuant to action taken under this rule shall be deposited in the bond fund.

C. No delay or omission in exercising the remedies set forth above shall impair any right or be construed to be a waiver thereof; such remedies may be exercised from time to time, as often as may be deemed expedient, without any notice other than the notice required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and Section 103 (b)(6) of the Internal Revenue Code of 1954, as amended.

Bob Odom  
Commissioner

## **RULE**

### **Department of Commerce Office of Commerce and Industry Division of Financial Programs Administration**

#### **LOUISIANA CAPITAL COMPANIES TAX CREDIT PROGRAM**

To provide a tax credit to "certified" Louisiana capital companies in exchange for their investment in small and medium sized Louisiana businesses

**RULE 1. CAPITAL COMPANY:** For the purposes of this program, a "certified" capital company shall mean any partnership or corporation, whether organized on a profit or non-profit basis, that has as its primary business activity the investment of funds in return for equity in other companies that are in need of capital for survival, expansion, new product development, or similar business purposes and that may be certified by the secretary of Commerce.

**RULE 2. LOUISIANA BUSINESS:** Any business owned solely by a Louisiana Resident (a person who has lived in Louisi-

ana a minimum of 90 days, or possessing three of the following: a valid Louisiana motor vehicle operator's license, a valid Louisiana motor vehicle registration certificate, a valid Louisiana voter registration certificate or proof that Louisiana is the state where their federal income taxes were paid), any partnership, association, or corporation, domiciled in Louisiana, or any corporation, even if a wholly owned subsidiary of a foreign corporation that has a Louisiana office and employs Louisiana residents, that does business primarily in Louisiana (majority employment in Louisiana), or does substantially all of its production (75 percent or more of the value or volume) in Louisiana.

**RULE 3. WHO QUALIFIES FOR TAX CREDIT:** A credit may be claimed by an investor in a "certified" Louisiana Capital Company, a person, either natural or artificial, against the person's Louisiana income tax in the year in which the department certifies to the Department of Revenue and Taxation that the person is qualified for the credit and in every year thereafter to the full income tax liability of the person until the credit is exhausted.

**RULE 4. THE TAX CREDIT FOR AN ELIGIBLE INDIVIDUAL:** The credit shall be calculated by the department as 35 percent of the person's paid in cash at the time of certification. The value of property or services contributed shall not be included for purposes of determining the credit. Said certified company's initial capitalization shall be three million dollars. Credits granted under this rule shall not be transferable.

**RULE 5. ENTERPRISE ZONE CREDIT:** An additional five percent credit will be allowed on the amount of the investment to a Louisiana business that is located within a Louisiana enterprise zone that has been designated by the Louisiana Department of Commerce. The capital company shall furnish the department a distribution formula for the additional credit. The department shall certify and forward to the Department of Revenue and Taxation.

**RULE 6. NOTICE OF INTENT:** A notification of intent to seek certification shall be filed by a capital company at least 60 days prior to filing an application.

#### **RULE 7. APPLICATION PROCESS:**

(1) A company organized and existing under the laws of Louisiana, created for the purpose of making venture or risk capital available for qualified investments as required in R.S. 51:1921 shall make written application for certification to the secretary of the Department of Commerce on application forms provided by the Office of Commerce and Industry. Said application shall be signed by a duly authorized officer, or partner, and contain the following information and evidence:

- (a) The full legal name of the company
- (b) The address of the applicant's principal office in Louisiana
- (c) The names and respective addresses of the applicant's directors and officers or general and managing partners including street number in any city or town, state and zip code
- (d) A certified copy of the certificate of incorporation, and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or other evidence that the company is organized and existing under the laws of Louisiana, as required by the Secretary of State.

(e) Information and evidence that the applicant's purpose is to encourage and assist in the creation, development, and expansion of Louisiana businesses and to provide maximum opportunities for the employment of Louisiana residents, by making venture or risk capital available to Louisiana businesses.

(f) Information and evidence that the applicant has filed with the Louisiana Securities Commission a disclosure document and a consent to service of process as required by Louisiana Revised Statutes 51:701-720 or information and evidence that the applicant has registered the securities offering pursuant to the

Louisiana Securities Act or information and evidence that the securities offering is exempt from registration under the Securities Act et. seq of Louisiana.

(g) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit is not available for an investment in a company until the company has been designated a "certified" Louisiana capital company and the investor has received a certificate approving the credit from the secretary of the Louisiana Department of Commerce.

(h) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit will not be made available until the company raises at least three million dollars in equity capital and all statutory limits on tax credits are disclosed.

(i) Information and evidence that the applicant has disclosed or will disclose to all investors that the State of Louisiana is not liable for damages to an investor in a "certified" Louisiana capital company that fails to become designated as a "certified" Louisiana capital company.

(j) A statement that if the investors in the company or partnership receive a tax credit under Title 51, Chapter 26, then the company will use the capital base included by such tax credit to make qualified investments as required in R.S. 51:1926.

(k) A statement that the company will comply with all requirements of Title 51, Chapter 26, including the filing of quarterly reports of new investors and qualified investments that include the name of each investor in a "certified" Louisiana Capital company who has applied for a tax credit, the amount of each investor's investment, the amount of tax credit allowed to the investor and the date on which the investment was made.

(l) Information stating the total capital account of the applicant and how the value has been determined and how the equity portion has been determined for both the period before July 1, 1984 and after.

(2) The form for applying to become a "certified" Louisiana capital company may be obtained from the Office of Commerce and Industry, Financial Programs Administration Division, One Maritime Plaza, 101 France Street, Baton Rouge, La., or Box 44185, Baton Rouge, La., 70804, and shall be filed at the same address.

(3) The time and date of filings shall be recorded at the time of filing in the office of the Financial Programs Administration Division and shall not be construed to be the date of mailing. The recording of the filing time and date does not indicate the application is complete nor to be construed as an approval of the contents of the application.

(4) The secretary of Commerce shall cause all applications to be reviewed by the department and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within 15 days of receipt. An incomplete application shall be resubmitted, either in a partial manner or totally, as deemed necessary by the department.

(5) The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration.

**RULE 8. REQUIREMENTS FOR CONTINUANCE OF CERTIFICATION:** The secretary shall conduct an annual review of each "certified" Louisiana capital company to determine the company's compliance with the requirements for continuance of certification.

A. To continue in certification, a "certified" capital company must:

(1) Invest at least 30 percent of its initial capitalization at the end of the initial four years in such a manner as to acquire equity in the companies in which the investments are made.

(2) Have invested 50 percent total in the same fashion at the end of seven years.

(3) Have a total of 75 percent of its initial capitalization invested in the acquisition of equity at the end of nine years under the program.

B. At the fourth year, seventh year, and ninth year investment levels, at least 60 percent of the total investment of the "certified" capital company must be in Louisiana businesses in which the funds so invested were to be used solely for the purpose of enhancing their productive capacity or ability to do business within the state or to generate value added within the state to goods or services for export to out-of-state markets.

C. No investment in equity may be made at a cost to a "certified" capital company of greater than ten percent of the total assets under management of the "certified" capital company at the time of investment.

D. The use of invested funds by a Louisiana business for oil and gas exploration and development, for real estate development or appreciation, or for banking or lending operation shall not be counted for purposes of the continuance of certification.

#### **RULE 9. DECERTIFICATION:**

A. The secretary shall conduct an annual review of each "certified" capital company certified under the program to determine if the capital company is abiding by the requirements of certification, to advise the "certified" capital company as to the certification status of its investments, and to ensure that no investment has been made in violation of R.S. 51:1926(C). The cost of the annual review shall be paid by each "certified" capital company according to a reasonable fee schedule adopted under the provisions of the Administrative Procedure Act.

B. Any violation of R.S. 51:1926(C) shall be grounds for decertification under this Section. At the end of the fourth year, seventh year, and ninth year of each company's participation in the tax credit program, if the secretary determines that a company is not in compliance with any requirements for continuing in certification, he shall, by written notice, inform the officers of the company and the board of directors or partners that they will be decertified in 120 days from the date of mailing of the notice unless they correct the deficiencies and are once again in compliance with the requirements for certifications.

C. At the end of the 120 day grace period, if the "certified" capital company is still not in compliance, the secretary shall send a notice of decertification to the company and to the secretary of the Department of Revenue and Taxation. Decertification of a "certified" capital company shall cause the forfeiture of any right or interest to a tax credit under the program and shall cause the total amount of tax credit previously claimed by persons under the program to be due and payable with that year's income tax liability. These amounts are due notwithstanding the fact that the years for which the credits were originally taken may have prescribed.

D. The Department of Revenue and Taxation shall send written notice to the address of each person whose tax credit has been forfeited, using the address last shown on the person's last income tax filing.

E. Records, documents and any other materials submitted to the Office of Commerce and Industry by a "certified" capital company shall be exempted from release under the Public Records Act, R.S. 4:1 et seq., specifically section 44:4 that refers in part to "records that pertain to the business of the private person, firm or corporation, and are in their nature confidential."

**RULE 10. VOLUNTARY DECERTIFICATION:** At any time a "certified" capital company may voluntarily decertify itself by sending written notice of decertification to the secretary and by remitting to the secretary of the Department of Revenue and Tax-

ation full payment of all tax credits claimed by investors under its participation in the certification program. These amounts are due notwithstanding the fact that the years for which the credits were originally taken may have prescribed. Thereafter, the company shall be a full subrogee to the State of Louisiana through the Department of Revenue and Taxation for such sums as were remitted by the company against its investors or equity owners.

**RULE 11. CAPITAL COMPANIES PROGRAM TERMINATION:** The secretary shall not certify a "certified" capital company to begin the program later than December 31, 1989.

Robert Paul Adams  
Director

## **RULE**

### **Department of Commerce Real Estate Commission**

In accordance with the Notice of Intent published in the August 1984 Register, the Louisiana Real Estate Commission announces the adoption of the following rules, effective September 20, 1984:

All rule changes pertaining to "certified money"

LAC 11-15:

2.2 Every application must be fully completed, notarized and accompanied by the prescribed fees, including initial licensing, examination, recovery fund and education fund fees. All fees must be made payable to the Louisiana Real Estate Commission. In addition, every initial application for a salesperson's license must be signed by a licensed broker who will serve as the applicant's sponsoring broker.

4.3 All fees must be made payable to the Louisiana Real Estate Commission.

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

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

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

9.2 A copy of that notification along with a transfer fee of \$25 and the acknowledgement of the new sponsoring broker, where there is to be a new sponsoring broker, shall be immediately forwarded to the commission by the transferring associate broker or salesperson. All fees must be made payable to the Louisiana Real Estate Commission. No transfer fee shall be charged in any situation specified in Subsection 9.10 of these regulations. The associate broker or salesperson shall also comply with all the ter-

mination responsibilities as set forth in Section 10 of these regulations.

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

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

No transfer fee shall be charged in any situation specified in Subsection 9.10 of these regulations.

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

34.4.4 Certificates of Authority issued or renewed under this Section shall be valid for a maximum of one year and shall expire on December 31 of each year. Each private commercial real estate school shall pay an annual certification fee of \$500. All fees must be made payable to the Louisiana Real Estate Commission. LAC 11-15:34.5 Instructor Qualifications

34.5.3 All initial applicants for certification shall attach to their application the results of an instructor's assessment examination specified by the commission and have met or exceeded the minimum score required thereon. The applicant must also possess at least one of the following qualifications:

34.5.6 (a) Beginning with the instructor renewal for 1985, all applicants for renewal of their instructor's certificate shall have on file with the commission the results of an instructor's assessment examination specified by the commission.

LAC 11-15:15 Escrow Accounts

15.10 Any money received as a deposit on a real estate transaction shall be deposited into the escrow account of the listing broker unless all parties having an interest in the funds have agreed otherwise in writing.

LAC 11-15:7 Waivers

Revoke the following rules:

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

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

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

§7.4 The commission may waive 50 classroom hours of

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

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

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

Anna-Kathryn Williams  
Executive Director

## RULE

### Department of Commerce Real Estate Commission

In accordance with the Notice of Intent published in the September 1984 Register, the Louisiana Real Estate Commission announces the adoption of the following rule, effective November 20, 1984:

LAC 11-15:34.5.6 (b) Beginning with the instructor renewal for 1986, all applicants for renewal of their instructor's certificate shall either have on file with the commission a score on a test taken within the year which at least meets the minimum requirement established by the commission, or furnish proof of completion of 12 classroom hours of continuing education in a course approved by the commission and proof of having instructed three classroom hours in a course approved by the commission.

Anna-Kathryn Williams  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on August 20, 1984 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rules listed below:

Rule 3.01.70.aa

The Board adopted the following language relative to certification requirements for teachers of the Non-categorical Preschool Handicapped:

"For those students pursuing a double major in Elementary Education which includes Early Childhood, (Nursery and/or Kindergarten); and Non-categorical Preschool Handicapped, the student teaching requirements will be fulfilled according to the mandates of Act 756 and 757 and will be equally divided between regular Elementary Education and Special Preschool Education." Rule 3.01.70.cc

The Board adopted clarifying language in the requirements for teacher certification in talent to read: "Master's Degree in Art, Music or Theatre Liberal Arts or Master's Degree in Art, Music or Theatre, Education."

The Board amended Bulletin 746 and adopted certification requirements in foreign languages as listed below:

Rule 3.01.70.v(9)b

### FOREIGN LANGUAGE REVISIONS IN BULLETIN 746

#### I. Elementary Certification Options (Page 16)

Foreign Language—Elementary teachers may be certified to teach a foreign language upon completion of 15 semester hours in the language and a passing score of intermediate middle on the ACTFL Oral Proficiency Test.

#### II. Secondary Certification (Page 24)

Foreign Language—A minimum of 24 semester hours in a language or 18 semester hours if taken above the first-year college level.

Beginning with freshmen entering higher education institutions in the 1984-85 school year, all candidates for certification will be required to complete 36 semester hours or 24 hours above the sophomore level which shall include a three-hour methods course in modern foreign languages. A minimum of 12 of the 24 hours may be fulfilled by a two-semester residence in a university abroad or by two summers of intensive immersion study on a Louisiana university campus, an out-of-state university campus, or abroad.\*

#### III. All-level Certification (Page 34)

Foreign Language—Beginning with freshmen entering higher education institutions in the 1984-85 school year, all candidates for certification will be required to complete 36 semester hours or 24 hours above the sophomore level which shall include a three-hour methods course in modern foreign languages. A minimum of 12 of the 24 hours may be fulfilled by a two-semester residence in a university abroad or by two summers of intensive immersion study on a Louisiana university campus, an out-of-state university campus, or abroad.\*\* Nine additional hours of professional education appropriate to the elementary level are also required.

Rule 3.01.50.b

The Board adopted the revised (1983) Mathematics I (Bulletin 1608) and revised (1983) Algebra II (Bulletin 1582) Curriculum Guides.

Rule 3.01.70.v(18)a

Adopted language change relative to extension of teaching certificates as follows:

"Requests to extend certificates or to issue higher certificates based on teaching experience must be in writing by the employing authority of a Louisiana approved school or a school that has made application for approval."

Rule 3.02.39

The Board adopted the *Reduction in Force Policy* for Board Special Schools as amended by the Special Education Committee on October 23, 1984. (Copy on file in Board Office and Office of the Louisiana Register)

Rule 3.01.51.c

The Board amended the high school graduation requirements in Bulletin 741 to reflect that computer science or data processing are permissible alternatives to the required course in computer literacy.

\* The two-semesters abroad or alternative is required for French certification and is optional for all other foreign languages. Individuals achieving intermediate high on the ACTFL Oral Proficiency Exam may substitute this score for the two-semesters abroad or alternative.

NOTE: Certification is awarded in each individual language. Secondary foreign language certification may be converted to all level certification (1-12) with an additional nine hours of professional education courses at the elementary level.

\*\* The two-semesters abroad or alternative is required for French certification and is optional for all other foreign languages. Individuals achieving intermediate high on the ACTFL Oral Proficiency Exam may substitute this score for the two-semesters abroad or alternative.

NOTE: Certification is awarded in each individual language.

Rule 3.01.51.d

The Board adopted language in Bulletin 741, Standard 2.102.05 to read as follows: "Students shall not be allowed to take proficiency examinations in courses previously completed in high school or at a level below that which they have completed."

Rule 3.01.51.e

The Board adopted an amendment to Bulletin 741, Standard 2.102.01 under High School Credit for Elementary students. (See Notice of Intent in August issue of *Louisiana Register* for Standard.)

Rule 3.01.51.f

The Board amended Bulletin 741 to reduce the maximum class size for K-3 from 30 students to 29 students.

3.02.39 REDUCTION IN FORCE POLICY FOR BOARD SPECIAL SCHOOLS

PART I

3.02.39.a GENERAL PROVISIONS

1. Authority: The State Board of Elementary and Secondary Education (SBESE) shall have the authority to make, and shall make provisions for a reduction in the number of school employees of the Board Special Schools, based upon the recommendation of each Board special school superintendent.

2. Causes: When conditions such as program change/elimination, declining enrollment, insufficient funds, or other just causes as approved by the Board require a reduction in school faculty/staff, the priorities and procedures outlined in this policy shall be implemented.

3. Avoidance Measures: All possible alternatives to the layoffs of employees will be considered prior to implementation of the Reduction in Force (RIF) Policy. Each superintendent should determine the most appropriate measure(s) that applies to the school situation, keeping in mind both the efficiency of school operations and employee morale. Prior to any mandated staff reductions, necessary savings should first be attempted through normal attrition, appropriate reassignments, reduction in work hours/days, length of appointment and/or pay, voluntary leaves of absence and voluntary retirements.

4. RIF vs. Discharge for Cause: It is important to understand that there is a difference between a Reduction in Force and a discharge for cause. The termination of employment because of necessary reduction in force is brought about not by a personal failure on the faculty/staff member's part but because of some external factor, like financial exigency.

5. Legal Requirements: All reductions or changes affecting employees shall be in accordance with requirements contained in state statutes and Board policy. Reductions or changes affecting classified Civil Service employees shall be in accordance with Civil Service rules and regulations.

PART II

3.02.39.b DEFINITION OF TERMS

1. Certification—Certification and licensure for employment as established by the SBESE and administered by the State Department of Education (SDE).

2. Evaluation—Evaluation is the formal written evaluation of a school employee's performance according to the Personnel Accountability Plan for Board Special Schools.

3. Financial Exigency—Financial exigency is any decline in the school's financial resources that is brought about by actions or events that compel a reduction in the current operating budget.

4. Program Change—Program change is any reorganization, consolidation, curtailment, or elimination of a curriculum offering, program or school operation.

5. School Employee—School employee is any person employed by the Board special school, e.g., an administrator, supervisor, professional staff member, teacher, teacher aide/paraprofessional, or classified staff member.

6. Seniority—Seniority is the total length of service in the Board special school, including service time in the Southern University State School for the Deaf and the Southern University State School for the Blind prior to the September 9, 1978 merger with the Board special schools.

Board approved leave without pay before RIF for a period not to exceed 12 continuous months will count toward seniority.

Layoff time resulting from RIF does not count as service time for employee benefits and service credit purposes, except as provided for in 3.02.39(n); however, it will not cancel prior credited service if reinstated within three years. This layoff time shall neither contribute to nor cancel creditable continuous service for the purpose of sabbatical leave benefits.

7. Termination—Termination is the cessation of employment of a school employee.

PART III

3.02.39.c PRELIMINARY DETERMINATION

1. If a Superintendent determines or is notified that a state of financial exigency exists or is imminent or a program change has occurred or should seriously be considered and termination of the employment of one or more school employees may be a required consequence of such circumstance, the Superintendent shall present the problem(s) and any recommendations to the Board dealing with the situation. School employees as well as employee and teacher organizations will be notified by the Superintendent before the problem/plan is presented to the Board.

2. The Board shall review the recommendation, considering the impact of the financial exigency and/or the program change. After review, the Board shall render a decision.

3. The superintendent shall disseminate the Board decision, by any means reasonable, to bring it to the attention of school employees.

4. After such dissemination as required in Section 3, the superintendent shall prepare for the Board a recommendation of the specific action(s) which should be taken, if not already done in Section 1. If the termination of school employee(s) is required, the superintendent shall apply the criteria listed in this policy to determine the positions/individuals to be affected.

PART IV

3.02.39.d GENERAL CRITERIA FOR RIF

1. The basic criteria in making decisions regarding the reduction in force will be the administration and maintenance of a quality, balanced educational program and services for the students of the Board special school and resource services of the school. Therefore, the decision regarding the reduction in force of certificated, licensed, unclassified, and classified staff will be based on retaining persons with the certifications, qualifications and skills necessary to provide a balanced educational program and to maintain and operate the school system. The superintendent shall identify the positions needed at the school to meet the requirements stated above, in accordance with statutes and policies affecting the establishment and operation of the Board special school, e.g., BESE policy, State Department of Education Bulletin 741 and Act 754 of 1977 and its regulations.

2. Employees on Board approved leaves of absence will be treated in the same manner as other regularly employed personnel insofar as application of this policy is concerned.

PART V

3.02.39.e. POSITION DETERMINATION

1. Personnel reduction will be based on the need for certain positions at the Board special school. The superintendent will identify the positions needed and develop a roster which indicates the requirements, including certification or licensure if applicable, for each position.

2. In determining the appropriate requirements for each

position, the staffing/organizational pattern of the school will be used as the determining factor, e.g., teachers will be identified as elementary or secondary teachers.

3. The superintendent will prepare a list of positions being terminated.

#### PART VI

##### 3.02.39.f EMPLOYEE RIF POINTS ASSIGNMENT

1. The superintendent will prepare a roster of current employees, by appropriate job category, listing pertinent pieces of information as applicable, e.g., certification area(s), highest degree on Louisiana teacher's certificate, total teaching/working experience at an approved school, program, agency, or company; total teaching/working experience in the exceptionality served by the Board special school; seniority credit at the present Board special school; present area of assignment and length of service in that area at the school.

2. An employee may be rated only in the present job category (unless the provisions of XI 2. apply) and may be given credit in terms of a numerical score only on one appropriate/applicable item in each criteria.

3. Each employee will be credited with a total years of experience by having each year of experience assigned to number 3, 4 or 5 only in the appropriate job category as reflected in Parts VII through X.

4. Each employee's number of RIF points will be totaled, based on the criteria, by job category, outlined in Parts VII-X.

#### PART VII

##### 3.02.39.g RIF POINT CRITERIA FOR TEACHERS

###### 1. Certification

- a. E Permit or Temporary Employment Permit 0 pts.
- b. "T" Certificate/Professional Plans 3 pts.
- c. Certificated and teaching a major portion of the day in the field(s) of certificate or working on "T" in another field at the request of the Board special school 6 pts.
- d. Certified in the exceptionality served by the Board special school 10 pts.

###### 2. Degrees Earned

- a. Bachelor's degree 2 pts.
- b. Master's degree 4 pts.
- c. Master's degree + 30 6 pts.
- d. Educational Specialist degree 8 pts.
- e. Doctor's degree 10 pts.

3. Full-time, satisfactory general teaching experience (outside of the primary exceptionality served by the present Board special school) at an approved school/program as accredited on current year's contract: .5 point for each year up to a maximum of 20 points.

4. Full-time, satisfactory teaching experience at an approved school/program in the primary exceptionality served by the Board special school outside of the present Board special school as credited on current year's contract: 1 point for each year up to a maximum of 30 points.

5. Seniority at present Board special school: 2 points for each year of full-time employment credited for contract purposes, up to a maximum of 40 points.

#### PART VIII

##### 3.02.39.h RIF POINT CRITERIA FOR TEACHER AIDES/PARAPROFESSIONALS

###### 1. Teacher Aide/Paraprofessional Training

Two points will be awarded to each teacher aide/paraprofessional holding a Board Special School Training Certificate or Paraprofessional Training Permit.

2. Academic credit, from approved college/university, as

certified on official transcript provided to the school Personnel Office.

- a. 30-59 hours 1 pt.
- b. 60-89 hours 2 pts.
- c. 90-119 hours 3 pts.
- d. 120 hours-Bachelor's degree or higher credit 4 pts.

3. Full-time, satisfactory general teaching or teaching aide experience (outside of the primary exceptionality served by the present Board special school) at an approved school/program, as credited on current year's contract: .5 point for each year up to a maximum of 20 points.

4. Full-time, satisfactory teaching or teaching aide experience at an approved school/program in the primary exceptionality served by the Board special school outside of the present Board special school as credited on current year's contract: 1 point for each year up to a maximum of 30 points.

5. Seniority at present Board special school: 2 points for each year of full-time employment credited for contract purposes up to a maximum of 40 points.

#### PART IX

##### 3.02.39.i RIF POINT CRITERIA FOR PROFESSIONAL STAFF

###### 1. Certification

(1) For educational/instructional programs, if required in the job description,

- a. E Permit or Temporary Employment Permit 0 pts.
- b. "T" Certificate/Professional Plans 3 pts.
- c. Certificated and teaching/working a major portion of the day in the field(s) of certificate or working on "T" in another field at the request of the Board special school 6 pts.
- d. Certified in the exceptionality served by the Board special school 10 pts.

(2) For support programs/services, if required in the job description,

- a. Entry state professional license/certificate 2 pts.
- b. Higher state professional license/certificate 4 pts.
- c. Entry national professional license/certificate 6 pts.
- d. Higher national professional license/certificate 8 pts.

(3) For other professional personnel not requiring certification/licensure, but hold academic, other qualifying preparation, or specialized training/experience, 5 pts.

###### 2. Degrees Earned

- (1) For educational/instructional programs,
  - a. Bachelor's degree 2 pts.
  - b. Master's degree 4 pts.
  - c. Master's degree + 30 6 pts.
  - d. Educational Specialist degree 8 pts.
  - e. Doctor's degree 10 pts.

(2) For support programs/services,

- a. 60-89 hours 1 pt.
- b. 90-119 hours 2 pts.
- c. 120-up to a bachelor's degree 3 pts.
- d. Bachelor's degree 4 pts.
- e. Master's degree or higher credit 5 pts.

3. Full-time, satisfactory general professional experience (outside of the primary exceptionality served by the present Board special school) at an approved school, program, agency, or company in same or related job category as credited: .5 point for each year up to a maximum of 20 points.

4. Full-time, satisfactory professional experience at an approved school, program, agency, or company in the primary exceptionality served by the Board special school outside of the present Board special school as credited: 1 point for each year up to a maximum of 30 points.

5. Seniority at present Board special school: 2 points for



each year of full-time employment credited, up to a maximum of 40 points.

#### PART X

### 3.02.39.j RIF POINT CRITERIA FOR ADMINISTRATORS AND SUPERVISORS

#### 1. Certification

(1) For educational/instructional programs, if required in the job description

- a. E Permit or Temporary Employment Permit 0 pts.
- b. "T" Certificate/Professional Plans 3 pts.
- c. Certificated and teaching/working a major portion of the day in the field(s) of certificate or working on "T" in another field at the request of the Board special school 6 pts.
- d. Certified in the exceptionality served by the Board special school 10 pts.

(2) For support programs/services, if required in the job description,

- a. Entry state professional license/certificate 2 pts.
- b. Higher state professional license/certificate 4 pts.
- c. Entry national professional license/certificate 6 pts.
- d. Higher national professional license/certificate 8 pts.

(3) For other personnel not requiring certification/licensure, but hold academic, other qualifying preparation, or specialized training/experience, 5 pts.

#### 2. Degrees Earned

(1) For educational/instructional programs,

- a. Bachelor's degree 2 pts.
- b. Master's degree 4 pts.
- c. Master's degree + 30 6 pts.
- d. Educational Specialist degree 8 pts.
- e. Doctor's degree 10 pts.

(2) For support programs/services,

- a. 60-89 hours 1 pt.
- b. 90-119 hours 2 pts.
- c. 120-up to a bachelor's degree 3 pts.
- d. Bachelor's degree 4 pts.
- e. Master's degree or higher credit 5 pts.

3. Full-time, satisfactory professional/teaching experience (outside of the primary exceptionality served by the present Board special school) at approved school, program, agency, or company in same or related job category: .5 point for each year up to a maximum of 20 points.

4. Full-time, satisfactory professional/teaching experience at an approved school, program, agency, or company in the primary exceptionality served by the Board special school outside of the present Board special school: 1 point for each year up to a maximum of 30 points.

5. Seniority at present Board special school: 2 points for each year of full-time, employment credited up to a maximum of 40 points.

6. Administrative/supervisory experience, which had previously been credited as professional/teaching in 3, 4, and 5 above, at an approved school, program, agency, or company: an additional .5 point for each year of full-time, administrative/supervisory experience credited up to a maximum of 15 points.

#### PART XI

### 3.02.39.k ASSIGNMENTS

1. For each position established by the superintendent as needed, a determination must be made as to which employees presently occupying the affected job category, or employees from higher positions affected by RIF, are qualified to hold the position.

Only those employees who meet the qualification requirements for the position needed will be ranked. In instances where only one or certain job categories or a designated level of position

is affected, only employees presently in each affected category/level will be ranked for assignment.

2. Job assignments are offered to employees at a comparable or subordinate level if there positions are affected by RIF. Employees will automatically be ranked at subordinate levels if no position is available at their present level.

3. Offers of assignments will be made in hierarchical level of the position at the Board special school, i.e., offer(s) for the highest ranking position will be finalized before proceeding to the next lower position, etc. This procedure is established to provide for affected employees who may be qualified and eligible for employment in a lower job category, with RIF total points determining their rank order for the next position available.

4. For each teacher position needed, the order of effecting lay off provisions will be: day-by-day substitutes first, contracted full-time substitutes next, then non-tenured/probationary contracted staff, and then tenured teachers.

For all other job categories, the order of effecting lay off provisions will be: temporary, substitute, or acting employees and then regular staff.

For all job categories, an employee in acting status reverts to the prior regular assignment for ranking.

5. For each position needed, the assignment of an employee will be by rank order as established by the final RIF point total.

a) The qualified employee with the greatest number of points in the final point total is ranked number one, next qualified employee with the second greatest number of points is number two, etc.

b) Job assignments are offered in rank order, with number one getting the first offer; number two getting the second offer, etc.

c) Only in instances when the position requirements cannot be met by regular staff will probationary, acting, substitute, or temporary staff presently in the affected job category be considered if qualified and then be ranked for assignment.

6. In cases of a tie in the final RIF point total, the superintendent shall determine which employee if retained would best serve the needs of the school. Factors used to make such a determination may include current performance evaluation rating, multiple certifications, demonstrated participation/service in co-curricular or extra curricular activities.

7. The superintendent or his designee will offer assignments to employees and the employees will be given a designated period of time in which to accept or decline any position(s) offered by the Board special school. If such offer is made verbally, written confirmation will follow. No response from the employee within the designated time frame will be interpreted as a declination of the position(s) offered.

8. Implementing the criteria in this policy, from the Positions Needed Roster and the Positions Terminated List, the superintendent will prepare a report on affected employees, indicating the disposition of each employee.

9. The superintendent shall present to the Board recommendations of specific actions to be taken.

10. The Board shall receive the recommendations and take appropriate action.

#### PART XII

### 3.02.39.1 NOTICE TO INDIVIDUAL EMPLOYEE

1. After the Board takes action, the superintendent shall give written notice of that fact by certified mail, return receipt requested, or delivery by hand, with date delivered noted, to each employee to be terminated prior to or by the termination date. The notice shall be deemed delivered to the employee upon actual receipt by, or manual delivery to, the employee or to any resident of suitable age and discretion of the employee's domicile, or on the



seventh day subsequent to the day on which the school establishes that it was deposited in the United States mail, with proper postage affixed, and addressed to the employee at his last known address as furnished by the employee. It shall be the responsibility of each employee to see that his current address is on file in the school personnel office.

2. The notice shall include a statement of the conditions requiring termination of employment and general description of the procedures followed in making the decision.

### PART XIII

#### 3.02.39.m REVIEW OF INDIVIDUAL TERMINATIONS

##### 1. Request for a Review

An employee who receives a termination notice pursuant to Part XII above may request in writing a review of his/her termination. The written request must be received by the superintendent of the Board special school within 10 calendar days of the date of the employee's receipt of the notice of termination. Failure of the employee to timely submit such request for review shall constitute a waiver on the part of the employee of his/her right to challenge his/her termination under this policy.

Within five calendar days of the date of the superintendent's receipt of the request of the review, he or his designee shall set a conference to review with the employee his/her concerns related to the termination.

##### 2. Request for a Hearing

Within five calendar days after the review is complete, if the employee is not satisfied with the results of the review he/she may request in writing that the superintendent notify the Board through its established procedures of the employee's request for a hearing at the Board level.

The hearing shall be granted solely to determine whether the decision to terminate the employee was arbitrary or capricious with respect to that individual. The request for the hearing must specify all grounds on which it is contended that the decision was arbitrary or capricious and must also include a short, plain statement of facts which the employee believes will support his contention.

Upon receipt of the request for a hearing, the Board shall grant and schedule a hearing date and give the employee at least five calendar days notice of such date.

##### 3. Conduct of the Hearing

The hearing shall be conducted before an appropriate committee of the SBESE. The committee will consider only such evidence as is presented at the hearing, and it need consider only the evidence that it deems fair and reliable. All persons making statements to the committee during such hearing may be questioned by the committee members, the employee and/or his/her representative and the superintendent of the Board special school or his designee. The conduct of the hearing shall be under the direction of the committee chairperson.

The hearing shall begin with the employee's presentation of his/her contentions, limited to those grounds specified in the request for hearing and supported by such proof he/she desires to offer. When this presentation is concluded, the superintendent or his designee may then present such testimonial or documentary proof as he desires to offer, including his own testimony, in rebuttal of the employee's contention or in general support of the decision to terminate.

Neither the employee and/or his/her representative, nor the superintendent or his designee may present information which would violate the rights of other employees to confidentiality.

After the superintendent or his designee completes his presentation, the committee shall consider all evidence presented to it during the hearing.

#### 4. Procedure after Hearing

The committee shall send its recommendations to the Board for action.

(a) If the full Board determines that the employee's contention has not been established, the Board shall so notify the employee and the superintendent of the Board special school. Such a determination finally sustains the decision to terminate.

(b) If the full Board determines that the employee's contention has been established, the Board shall notify the employee and the superintendent of the Board special school by a written notice that states what corrective action must be taken.

### PART XIV

#### 3.02.39.n RECALL PROCEDURES

Employees who have been terminated will be given priority consideration for any vacant position in the school for which he/she is fully certified or qualified. For three years after the effective date of a termination pursuant to provisions set forth herein, the superintendent shall not fill a vacant position without first offering the position to the terminated employees who are certified or qualified for that position. Recall of former employees shall be effected in reverse order of termination, based on the final point total as outlined in Parts VI-X. The offer of reemployment of appropriately certified or qualified terminated personnel for school-wide vacancies shall be made by certified mail, return receipt requested, and the person shall be notified that, if he/she wishes to accept, he/she must do so in writing within 10 calendar days. It shall be the responsibility of employees terminated under the provisions of this policy to notify the school personnel office, in writing, of changes of address. Failure to accept an offered position, will not jeopardize future reemployment opportunities with the school.

Should there be no certified or qualified employee eligible or available to fill the vacant position, then normal procedures of filling a vacancy shall be utilized.

A tenured teacher who has been laid off and reemployed within three calendar years shall be reinstated as a tenured teacher. A probationary teacher who was laid off and reemployed within three calendar years shall be given credit for prior service up to two years for the time already served as a probationary teacher for purposes of determining when he/she is eligible to be considered for tenure.

An administrative, supervisory, professional staff person or teacher aide/paraprofessional who has been laid off and reemployed within three calendar years shall be reinstated with full service credit if reemployed in the same or comparable position.

An employee who is recalled within three calendar years after being laid off shall have restored to him/her all of the sick leave and unused annual leave he/she had accrued on the effective date of the layoff.

### PART XV

#### 3.02.39.o EXCLUSIVENESS AND SAVING PROVISION REGARDING REDUCTION IN FORCE POLICY

This reduction in force policy is the only procedure that may be used in a reduction in force. Any existing procedure for reconsidering or examining an employee discharge, nonreappointment or grievance will not be considered in implementing a reduction in force. Similarly, no personnel action other than a reduction in force may be considered under this policy.

If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions of this policy which can be implemented without the invalid provisions, and to this end, the provisions of this policy are hereby declared severable.

Any and all provisions of this policy shall yield to state and

federal laws and regulations governing education of the handicapped when held to be in conflict with them.

James V. Soileau  
Executive Director

**RULE**  
**Board of Trustees for**  
**State Colleges and Universities**

**Preface**

The Board of Trustees for State Colleges and Universities at its regular meeting on July 27, 1984 by resolution repealed, in its entirety, the Policies and Procedures Manual then operative for the System it manages and enacted what follows as the Rules to replace that Manual as the policies and procedures by which the System will be governed.

**TITLE I**  
**BYLAWS**

**Chapter 1. Definitions**

**College and University System** - The term "college and university system", when used in these bylaws, shall refer to the system of campuses governed by the Board of Trustees for State Colleges and Universities which includes:

Delgado Community College at New Orleans,  
Grambling State University at Grambling,  
Louisiana Tech University at Ruston,  
McNeese State University at Lake Charles,  
Nicholls State University at Thibodaux,  
Northeast Louisiana University at Monroe,  
Northwestern State University of Louisiana at Natchitoches,

Southeastern Louisiana University at Hammond,  
University of Southwestern Louisiana at Lafayette, and  
any other college, university, school, institution or program now or hereafter under the supervision and management of the Board of Trustees for State Colleges and Universities.

**The Board of Trustees for State Colleges and Universities** - The "Board of Trustees for State Colleges and Universities," or "Board," as used in these bylaws shall refer to the governing board of the college and university system and shall be composed of the Board of Trustees, duly appointed and qualified as provided by law.

**President of the Board** - The term "President of the Board" as used by these bylaws shall refer to the Board member who is duly elected President or Acting President of the Board.

**Executive Director of the Board** - The term "Executive Director of the Board," or "Director," as used in these bylaws shall refer to the duly appointed Director or Acting Director, who shall be the principal executive officer of the Board.

**Chapter 2. Officers**

**Election** - At the second regular or special meeting of the Board in the calendar year, the Board shall elect a President and a Vice-President. The President and Vice-President shall be members of the Board. Each of these officers shall hold office for one year or until a successor has been elected.

**President** - It shall be the duty of the President to preside at all meetings of the Board, to name the members of all standing and special committees of the Board and to fill all vacancies in the membership of such committees, in accordance with the provisions of these bylaws.

**Vice-President** - In the absence of the President of the Board, it shall be the duty of the Vice-President to perform the duties of the President.

**Secretary** - The Executive Director of the Board shall serve as Secretary to the Board, to the Executive Committee and to standing and special committees. He shall be appointed by and shall hold office at the pleasure of the Board and shall keep minutes of all Board and committee meetings. Copies of all minutes, papers and documents of the Board may be certified to be true and correct copies thereof by the Secretary.

**Chapter 3. Meetings**

**Regular** - The Board or Executive Committee shall meet monthly. The Board shall meet on or before the second Monday of January each year. (R.S. 17:1833)

**Special** - A special meeting of the Board may be called by the President of the Board or upon receipt of a written request signed by ten members specifying the purpose of the desired meeting. Notification shall be sent by mail or wire to each member at least five calendar days before the time of the meeting.

**Quorum** - A majority of voting Board members (ten) shall constitute a quorum for the transaction of business at any regular or special meeting.

**Rules of Order** - When not in conflict with any of the provisions of these bylaws, *Robert's Rules of Order* (latest revision) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board.

**Order of Business** - The order of business of regular meetings of the Board shall be as follows:

Roll call and invocation  
Correction and approval of minutes of preceding regular meeting and of all special meetings held subsequent thereto  
Reports and recommendations of standing committees  
Reports and recommendations of special committees  
Reports and recommendations of the Director of the Board  
New business

All regular meetings of the Board shall be open except when otherwise voted by the Board for the consideration of executive matters. No final or binding action shall be taken in a closed or executive session. At least ten days prior to each regular meeting of the Board, the Director of the Board shall prepare and forward to each member of the Board a tentative agenda for the meeting. The Director shall place a particular item or subject on the agenda upon the request of any member of the Board.

All matters requiring action of the Board, however, may be acted on even though not carried on the agenda.

A poll by mail or phone shall be authorized in an advisory capacity only when, in the opinion of the President of the Board, an *extreme emergency* exists.

**Compensation of Members**—Each member of the Board shall be paid \$50 for each day of actual attendance at meetings of the Board, a committee appointed by the Board on which the member serves, or while on business for the Board as assigned by it, plus travel and other expenses incurred in the performance of official duties. Reimbursement of travel and expenses shall be in conformity with regulations governing such expenses for state officials.

**Minutes**—The minutes of the meetings of the Board shall record official action taken upon motions or resolutions which are voted upon by the Board, and may contain a summary or report of the

action and pertinent discussion. In all cases when the action is not by a unanimous vote, the “yeas” and “nays” and abstentions of the individual members shall be recorded upon the request of any member of the Board. An affirmative vote by a majority of the Board (ten) is required for any official action. The remarks, personal views, or vote explanations of an individual member shall be included in the minutes only upon request of that member. The foregoing provisions relative to contents of the minutes shall in general also apply to minutes of committees of the Board. The minutes of the Board become official only when completed by the Secretary and approved by the Board at a subsequent meeting. Official actions of the Board may be distributed to the press by the President of the Board or by the Director of the Board, after each meeting and prior to the completion or approval of the official minutes.

**Reference to Committees**—In cases where practicable or desirable, prior to taking action on any subject or matter clearly within the sphere of any standing committee, the Board may refer such subject or matter to the appropriate committee. The committee to which the matter was referred shall submit to the Board its recommendations in writing.

**Presentation of Materials to the Board**—All college and university presidents shall present the required number of copies of relevant materials, for each agenda item 15 calendar days prior to the Board meeting in order that the agenda may be sent to the members of the Board ten calendar days prior to the meeting date.

All requests for leaves of absence must be in the office of the Board at least 30 calendar days before such action is planned, except in extreme emergency situations. All personnel changes shall be incorporated in a single item to be brought before the Board for its action.

## Chapter 4. Committees

**Executive Committee**—There shall be an Executive Committee consisting of the President, the Vice-President and other members appointed by the President from among the Committee Chairmen. The Executive Committee shall consider matters referred to it by the Board, shall execute orders and resolutions assigned to it by the Board, and shall take immediate action if an emergency requiring such action arises between Board meetings. All acts of the Executive Committee, except those matters in which the Board shall have delegated full authority to the Committee to act for it, shall be submitted to the Board for ratification or rejection at its next meeting.

**Standing Committees**—All standing committees shall consist of no less than five voting members of the Board. Unless and until otherwise decided by the vote of a majority of the membership of the Board, the standing committees of the Board shall consist of the following:

**Academic Affairs Committee**—To this committee may be referred matters concerning academic organization, curricula, personnel, faculty, scholarships and other academic affairs.

**Finance Committee**—To this committee may be referred all matters related to financial and budgetary operations.

**Grievance Committee**—To this committee may be referred grievances brought to the Board by personnel of the colleges and universities under its jurisdiction in accordance with established policies and procedures.

**Physical Plants Committee**—To this committee may be referred matters relating to physical plants of the institutions.

The Board may create such other standing committees as deemed necessary.

An affirmative vote of a majority of the committee is required for any official action.

**Appointment and Term**—Members of all standing committees, one of whom shall be designated as Chairman and one of whom shall be designated as Vice-Chairman, shall be appointed by the President of the Board within 30 days following his/her election as President. The term of committee appointees shall run concurrently with that of the President.

Vacancies occurring among the appointed members of any committees, however arising, shall be filled by the President of the Board for the remainder of the term.

**Meetings of the Standing Committees**—It shall be the duty of the Chairman of each committee to call and to preside over the necessary meetings. The Secretary of the Board shall keep minutes of all committee meetings. The minutes of each meeting of the committee, showing its action and recommendation, shall comply with the provisions of the paragraph above entitled “Minutes” in Title I, Chapter 3. Meetings.

**Quorum for Committee Meetings**—A majority of the members of any committee of the Board shall constitute a quorum for the transaction of business. A committee chairman at any committee meeting may appoint to membership on the committee in question any Board member in attendance at the committee meeting then being held. The Board President shall be an ex officio member of each committee with all the rights of other members.

**Special Committees**—As need arises, the Board may create special committees with such function, powers and authority as it may determine. Special committees shall be established for temporary periods not exceeding the term of the President. Unless otherwise provided by the action of the Board creating such a committee, the President shall determine the number of its members, shall appoint the members and shall designate the chairman.

## Chapter 5. Duties, Powers and Functions

**General Duties**—It shall be the function of the Board to establish and maintain in each of the colleges and universities highest quality of instruction in the various branches of knowledge for graduates of high school courses of study.

**General Statement of Administrative Policy**—The Board of Trustees shall determine broad administrative and educational policies for the conduct of all of its affairs and the affairs of the college and university system and it shall provide for the execution of its policies by the Board staff and presidents of the various colleges and universities who are elected by the Board to hold office at its pleasure.

**Other Duties, Powers and Functions**—In its supervision and management of the colleges and universities under its administration, the Board shall have authority to:

Sue and be sued, including the right to recover all debts owing to the Board or any university or college under its management, and to retain legal counsel therefor.

Actively seek and accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and to comply with rules and regulations governing grants from the Federal government or any other person or agency which are not in contravention of the Constitution and laws of the State of Louisiana.

Receive and expend or allocate for expenditure to the institutions under its jurisdiction all monies appropriated or otherwise made available for purposes of the Board and/or the institutions under its jurisdiction.

Borrow money and issue notes, bonds or certificates of indebtedness for the same and pledge fees, rents and revenues to guarantee payment thereof, in accordance with law and with approval of the State Bond Commission.

Determine the fees which shall be paid by students and maintain in the Board's office, as a public record available on request, a current schedule of such charges.

Purchase land and purchase or construct buildings necessary for the use of the state colleges and universities in accordance with applicable laws.

Purchase equipment, properly maintain and make improvements to facilities necessary for the use of the state colleges and universities in accordance with applicable laws.

Lease land or other property belonging to it or to any college or university within its system in accordance with law.

Sell or exchange land or other property not needed for university purposes in accordance with law.

Employ or approve the employment, fix or approve the salaries, and fix or approve the duties and functions of personnel for the Board and the state colleges and universities. Further, it shall maintain in the Board's office, as a public record available on request, a current listing of salaries established by the Board.

Accept and approve curricula and programs of study.

Adopt, amend and repeal rules and regulations necessary or proper for the business of the Board and for the government of the colleges and universities under its jurisdiction.

Adopt, amend or repeal rules and regulations for the governance and discipline of students.

Affiliate with any institution giving any special course of instruction, upon such terms as the Board deems appropriate, which terms may include the retention by such institution of the control of property, faculty and staff.

Adopt, amend or repeal rules and regulations pertaining to the conferring of degrees.

Enter into contracts and agreements with other public agencies with respect to cooperative enterprises and undertakings relating to or associated with college or university purposes and programs.

Perform such other functions as are necessary or incidental to the supervision and management of the state colleges and universities.

Elect the heads of the various institutions.

Employ such technical and professional assistance as needed.

Assign, designate or determine the name of or rename any institution or building under the jurisdiction of the Board of Trustees.

## Chapter 6. Staff

**Executive Director** - The person appointed by the Board as its Executive Director shall act as the chief administrative and executive officer of the state college and university system under its jurisdiction and shall serve as Secretary to the Board. He shall be responsible to the Board for the conduct of the affairs of the system and

shall execute and enforce all of the decisions, orders, rules and regulations of the Board. The Board shall authorize the employment of such other personnel as may be required to carry out the functions of the Board.

## Chapter 7. Councils

**Presidents' Council (PC)** - A Presidents' Council shall be created and shall be composed of each of the presidents of the colleges and universities governed by the Board. It shall enact its own by-laws and rules of procedure consistent with the policies of the Board.

It shall elect its own Chairman and Vice-Chairman. The PC shall meet upon call by its Chairman or at the direction of the Board. The Presidents' Council shall bring matters to the attention of the Board, shall consider matters referred to it by the Board and make recommendations to the Board through the Secretary of the Board.

**Faculty Advisory Council (FAC)** - A college and university faculty council shall be created and shall consist of one faculty representative from each of the nine System institutions and an alternate. These persons shall be selected by the Faculty Senate of each institution.

The institution from which the FAC elects a Chairperson will provide sufficient funds to defray travel expenses of that Chairperson who will represent the faculties at Board meetings.

Each institution will pay expenses of its faculty representative (or alternate) to such meetings as the FAC might call.

Meetings of the FAC would best be held at times other than those chosen by the Board in order to expedite Board consideration of recommendations initiated by the FAC. Such recommendations shall first be made known to the Executive Director. This officer shall present the matter to the Board which will, should it so choose and prior to taking any action, refer it to the Presidents' Council for that body's recommendation.

**Student Advisory Council (SAC)**—A college and university student advisory council shall be created and shall consist of one student representative from each of the colleges and universities under the jurisdiction of the Board, this representative being the President of the Student Government Association.

## Chapter 8. Change of Bylaws

New bylaws may be adopted, and bylaws may be amended or repealed, by a majority vote at any meeting of the Board, but no such action shall be taken unless notice of such proposed adoption, amendment, or repeal shall have been given at a previous meeting or unless notice in writing of the proposed change shall have been served upon each member of the Board at least 30 days in advance of the final vote upon such change, provided, however, that by a vote of two-thirds of the entire membership of the Board the requirements for such notice may be waived at any time.

## TITLE II ACADEMICS

### Chapter 1. Institutional Agreements

The Board authorizes institutions to enter into contracts and agreements with other public agencies with respect to cooperative enterprises and undertakings relating to or associated with college or university purposes and programs in accordance with applicable laws.

### Chapter 2. Course Numbering

All freshmen level courses offered at institutions under the Board

shall be numbered 100-199 while numbers 0-99 shall represent developmental courses. An identical system shall be used for sophomore, junior and senior courses, except that the numbers 200-299, 300-399 and 400-499 respectively be used. Graduate level courses shall be numbered 500-799.

### Chapter 3. Foreign Study

Each institution under the jurisdiction of the Board may grant credit hours for studies at foreign universities and colleges. Credits shall be given in the same manner as on-campus programs.

### Chapter 4. New Degree Program Requests

All new degree programs are to be sent to the Academic Affairs Committee for study and recommendation before submission to the Board.

The deadlines for filing letters of intent and requests for new academic degree programs with the Board shall be as follows:

Letters of intent for associate, baccalaureate, masters, specialist and doctoral programs must be filed at least 12 months in advance of the Board of Regents' deadlines for submission of requests for new academic degree programs.

Program applications shall be received by the Board no later than four months prior to the scheduled date for Board review.

### Chapter 5. Honorary Degrees

The Board authorizes the university presidents under the jurisdiction of the Board to give honorary doctorates to outstanding persons. These doctorates are to be given with the prior approval of the Board which will act upon receipt of recommendations submitted in writing.

Degrees which may be awarded are doctor of science (DSc) for distinction in the area of science or medicine, doctor of humanities (LHD) for significant contributions in the humanities or to the welfare of mankind, doctor of letters (LittD) accorded a writer, poet, editor or critic, doctor of fine arts (DFA) for contributions in the fine arts and doctor of laws (LLD) for preeminence in any field. No other honorary degrees may be awarded without specific approval by the Board.

No honorary degree shall be awarded which could be confused with an earned degree granted by an institution in the State of Louisiana. Certain categories of individuals should be excluded from consideration for honorary degrees: present faculty or staff members of the granting institution; Louisiana elected officials in office at the time of selection and conferral; persons chosen solely in hope of financial gain by the institution; those who would decline to receive the degree in person.

To emphasize and preserve the value of honorary degrees, each institution is hereby limited to a maximum of two per academic year.

### Chapter 6. Major Fields

All universities authorized to grant Master of Education degrees shall have a minimum requirement of 12 hours in a major field other than in Education. The Master of Science or Master of Arts Degrees shall have a minimum requirement of 18 hours in the major field in which the degree is granted.

### Chapter 7. Twelve-Week Summer Session

The Board authorizes the institutions of higher learning under its jurisdiction to carry out summer programs of varying length up to 12 weeks, provided they first present such programs to the Board. The normal summer session is recognized as being nine weeks in length.

### Chapter 8. Minimum Length for Academic Courses

For one semester hour of credit the class shall meet a minimum of 750 minutes and five instructional days of at least 150 minutes each. For two semester hours of credit, the class should meet a minimum of 1,500 minutes and ten instructional days of at least 150 minutes each. Therefore, a three semester hour course should meet a minimum of 2,250 minutes and 15 instructional days of at least 150 minutes each. Exceptions to the number of required instructional days for undergraduate courses may be made, provided requests for such exceptions are justified in writing, approved by an appropriate college or university committee, approved by the Board, and placed on file in the Board of Trustees' office. *No exceptions to this policy will be made in the awarding of graduate credit.*

## TITLE III ADMINISTRATION

### Chapter 1. Salesmen and Solicitors

The president of the institution or his designated administrator may set their own procedures relative to salesmen, agents, solicitors, etc., operating on their respective campuses.

### Chapter 2. Sale of Alcoholic Beverages

Each institution may have local option elections concerning the selling of alcoholic beverages on campus. The electors must be qualified voters, emancipated under existing law and registered students at the institution. Alcoholic beverages may be served and/or consumed in the Student Union Building under controlled conditions to members of the institution community as set forth by university regulations.

#### General Conditions:

Alcoholic beverages will be served by Food Service personnel and on special occasions by persons authorized by the President.

No unopened cans or other containers of alcoholic beverages shall be sold. Beverages sold must be consumed in the room or area in which served.

All local ordinances, except proximity, regarding the sale of alcoholic beverages shall be observed.

The administration shall reserve the right to refuse to serve alcoholic beverages to any patron whose behavior is disorderly.

Any person who purchases or consumes alcoholic beverages shall be of legal age. Proof of age shall be required at the time of purchase and may be required at any time by authorized university or law enforcement officials during consumption.

Wherever alcoholic beverages are sold or consumed, soft drinks and other non-alcoholic beverages must be available.

A recognized student organization may request its sale of alcoholic beverages at a scheduled event.

### Chapter 3. Use of Airline Transportation

Only authorized CAB and FAA approved airlines or properly insured and certified private aircraft shall be used for charter services by the institution.

### Chapter 4. Use of Facilities

Each institution shall submit, for Board approval, their policy for use of facilities for activities other than those of the institution.

Each institution shall submit a lease to the appropriate State agency

and the Attorney General for approval before submission to the Board.

## TITLE IV ATHLETICS

### Chapter 1. Preface

The intercollegiate athletic programs of the institutions under the jurisdiction of the Board shall be governed by these athletic rules. Compliance with rules of the Board, as well as with those of the National Collegiate Athletic Association (NCAA) and National Junior College Athletic Association (NJCAA), is the personal responsibility of each individual concerned insofar as any and all of these policies govern his actions. The director(s) of athletics at each institution shall ensure that each individual concerned has available a current copy of the Board's Rules and current copies of the appropriate NCAA and NJCAA manuals.

Unless otherwise specified in these rules, the manual of the appropriate association (NCAA, NJCAA) should be consulted to determine matters of athletic policy.

### Chapter 2. Membership Affiliation

#### National Association:

Each institution shall be a member of the appropriate national association.

An institution may join other national, regional or state associations.

#### Athletic Conferences

An institution may be a member of a conference or participate as an independent; any change in its status shall be communicated to the Executive Director by its chief executive officer.

### Chapter 3. Finances

All funds, including those from outside sources, used in an institution's athletic program shall be processed by the institution's chief financial officer and are subject to audit.

In order for revenue producing summer camps to be held on campuses using school employees who are hired on a 12-month basis, the personnel must be on annual leave, the school must be compensated at its regular rate of rental for the use of the facilities and equipment, and insurance must be provided by the promoters with the state and school being held harmless. All monies earned and placed in outside or agency funds must be subject to audit. None of the above will apply if all funds are retained by the institution. Funds retained by an institution may, at the discretion of its president, be used to enhance the department hosting the camp.

Athletic travel by members of an institution's athletic staff shall be charged to its athletic budget.

### Chapter 4. Out-of-State Scholarships

No more than 50 percent of the subsidized scholarships permitted by NCAA to the separate programs for women's athletics and men's athletics shall be awarded to out-of-state students. Out-of-state scholarships in excess of this number may be awarded if funds from a source other than State funds.

### Chapter 5. Reports

The following reports shall be completed on forms furnished by the Executive Director and shall be signed and certified by the institution's president and athletic director(s):

An annual report on the number of coaches and their respective salaries shall be submitted at the close of each fiscal year.

An annual report on athletic income and expenditures shall be submitted at the close of each fiscal year. These reports should be divided to show the amount appropriated for each individual sport for both men and women.

### Chapter 6. Tickets and Passes

#### General Policies:

Faculty and fulltime employees of an institution shall have reduced prices on the purchases of season tickets only.

An institution shall offer a student spouse pass for ten dollars, which shall be valid for all sports.

Ticket prices for standing room space is left to the discretion of the institution.

An institution shall present a change in ticket plans to the Board for its review and approval.

### Chapter 7. Complimentary Tickets and Passes

Complimentary tickets for home games may be issued as listed below upon an advance request:

Each player of the home team—up to four tickets.

Each Student Government Association President—up to two tickets.

Each manager of the home team—up to two tickets.

Current members of a High School Coaches Association—up to two tickets.

President of the home institution—up to 24 tickets.

Athletic Director(s) of the home institution—up to 16 tickets.

Each working member of the media—up to two tickets.

Each member of the home athletic staff of sport involved—up to six tickets.

Each member of the Legislature—up to two tickets.

Mayor of the city where institution is located—up to two tickets.

Athletic Director(s)—up to 50 tickets for promotional events.

Each working game official—up to two tickets.

Each member of the home Athletic Council—up to two tickets.

Visiting football team—up to 300 tickets, mailed in advance; players and managers—up to two tickets each.

Visiting basketball team—up to 30 tickets, mailed in advance.

Minister pronouncing invocation—up to two tickets.

Each vice-president of the home institution—up to six tickets.

State Superintendent of Education—up to four tickets.

Each member of the Board of Regents—up to two tickets.

Each member of the Board of Trustees—up to two tickets.

Each Board member representing the district where the institution is located—up to an additional four tickets.



Each former president of the home institution—up to four tickets.

Each conference commissioner involved—up to four tickets.

Each team physician—up to two tickets.

Parish Superintendent of Education—up to two tickets.

Marching Band Director for the home institution—up to two tickets.

Board member representing district where game is played—up to eight tickets (Superdome and State Fair).

Unless precluded by national association rules, an institution shall be allowed to grant three tickets to prospective student-athletes for attendance at an intercollegiate contest.

Arrangements for special occasions (e.g., bandnight) may be made to admit the particular individuals without issuing tickets.

Identification cards shall be available to members of the institution's athletic staffs. A holder of one of these cards shall be eligible for two complimentary tickets to any intercollegiate event under the jurisdiction of the Board.

Former student-athletes who have lettered may be issued one complimentary ticket for a maximum period of five years following the completion of eligibility.

#### Chapter 8. Additional Tickets

Any additional tickets, over and above those stipulated above, which are disbursed by system presidents to persons for gifts and/or services must be justified by the president through the Executive Director to the Board for its approval prior to the season in question.

## TITLE V FACULTY AND STAFF

### Chapter 1. Extension for Non-Classified Personnel

The policy shall be in conformity with Act 160 of the 1978 Regular Session of the Louisiana Legislature.

### Chapter 2. Personnel Actions

All personnel changes shall be incorporated in a single item to be brought before the Board for its action. Appointments for Vice President, Academic Deans and Athletic Directors shall be submitted as a separate item.

#### Conversions of Basis

Unclassified personnel whose employment is being changed from a nine-month to a 12 month basis, without change in duties and responsibilities or a promotion, shall be increased in salary by one-third of their nine-month salary. Any such employee whose status changes from a 12 month to a nine-month salary basis without change in duties and responsibilities or a promotion shall be decreased in salary by one-fourth of his previous 12 month salary. Unclassified personnel whose employment is being changed either from a nine-month to a 12 month basis or from a 12 month to a nine-month basis shall be paid a salary appropriate with duties and responsibilities.

### Chapter 3. Personnel Benefits

#### Annuities

Heads of institutions are authorized to make withholdings from the salaries of employees for annuity purposes and to purchase an-

nuities from the funds withheld in accordance with Section 403(b) of the Internal Revenue Code of the United States.

#### Social Security

The President of the Board is authorized to sign agreements with the Public Employees Board of Louisiana to provide Social Security coverage for institutional employees who are not eligible for membership in any other retirement system.

### Chapter 4. Classified Employees

The Board grants authority to the Trustee system presidents or their designees as the appointing authority, the right to hire or dismiss any classified employee in compliance with state law.

### Chapter 5. Chief Executive Vacancies

For all appointments to vacancies in the chief executive position at an institution under the jurisdiction of the Board, six months notice shall be provided the Board members in order that all applicants who shall meet the earned doctorate qualification may be given an official application and that the proper committee, after interviewing such applicants, may make recommendations to the Board for final selection.

#### Chief Executive Search Procedure

##### Constitution of Search Committee

According to Board Rule (Title V, Chapter 5) an incumbent president shall announce a decision to retire or resign at least six months prior to the effective date of the decision. Upon receipt of such notice, the President of the Board of Trustees for State Colleges and Universities shall within 15 calendar days appoint five members of the Board to serve, with the Board's President as its Chairperson, as a Search Committee. The President's selection of five members shall be such that a majority of that number be those Board members having the strongest ties with the institution in question. Other members of the Board may attend meetings of the Search Committee; however, only those appointed to that Committee shall vote as it exercises its function of preparing its recommendations for the Board.

The Search Committee shall propose no less than three or more than five candidates to be interviewed by the Board. The detailed procedure to be employed and the timetable to be followed in carrying out the search shall be designed by the Search Committee (SC) as its first order of business. The SC shall present the aforesaid procedure and timetable to the Board at that body's first regular meeting after the appointment of the SC.

##### Advisory Committee to Search Committee

Upon appointment, the SC shall invite the student body of the institution involved, its faculty, and its alumni each to institute, through their respective recognized organizations or associations, an Advisory Committee (AC) selected from their respective memberships. The AC shall assist the SC in a consultative and an advisory role and in such fashion as the SC shall stipulate.

The selection of the individual to fill a presidential vacancy is and shall be the responsibility solely of the Board of Trustees for State Colleges and Universities. By inviting the advisory assistance of the AC's above described, it is not the intent of the Board to shirk or to share its constitutionally mandated duty to so select.

#### Eligibility of Candidates

No individual who has accepted appointment to membership of the Board of Trustees for State Colleges and Universities shall be eligible for consideration as a presidential candidate until two calendar years shall have elapsed since the individual ceased to serve

as a member of the Board of Trustees for State Colleges and Universities.

#### Lack of Requisite Notice

If, for whatever reason, the incumbent president of an institution governed by the Board of Trustees does not give the mandated minimum notice at least six months prior to the date the position is to be, or has been, relinquished, the Board shall, upon receipt of notice of a present, or projected, presidential vacancy, call a special meeting and at that meeting name an Acting President.

The effective date of the appointment of an Acting President shall be the date on which the office of president came, or shall come, to be vacant.

### Chapter 6. Leaves of Absence

The presidents shall determine whether or not individuals are eligible for leaves of absence, based on the regulations of the Board.

An employee of an institution who is not a member of the faculty or administration does not come under the Board's policy on leaves of absence for faculty members.

Leaves of absence, other than for military leave, shall not exceed one year.

Faculty personnel on military leave (or special leave for war-connected service) from the institutions shall be reemployed by the institution at the beginning of the next semester (or quarter) after the date on which the institution head shall receive written notification that such person wishes to return to his position, provided that such notification shall be given within 40 days after honorable discharge from the armed forces.

#### Sabbatical Leave

Provision for leave with pay for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, is a well-established administrative device calculated to improve the quality of higher education professional service. The Board recognizes that such a policy is justifiable and desirable and provides for faculty and Board Staff leave of absence under the following conditions:

Every faculty member, administrator or unclassified Board Staff member may be eligible for leave for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, for the two semesters (52 weeks for 12 month employees) and immediately following any six or more consecutive fiscal years of active service in the institution where such individual is employed or for one semester (26 weeks for 12 month employees) following three or more consecutive years of such service, provided that absence of sick leave shall not be deemed to interrupt the active service herein provided for. A sabbatical leave taken during a summer session shall be considered a semester for leave purposes.

Faculty members and administrators may be granted leave for the purpose of study or research. In those cases where the faculty member or administrator receives outside compensation for such study or research such payment is to be approved in writing, in advance by the president as supportive of the purposes of the leave. Outside compensation and paid leave shall not exceed the amount paid for regular salary of the faculty member or administrator.

After each leave period is finished, evidence must be submitted to indicate that the purpose for which the leave was granted has been achieved.

The compensation for the period of leave approved shall be at the rate of not more than 75 percent of the salary the individual will

receive during the current fiscal year for the period of time leave is applied for and granted. Employers and employees shall contribute to the retirement system on the basis of annual salary rate. Compensation payable to persons on leave shall be paid at the times at which salaries of the other members of the teaching staff are paid, and in the same manner.

At no time during any semester of an academic year shall the number of persons on leave exceed 5 percent of the total faculty.

Refusal by a faculty member to comply with the provisions of this policy may result in the forfeiture of tenure and ineligibility for increase of salary and promotion in rank until the requirement shall have been met.

In accepting a leave of absence with pay, the faculty member shall be understood to assume a moral obligation to return to his institution for at least one year of further service.

A copy of this rule shall be included in the institution faculty handbook and made known to each applicant for such leave.

Request for interpretations of this policy shall be referred to the Board Staff.

#### Salaries

##### Educational Salary Increments

Pay increase shall be granted when additional degrees are earned according to the existing salary schedule and Board policy.

##### Date of Implementation

Raises in pay because of advanced degrees shall be effective the semester following receipt of certification of the advanced degree from the proper authority of the institution attended excluding summer sessions.

### Chapter 7. Patent Policy

#### General Policy

The Board of Trustees for State Colleges and Universities System of the State of Louisiana, hereinafter referred to as the Board, expects and encourages creative productivity on the part of the employees of the Board. The Board recognizes its responsibility to assist and protect the developer, to assist the universities under its jurisdiction in matters pertaining to patents, to protect the interest of the public, and to protect the interests of financial sponsors of the project other than the Board of Trustees System.

#### Patents

Inventions resulting from work carried on by, or under the direction of System personnel supported in whole or in part by funds under control of the System or involving System facilities should be used and controlled to produce the greatest benefit to the Board and public. The Board reserves the right to acquire and retain legal title to any such inventions, and any employee responsible for such invention shall, upon the request of the Board, assign all rights, title and interest to the Board. The Board may apply for a patent in its own name or the evaluation of invention and application for patents may be made by contractual arrangement or assignment, as approved by the Board. If the Board declines to pursue a patent application, it may release its rights to the inventor. The Board respects and recognizes the right of sponsors of research and development to the title of such inventions as may arise from projects sponsored by them in conformance with this rule, explicitly stated contractual agreements covering such sponsorship and with applicable laws.

#### Shared Royalties

In the event royalties are generated by any patent assigned to the Board, an appropriate share of such royalties shall be paid to the

inventor. The inventor's share shall be determined by the following:

In cases where the Board assigns such patent rights to the Research Corporation, the share of royalties to be paid to the inventor shall be governed by the terms of the contract between the Board and the Research Corporation.

In cases where the invention is covered by a contractual agreement with a sponsoring agency, the financial arrangements shall be in accordance with that contractual agreement. In cases of sponsorship by federal agencies, compliance with the appropriate federal regulations shall be effected in the ultimate agreement.

In cases where the Board obtains ownership of a patent directly and expends funds to develop and market the invention, any royalties generated will be first used to cover the expenses of obtaining and exploiting the patent. After this outlay, the inventor's share shall be a third of the net royalties with the remaining share going to the Board.

Net royalties on patents available to the Board shall be used for research, development and other scholarly activities and allocated 100 percent to the university campus where the patent originated.

#### Administration

The Board authorizes each university to establish a university patent committee appointed by the president and assigned tasks relating to patent matters as determined by the university administration.

#### Assignment

As an alternative to licensing, an outright assignment of a patent in return for a specified consideration, lump sum or deferred, may be considered.

#### Chapter 8. Seeking and Holding Public Office

Every employee has the constitutional right to seek and hold public office.

In so doing, the employee must meet the following conditions: (a) notify the president of his/her intention prior to the date of qualification; (b) continue normal workload, including teaching and all other duties and office hours required by the institution; or (c) if unable to meet condition (b) above, take annual leave or leave without pay for the appropriate period of time, in accordance with the leave rules of the Board. Additionally, such an employee should be accurate in his/her statements and make every effort to indicate that he/she is not a spokesperson for the institution.

#### Chapter 9. Nepotism

The Board authorizes the employment of persons from the same economic unit or the same immediate family, although a separate economic unit, when their individual qualifications are such that they represent the best possible choice for a given position. Employees from the same economic unit or from the same immediate family, although a separate economic unit, may not be employed in a situation where one member may have *direct* administrative responsibility for the other.

#### Chapter 10. Faculty Rank

##### Rank Distribution

Special care shall be exercised in assigning faculty ranks to new appointees and in making promotions in rank from year to year. The following table provides guidelines and limitations on assignments of ranks within each institution:

Academic Rank	Range
Professor	20-35% not to exceed 35%
Associate Professor	25-35% not to exceed 35%

##### Promotion

Each institution shall establish a policy setting criteria for faculty promotion. The policy statement should contemplate that very few persons be promoted to the rank of full professor who do not hold the doctor's degree.

##### Evaluation

Each institution shall evaluate each faculty member and administrator at least on an annual basis, and the evaluation shall be filed in appropriate personnel files.

#### Chapter 11. Tenure

A uniform provision for tenure provides that the Board has the ultimate responsibility for hiring academic personnel and for awarding or denying tenure to academic personnel within the colleges and universities under the jurisdiction of the Board. The precise terms and conditions of every appointment shall be stated in writing and be in the possession of both institution and employee before the appointment is consummated. Yearly operational budgets shall show tenure status of each employee. Employees recommended for tenure shall be submitted as a separate line item of agenda at the same time operational budgets are submitted.

Indeterminate tenure shall be earned by fulltime academic personnel with respect to academic rank only.

Faculty members shall be on annual appointment at the instructor level.

Faculty members shall not be eligible for tenure at the instructor level.

Assistant professor or equivalent shall be eligible for tenure after serving the established probationary period.

Faculty members promoted to the rank of associate professor, professor, or equivalent, shall be awarded indeterminate tenure and shall be informed in writing within 90 days of Board action.

Faculty members initially employed at the rank of associate professor or equivalent shall serve a probationary period of at least one year but no more than four years.

Faculty members initially employed at the rank of professor or equivalent may be granted tenure upon appointment or at the discretion of the institution may be required to serve a probationary period not to exceed four years.

Faculty members appointed to the rank of professor or associate professor while being paid from a grant or contract for services such as special lecturer, consultant or visiting professor, may not be granted indeterminate tenure, but may be granted limited tenure, not exceeding the duration of the grant or contract.

Fulltime academic personnel below the rank of associate professor or equivalent shall serve a probationary period not to exceed seven years of continuous service. For the purposes of computing continuous service during the maximum seven year probationary period, leaves approved by the Board shall be included. Service at all ranks may, at the discretion of the institutions, be included.

At the end of the fifth year of continuous service, such faculty members shall be evaluated for the purpose of determining eligibility of tenure.

At the end of the sixth year, the result of each individual's evaluation shall be provided to that individual. In the event tenure is to

be denied to an assistant professor, 12 months of written notice of termination shall be given. In the event tenure is to be awarded, affected faculty members shall be informed in writing.

For the purpose of the probationary period, credit may be given for prior service at other institutions with the mutual consent of the individual institution and the Board of Trustees.

Recommendation of those to be considered for tenure shall originate in the various structural units, with tenured faculty and unit heads initiating the recommendations. Final authority for granting or denying tenure shall rest with the Board of Trustees.

Tenured faculty shall retain their status until they retire, resign, or are terminated for cause or as a result of financial exigency. Because faculty members hold tenure with an institution through an academic structural unit, termination for financial exigency is at the structural unit level or at the institution level as determined by procedures which include faculty participation.

This policy shall supersede all existing policies with the following exceptions:

All persons holding tenure on the effective date of this policy shall retain their tenure.

Any person in the employ of an affected institution on the effective date of this policy shall be eligible to earn tenure under the terms and conditions of the policy in force and in effect at the time of that person's employment at that institution.

This policy shall in no way affect any rights acquired by any person employed by an institution prior to the effective date of this policy.

#### Chapter 12. Summer Session

The president of each institution under the jurisdiction of the Board shall submit to the Board by the April Board meeting each year a list of employees who will participate in the summer school session.

#### Chapter 13. Transfer

No institution under the jurisdiction of the Board shall employ unclassified personnel from another institution under the jurisdiction of the Board without prior approval of the Board and with the concurrence of the presidents of the institutions involved. Any individual who resigns from the staff or faculty of one institution cannot be employed by another institution under the jurisdiction of the Board for a period of one year without the prior approval of the Board.

#### Chapter 14. Salary Schedule

(Based on the Minimum Educational Attainment of the Master's Degree)

The minimum salary for college teaching on a nine-month college-year basis shall be \$12,667 and shall remain as such until such time as the State minimum salary schedule for public school teachers (having the equivalent educational background and experience) exceeds this amount. At that time when the present Board minimum of \$12,667 is exceeded, the minimum salary in the colleges and universities under the jurisdiction of the Board shall be no less than the State minimum salary schedule of individuals employed in the public school system of the State having equivalent educational background and experience.

A person who has earned one year (24 semester hours) of graduate credit in his/her teaching field or work leading to a higher degree in his/her major field, after having completed the require-

ments for the master's degree, shall be paid 500 dollars above the salary to which he/she is entitled by his/her rank and his/her current salary, and for two years (48 semester hours), or upon completion of the comprehensive general exam for the terminal degree, he/she shall be paid one thousand dollars above the salary to which he/she is entitled by his/her current salary.

A person who has earned the doctor's degree shall be paid \$2,000 (\$1,000 above the maximum amount provided for in the preceding paragraph) above the salary to which he/she is entitled by his/her current salary.

#### Chapter 15. Faculties of Laboratory Schools

##### On-Campus Laboratory Schools

The faculty of laboratory schools, at the discretion of the university, may or may not have academic rank. In either case the salary may be paid by the university. Each faculty member, if given academic rank, shall be paid salary comparable to that received by other faculty members of equal training, experience, and merit. If not given academic rank, the teacher in the laboratory school may be paid a salary comparable to that which would be paid if they were teaching in the parish or city system, plus up to fifteen thousand dollars per year to be paid by the university as a supplement for their participation in the teacher education program. Supervising teachers who are required to teach college level classes may be paid for this service.

##### Off-Campus Laboratory Schools

Effective the school year 1976-77, the university shall pay a salary to fully qualified and certified cooperating teachers in accordance with the following schedule:

\$200 per semester for first student teacher at a given school;

\$175 per semester for the second student teacher at a given school;

\$50 per semester for each additional student teacher to a maximum of \$500 for the semester at a given school.

The university shall pay principals of schools where student teaching is done according to the following schedule:

\$50 per semester for each cooperating teacher used in the program to a total of ten (\$500 is the maximum per semester that may be paid a principal).

Off-campus supervising teachers and principals must be in full compliance with the university rules and regulations in order to receive this money.

#### Chapter 16. Uniformity

The presidents shall inform all administrative and academic personnel in the respective institutions that:

With regard to salaries, the Board recognizes that there is a difference among the institutions in the duties and professional qualifications of personnel holding positions described by the same or similar terms.

There is no desire to achieve uniformity among the institutions either in the duties of or salaries paid to administrative and academic personnel.

#### Chapter 17. Emeritus Titles

The title Professor Emeritus may, upon recommendation by the president, be conferred upon all persons who upon retirement have attained the title of Professor and who have been in the service of the college or university for a period of at least ten years. The said

title may also be conferred at the discretion of the Board upon a person who on retirement has attained the title of Professor even though his period of service is less than ten years, if it is determined that he has made outstanding contributions to a college or university in either the field of scholarship or public service. A person who has held the position of academic dean, director or department head for a period of ten years may be retired with any title of Dean, Director or Department Head Emeritus. Where applicable to other positions within a college or university, an emeritus title may be conferred upon the recommendation of the president in appropriate cases.

#### Chapter 18. Grievance Procedures

Each institution shall develop and promulgate an internal grievance procedure for employees. This procedure shall be approved by the Board before publication in the institution handbook. An employee must exhaust all administrative procedures at the institutional level before an appeal can be made to the Board.

The Board will review the administrative proceedings from the institution and determine whether or not the evidence warrants a hearing. Should the Board decide the evidence does not warrant a hearing, the grievant shall be notified that the hearing has been denied and the decision of the institution affirmed.

The Board may grant the grievant a hearing and provide a fixed time for each party to present their case and all arguments shall be confined to the record of the administrative proceeding from the institution.

However, after the review of the administrative proceedings from the institution, the Board may allow additional evidence to be presented. The Board will notify both parties of the type of additional evidence they seek and the procedure to be used in its presentation.

The Board recognizes the necessity and desirability of providing employees a method and forum in which to resolve, in an orderly fashion, problems in the work place, however, by the adoption of this policy it is not the intention of the Board to confer upon college and university employees any additional rights of substantive or procedural due process not mandated by law.

#### Chapter 19. Appointment and Promotion of Academic Staff

Every appointment, promotion and special salary increase of a member of the academic staff shall be upon the basis of merit and the special fitness of the individual for the work demanded by the position. All appointments, reappointments, promotions and dismissals of members of the academic staff shall be made by the appropriate college or university president with comments as to approval or rejection by the Executive Director to the Board for its official action.

The terms of the appointment to the academic staff of each member shall be stated in writing and a copy thereof furnished to each of the contracting parties.

#### Chapter 20. Termination

##### Non-Tenured Academic Staff

An appointment carries no assurance of reappointment, promotion or tenure. Reappointments are made solely at the discretion of the institution. The non-reappointment of a faculty member does not necessarily reflect on the faculty member's work record or behavior. The determination to reappoint, or not to reappoint, should be based upon a review of the specific conditions relating to the position. Unless an appointment is of a temporary nature for a fixed term, notice that a probationary appointment is not to be renewed

shall be given to the faculty member in advance of the expiration of the appointment as follows:

Not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

Not later than December 15 of the second academic year of service if the appointment expires at the end of that academic year;

At least 12 months before the expiration of an appointment after two or more years of service at the institution.

##### Tenured Academic Staff

Cause for discharge, termination of contract or demotion in rank shall consist of conduct seriously prejudicial to the college or university system such as infraction of law or commonly accepted standards of morality, failure to follow orders, violation of institutional or Board rules and regulations, willful neglect of duty, inefficiency or incompetence. The foregoing enumeration of causes shall not be deemed exclusive; however, action to discharge, terminate or demote shall not be arbitrary or capricious, nor shall it infringe upon academic freedom.

The president of each institution shall appoint a committee of faculty members who shall hear charges against the accused, and forward their findings and recommendations to the chief executive who shall make a final determination.

The member of the academic staff who has exhausted due process procedures at the institutional level may petition the Board within 30 days for a review and no official action shall be taken by the institution until a final determination is made by the Board.

#### Chapter 21. Financial Exigency

Financial Exigency may exist at the university and/or departmental level and shall be verified by the Board staff after the institution has declared a state of emergency. The Board President may allow the institution so affected to institute certain emergency freeze procedures to remain in force until the full Board meets.

Termination procedures and time tables shall be determined by the administration of each institution and submitted to the Board for approval prior to implementation.

#### Chapter 22. Retrenchment

The Board recognizes three circumstances that may indicate a need for staff reduction. They are:

Adverse financial circumstances affecting the entire institution or a department;

Decline in enrollments in specific subjects indicating a corresponding decline in teaching personnel as well as ancillary personnel and services;

Discontinuance or combining of specific programs for reason.

Each institution shall publish in its faculty handbook procedural policies approved by the Board and addressed to solving problems which may be caused by one or more of the above reasons for retrenchment. Any changes or updates of the policy must be submitted to the Board for its action.

Affected persons may petition the Board within 30 days for a review after all due process has been exhausted at the institutional level.

## Chapter 23. Investigations

### Authorization For

All persons appointed and/or employed by the Board are subject to investigation by whomsoever the Board deems appropriate should there be alleged against said individuals misconduct, impropriety or whatever.

### Procedure For Conduct Of

Such investigations shall commence only upon adoption of a resolution or motion by the Board directing that such an investigation be conducted. Such investigations shall be conducted by an impartial outside agency.

The president of any affected institution shall be given written notice of the investigation and a list of the allegations subject to investigation.

### Reporting of Findings

At the conclusion of the investigation, the Executive Director shall see that a written report of the findings of the investigation be given to the Board and to the president of the institution involved.

### Confidential

Investigations involving the character or competence of any person shall be conducted in as confidential a manner as applicable law permits.

## TITLE VI FINANCE AND LEAVE

### Chapter 1. Reports

System institutions shall submit 25 copies of an annual report of all funds from all sources by September 1 each year in order that the Board may see an overall picture of their financial situations. Such reports shall be submitted to the Board office in a format complying with NACUBO standards.

System institutions shall submit to the Board office one copy of the monthly allotment report required by the State Division of Administration, one copy of the monthly report of operations, one copy of any financial report submitted to any other state or federal agency and any other report requested by Board staff in a timely manner on prescribed forms as approved by the Board.

### Chapter 2. Budgets

Budgetary requests by each institution for the ensuing fiscal year for presentation to the Governor and the Legislature shall be presented to the Board for approval prior to presentation to the Governor and the Legislature. After appropriations have been made by the Legislature and approved by the Governor, each institution shall submit a revised budget to the Board for approval, based on the amounts appropriated and changes resulting from legislative action.

Budget changes or adjustments within an approved budget involving transfers between principal budget categories, including receipts as well as expenditures, shall be submitted to the Board staff for approval prior to submission to any other State agency.

### Chapter 3. Federal Funds

System institutions making application for Federal grants shall submit a copy of approved grant budget to the Board office. System institutions are authorized to employ an independent firm of certified public accountants to audit federal programs with approval of the Legislative Auditor and appropriate action by the Board.

## Chapter 4. Student Residence Regulations

Because resident classification is an important part of fee determination, admission regulations and other policies of the system institutions, it is important that system institutions have fair and equitable regulations which can be administered consistently and still respect the interests of both the students and the taxpayers of Louisiana. It is the responsibility of the student to provide system institutions with such evidence as deemed necessary to establish his residence status.

The residence status of an applicant or student shall be determined in accordance with Board rules and shall be based upon evidence provided in the application for admission and related documents. Residence status shall be determined by the office of the registrar and/or admissions officer after the completed application for admission has been submitted. The rules shall be based primarily on the location of the home and the place of employment. Residence status may not be acquired by an applicant or student while residing in Louisiana for the primary purpose of attending school. Residence status is not determined for students registered for three semester hours or less.

An applicant living with his parents is classified as a resident if the parents have established a bona fide residence in Louisiana. Ordinarily a parent is considered to have established a residence in Louisiana if he actually resides and is employed fulltime in the State. A parent who is unable to be employed or who is a housewife may be considered to have established a residence in Louisiana if there is convincing evidence that the person continuously resides in Louisiana. If only one parent qualifies as a resident of Louisiana, the student shall be classified as a resident provided that student resides with the parent who is a resident of Louisiana. An individual who resides in Louisiana and is employed fulltime in another state, may be classified as a resident. In such case, appropriate documentary evidence shall be presented.

A student residing with his parents who enrolls as a nonresident shall be classified as a resident if his parents move to Louisiana and acquire residence as defined in these regulations.

A student may be declared a resident if either parent is a graduate of the institution which he attends.

A person may be classified as a resident of Louisiana at the end of twelve consecutive months of residence if he has been employed fulltime in Louisiana and if during that period he has not been registered in an educational institution for more than six semester hours or its equivalent in any semester. A person who is unable to be employed and who has not been registered in any educational institution for more than six semester hours or its equivalent in any semester may acquire residence in Louisiana if there is convincing evidence that he continuously resided in Louisiana for 12 consecutive months immediately preceding registration.

A student who is married to a Louisiana resident may acquire the residence status of his or her spouse.

A person who resides in Louisiana for at least two years, exclusive of military service, and then moves to another state or foreign country shall retain the right to enroll himself or any of his dependents as a resident for a period equal to the number of years he resided in Louisiana, but the right shall expire upon the person's residing for a period of two years in another state or foreign country.

A member of the armed forces currently stationed in Louisiana and his dependents shall be classified as Louisiana residents. A serviceman who was stationed in Louisiana immediately prior to his



release from active duty may enroll himself or his dependents as residents during a period not to exceed six months after the date of release provided that his term of active duty shall have been no less than 12 consecutive months.

A member of the armed forces who was a resident of Louisiana immediately prior to entering the armed forces shall retain the right for himself or any of his dependents to be classified as a resident as long as he is in the armed forces and for two-year period after leaving the armed forces.

A resident of Louisiana shall not lose the right to be classified as a resident during periods of employment in a foreign country.

An alien who has been lawfully admitted to the United States for permanent residence as an immigrant (proof of such status shall be possession of his Form 1-151-Alien Registration Receipt Card) and who has established residence under any of the foregoing provisions shall be declared a resident of the State.

The president of each institution shall be authorized to appoint a Residence Rules Appeals Committee. Any student classified as a nonresident may appeal his classification to this committee. Interpretations on residence qualifications may be submitted to Board Staff for clarification.

## Chapter 5. Student Fees

### Application Fees

An application fee, as determined by the Board, for United States students and for foreign students (non-refundable) shall be assessed each person making application for admission or re-admission to an institution under the jurisdiction of the Board.

Each institution shall be allowed to charge an additional out-of-state application fee as determined by the Board for each out-of-state application for the following allied health programs: Dental Hygiene, Occupational Therapy, Nursing, Pharmacy and Radiologic Technology.

### Activity, Registration and Tuition Fees

The Board of Trustees annually shall fix the Schedule of Registration Fees per semester and per quarter for system institutions under its jurisdiction. The Board shall also establish a schedule of fees for non-resident students.

### Off-Campus Fees

Fees for extension courses and other off-campus offerings (except contractual arrangements) shall be assessed in the same manner as for on-campus offerings.

Fees for courses offered under contractual arrangement may not be for a lesser consideration than on-campus offerings without specific approval of the Board.

### Late Registration Fee

An additional fee, as determined by the Board, will be charged any student registering after the close of the regular registration period.

### Refund Policy

Each university shall develop a refund policy for registration fees appropriate to the individual campus.

### Drop, Add and Change Fees

A transaction fee, as determined by the Board, for a drop, add, or change of section may be assessed when the transaction is for the convenience of the student. All transactions for the convenience of the university and beyond the control of the student shall be without charge.

### Building Use Fee

Each institution shall charge a building use fee to be dedicated to

the construction and/or renovation of academic facilities or academic related facilities as defined by law.

### Vehicle Registration Fee

System institutions are authorized to assess vehicle registration fees in accordance with a schedule approved by the Board. The income from these registrations is to be used for construction, repair, maintenance and operation of parking facilities including streets, roadways, walks, buildings and walkways leading into such parking facilities and for the purchase and maintenance of vehicles where there is a student transit system in use to serve off-campus parking.

### Self-Assessed Fees

All self-assessed fee proposals voted by the students upon themselves and their successors shall be submitted by the president to the Board for final approval with his recommendations. The president shall submit the date and actual vote of the students upon making his recommendations to the Board.

### Room Deposit

A room reservation/damage deposit as determined by the Board will be charged each student reserving a dormitory room. This deposit will be forfeited if the student has not cancelled his reservation by 45 days prior to the announced opening time of dormitories for the term for which he has applied.

### Room and Board Charges

The revenues derived from these charges shall be dedicated to the retirement of the System Revenue Fund bonded indebtedness. Room and board charges may be assessed by each system institution as appropriate for the operation of self-supporting housing and dining facilities.

### Approved Waiver of Non-Resident (Out-of-State) Fees

Each system institution under the Board is authorized to identify and award non-resident fee waiver scholarships to academically talented students among those out-of-state applicants to the university subject to approval by the Board.

The criteria to be met by the students are:

Eligibility is limited to beginning students (freshman and transfers from other colleges and universities) who meet four of the following criteria:

Minimum of 3.0 grade point average (college or seven semesters of high school).

Academic rank in the upper ten percent of the class.

ACT minimum composite score of 23 or equivalent on other nationally recognized test.

Leadership in extracurricular activities.

Satisfactory evaluation resulting from a personal interview.

Criteria for continuation of out-of-state fee waivers:

A student who receives an out-of-state fee waiver is required to maintain at least a 3.0 grade point average.

A student who makes less than a 3.0 grade point average the first year shall be placed on probation and required to make a 3.0 grade point average in the next regular semester or quarter.

A student who receives an out-of-state fee waiver must schedule and complete a minimum of 12 semester hours per semester or a minimum of eight hours at Louisiana Tech where the quarter system is in effect.

Failure to abide by either of the above shall cause immediate cancellation of out-of-state fee waiver.

## Fee Exemption for Faculty, Staff and Dependents

A faculty or staff member who has been fulltime at a Trustees' institution at least two years, may enroll at that institution at a reduced fee schedule which shall annually be set by the Board. Faculty and staff members who qualify will be limited to those who are currently employed and who have completed two years of continuous fulltime employment at that institution.

Spouse and children of faculty or staff members employed at a Trustees' institution at least five years may attend that institution at a reduced fee schedule which shall be set by the Board, plus any student assessed fees at the institution. Generally, children who qualify will be limited to those who are eligible dependents for tax purposes during the calendar year in which the fee exemption is issued.

Board Staff shall also be eligible for fee waivers at any system institution in accordance with the provisions of the preceding two paragraphs.

### Special Purpose Fees

Special purpose fees may be assessed by each system institution as appropriate after review and approval by the Board.

## Chapter 6. Leave Record Establishment and Regulations for All Unclassified, Non-Civil Service Employees

The rules and policies set forth below shall be applicable to all unclassified, non-civil service employees under the jurisdiction of the Board. It is the policy of the Board that unclassified employees shall enjoy benefits comparable to other classes of state employees, and these rules and policies are promulgated under that concept.

## Chapter 7. Annual Leave

**Workweeks and Attendance Records for Unclassified Employees**  
For purposes of leave, appointing authorities shall establish workweeks of 40 hours per week for fulltime employees. The purpose of establishing the 40-hour week is merely to provide appointing authorities a system of accounting for and the taking of annual leave. Nothing contained in this policy shall be construed as requiring academic teaching personnel, whether employed on a 12-month basis or on a basis other than 12 months, to be physically present for the period of 40 hours per week in their classrooms, laboratories, offices or any other place where their employment duties are performed.

For purposes of leave, appointing authorities shall establish for parttime employees workweeks proportionate to the provisions of the previous paragraph.

Daily attendance and leave records shall be maintained for all unclassified employees. The Board may, in the exercise of its discretion, adopt an attendance form designed merely to indicate that academic teaching personnel were either present or absent from their usual duty posts during the usual working day for such personnel. These records shall be signed by the employee and his supervisor and reported at least monthly to the appropriate office at the end of each regular pay period.

### Definitions

Annual leave is leave with pay granted an employee for the purpose of rehabilitation, restoration, maintenance of work efficiency, or attention to other personal concerns.

Faculty leave is leave granted to faculty members employed on the nine-month (academic year) basis in lieu of annual leave and is comprised of the days between terms and at holiday periods when students are not in classes. This special form of leave shall be taken as it is earned.

## Earning of Annual Leave by Unclassified Employees on the 12 Month Basis

Annual leave shall be earned by each eligible employee who has a regular tour of duty.

The earning of annual leave shall be based on the equivalent of years of fulltime State service and shall be creditable at the end of each pay period or calendar month in accordance with the following general schedule:

Less than three years of equivalent State service: at the rate of one day of annual leave per month of fulltime service, or the equivalent thereof in hours.

Three years, but less than five years, of State service: at the rate of one and one-fourth days of annual leave per month of fulltime service, or the equivalent thereof in hours.

Five years, but less than ten years, of State service: at the rate of one and one-half days of annual leave per month of fulltime service, or the equivalent thereof in hours.

Ten years, but less than 15 years, of State service: at the rate of one and three-fourth days of annual leave per month of fulltime service, or the equivalent thereof in hours.

Fifteen or more years of State service: at the rate of two days of annual leave per month of fulltime service, or the equivalent thereof in hours.

No unclassified employee shall be credited with annual leave for any calendar month:

Until he has completed the calendar month in which he was employed;

During which he has been on leave without pay for ten or more working days;

While serving in the military.

## Earning Annual or Faculty Leave for Employees on Other Than 12-Month Basis

Faculty leave shall be earned by each eligible faculty member who is employed for the academic year and has a regular tour of duty.

Faculty leave shall be earned and taken as it is earned as specified by the official calendar of the institution served.

Unclassified, non-faculty employees shall earn annual leave based on the equivalent years of fulltime State service. This leave shall be creditable at the end of each calendar month as follows:

### DAYS OF ANNUAL LEAVE EARNED BY NON-FACULTY UNCLASSIFIED EMPLOYEES PER MONTH OF FULLTIME EMPLOYMENT

	YEARS OF SERVICE				
	Less Than 3	3, but Less Than 5	5, but Less Than 10	10, but Less Than 15	15 And Over
Days of Leave Earned Per Month	1	1¼	1½	1¾	2

Unclassified, non-faculty employees who are employed during summer sessions shall earn annual leave as follows:

DAYS OF ANNUAL LEAVE EARNED BY NON-FACULTY UNCLASSIFIED EMPLOYEES PER SUMMER SESSION OF FULLTIME EMPLOYMENT

YEARS OF SERVICE

Summer Session Worked	Less Than 3	3, but Less Than 5	5, but Less Than 10	10, but Less Than 15	15 And Over
12 weeks	3	3¾	4½	5¼	6
9 weeks	2¼	2¾	3¾	4	4½
6 weeks	1½	1¾	2¼	2¾	3

For contract periods of less than 12 months, the two immediately preceding paragraphs and charts shall be used to calculate earned annual leave. A proportionate rate shall be used for parttime employees.

Annual leave for unclassified employees employed on a basis of less than 12 months shall be subject to restrictions cited in the three immediately preceding paragraphs.

Personnel not employed on a continuing basis (temporary employees) shall not earn annual leave.

Accrued unused annual leave earned by an employee shall be carried forward to the succeeding years without limitation.

Transfer of Annual Leave

When an employee changes his position from one State agency to another, his accumulated annual leave shall be forwarded to the new agency and shall be credited to him.

Use of Annual Leave

Legal holidays, State-designated holidays, days of local conditions and celebrations, and similar periods when designated, announced and observed by the institution, shall not be charged to annual leave.

Annual leave shall be applied for in advance by the employee and may be taken only when approved by the appointing authority. Mandatory and other requirements relating to the taking of annual leave:

An appointing authority may require an employee who has sufficient annual leave to his credit to take annual leave whenever the authority feels that it is best for the employee or the appointing authority.

Except when given special advance approval for absence from duty, an employee must be at his work station for the day in order to be classified as on duty. A work station normally will be one's office or at a place elsewhere on the employer's premises that is appropriate for the work of the moment, but it may also be at a place off the employer's premises while traveling or in conference or otherwise engaged in work for, or representing, the employer.

Upon resignation, death, removal, or other termination of employment of an unclassified employee, annual leave amounting to the same maximum as is provided for members of the classified service of the State by the Civil Service Commission and approved by the Governor, and accrued to his credit shall be computed and the value thereof shall be paid to him or his heirs, provided that the annual leave has been accrued under established leave regulations and an attendance record has been maintained for the employee by his supervisor. Such pay shall be computed at the employee's base rate of pay at the time of termination.

Chapter 8. Sick Leave

Sick Leave for Unclassified Academic Personnel Employees, Work Weeks and Definitions:

Appointing authorities shall establish work weeks of 40 hours per week for full-time employees. The purpose of establishing the forty hour week is merely to provide appointing authorities a system of accounting for and the taking of sick leave. Nothing contained in this policy shall be construed as requiring academic teaching personnel, whether employed on a 12-month basis or on a basis other than 12 months, to be physically present for the period of forty hours per week in their classrooms, laboratories, offices, or any other place where their employment duties are performed.

Appointing authorities shall establish for parttime employees workweeks proportionate to the provisions of the previous paragraph.

Daily attendance and leave records must be maintained for unclassified employees. The Board may, in the exercise of its discretion, adopt an attendance form designed merely to indicate that academic teacher personnel were either present or absent from their usual duty posts during the usual working day for such personnel. The attendance record shall be signed by the employee and reported monthly to the personnel office.

Sick leave is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities and who requires medical, dental, or optical consultation or treatment.

Earning of Sick Leave for 12-Month Employees

Sick leave shall be earned by each employee who has a regular tour of duty. The earning of such leave shall be based on the equivalent of years of full-time State service and shall be creditable at the end of each calendar month in accordance with the following general schedule:

Less than three years of service: at the rate of one day of sick leave per month, or the equivalent thereof in hours.

Three years but less than five years of service: at the rate of one and one-fourth days of sick leave per month, or the equivalent thereof in hours.

Five years but less than ten years of service: at the rate of one and one-half days of sick leave per month, or the equivalent thereof in hours.

Ten years but less than fifteen years of service: at the rate of one and three-fourths days of sick leave per month, or the equivalent thereof in hours.

Fifteen or more years of service: at the rate of two days of sick leave per month, or the equivalent thereof in hours.

No 12-month unclassified employee shall be credited with sick leave for any calendar month:

Until he has completed the calendar month in which he was employed;

During which he has been on leave without pay for ten or more working days;

While serving in the military.

Earning of Sick Leave for Employees on Other Than the 12-Month Basis

Sick leave shall be earned by each employee who has a regular tour of duty.

The earning of such leave shall be based on the equivalent of years of fulltime service and shall be creditable at the end of each calendar month as follows:

**DAYS OF SICK LEAVE EARNED BY NINE-MONTH EMPLOYEES**

Summer Session Worked	YEARS OF SERVICE				
	Less Than 3	3, but Less Than 5	5, but Less Than 10	10, but Less Than 15	15 And Over
12 weeks	12	15	18	21	24
9 weeks	11¼	14	17¼	19¾	22½
6 weeks	10½	13	15¾	18½	21
None	9	11¼	13½	15¾	18

For contract periods less than 12 months but different from nine months, a proportionate rate should be used.

No unclassified employee on a basis of less than 12 months shall be credited with sick leave for the reasons cited above for 12-month unclassified employees.

Accrued unused sick leave earned by an employee shall be carried forward to the succeeding years without limitation.

**Transfer of Sick Leave**

When an employee changes his position from one State agency to another, his accumulated sick leave shall be forwarded to the new agency and shall be credited to him.

**Use of Sick Leave**

Sick leave with pay may be taken by an employee with sufficient leave to his credit for:

Illness or injury which prevents performance of his work duties;

Medical, dental, or optical consultation or treatment.

The minimum charge for sick leave should be four hours (one-half day) and if more it shall be charged in hour increments to the nearest hour.

The employee may use sick leave for maternity purposes when her postnatal or prenatal condition prevents the performance of usual duties, provided the employee has sufficient sick leave credit. The limit to the use of sick leave for a postnatal condition shall be six weeks unless a physician certifies employee's inability to return to work.

Upon death or retirement of an unclassified employee, sick leave accrued to his credit shall be computed and the value thereof shall be paid to him or his heirs, provided that the sick leave has been accrued under established leave regulations and a daily attendance record has been maintained for the employee by his supervisor, except that such payment shall not exceed the value of 25 working days computed on the basis of a five-day week and on a four-week per month basis for personnel employed on less than the 12-month employment basis and on the basis of a five-day week and 52-week year for 12-month employees. The rate of pay shall be computed using the base rate the employee is receiving at the time of termination.

**Chapter 9. Leave for Civil and National Service**

An employee shall be given time off without loss of pay, annual or sick leave when:

Performing jury duty.

Summoned to appear as a witness before a court, grand jury, or other public body or commission.

Performing emergency civilian duty in relation to national defense.

His appointing authority determines that he is prevented by an act of God from performing his duty.

Voting in a primary, general, or special election which falls on his scheduled working day, provided that not more than two hours of leave shall be allowed an employee to vote in the parish where he is employed, and not more than one day to vote in a parish other than the one where he is employed.

The appointing authority shall determine that local conditions or celebrations make it impracticable for his employees to work.

**Chapter 10. Military Leave**

Employees who are members of a reserve component of the armed forces of the United States or the National Guard shall be granted leaves of absence from their positions without loss of pay, time, or annual or sick leave when ordered to active duty for field training or training authorized in lieu thereof when the individual is given constructive credit for such training. Such leaves shall be for periods not to exceed 15 working days in any calendar year, but an appointing authority may grant an employee annual leave or leave without pay or both, in accordance with other provisions of these leave regulations for such periods which exceed 15 working days in any calendar year.

Employees who are inducted or ordered to active duty to fulfill reserve obligations or who are ordered to active duty in connection with reserve activities for indefinite periods or for periods in excess of their annual field training shall be ineligible for leave with pay.

**Chapter 11. Other Leave**

**Workmen's Compensation Payments—Optional Leave with Pay**  
When an employee is absent from work owing to disabilities for which he is entitled to Workmen's Compensation, he may, at his option, use sick or annual leave or any appropriate combination of sick and annual leave (not to exceed the amount necessary) to receive total payment for leave and Workmen's Compensation in accordance with law.

An employee may be given time off without loss of pay, annual leave, or sick leave when attending the obsequies of a relative within the fourth degree of relationship by blood or affinity, affinity being defined as the relationship by marriage between a husband and his wife's blood relatives, or between a wife and her husband's blood relatives, provided that such time off shall not exceed two days on any one occasion. Relatives within the fourth degree of relationship for purposes of this section include the following:

- |                   |             |
|-------------------|-------------|
| Mother            | Sister      |
| Father            | Uncle       |
| Grandmother       | Aunt        |
| Grandfather       | Cousin      |
| Great-Grandmother | Nephew      |
| Great-Grandfather | Grandnephew |
| Child             | Niece       |
| Grandchild        | Grandniece  |
| Great-Grandchild  | Great-Uncle |
| Brother           | Great-Aunt  |

## TITLE VII PHYSICAL PLANT

### Chapter 1. Capital Outlay

Capital Outlay shall mean any expenditure of funds for acquiring land, buildings, equipment or other properties, or for their preservation, development or permanent improvement in accordance with La. R.S. 39:2 (8). Projects that qualify as Capital Outlay shall include the following:

- Acquisition of land,
- Site development and improvements,
- Construction of new buildings and other structures,
- Major improvements and alterations to existing facilities,
- Installation, extension or replacement of utility systems, fire protection and other major facilities,
- Initial equipment and furnishings for new buildings,
- Major equipment and furnishings for existing buildings.

Projects that do not qualify as Capital Outlay shall include the following:

Minor alterations to an existing building such as painting, decorating, repair or replacement of flooring, sanitary fixtures, hardware and similar items. Projects that involve minor alterations or improvements and are primarily maintenance work shall not be submitted as Capital Outlay nor shall these projects be lumped together to form an apparent sizable project.

Minor equipment, furnishings and supplies for existing buildings.

### Chapter 2. Funding Levels for Capital Improvements

Repairs and construction of campus facilities exceeding \$150,000 regardless of the source of funding must be included in the Capital Outlay bill in accordance with La. R.S. 17:3383.

Capital improvements to campus facilities costing more than \$50,000 and less than \$150,000 shall have the approval of the Board of Trustees and the Board of Regents. Requests for approval shall be submitted on forms provided by the Board of Regents.

Capital improvements to campus facilities costing less than \$50,000 shall not require approval of either the Board of Trustees or the Board of Regents; however, the Board of Trustees shall be informed of such improvements on a form supplied by the Staff.

### Chapter 3. Capital Outlay Budget Procedure

Prior to submission of the Capital Outlay request, the Physical Plants Committee staff shall visit each university to make an on-site inspection of each project to be requested. The Board shall be given sufficient notification of the schedule of visits so that each member may accompany the Staff should they so desire.

Each institution shall have available campus personnel, department heads, etc., who have prepared the Capital Outlay request or are knowledgeable of the specific program and space requirements.

All Capital Outlay projects requested for funding in the first year of the five year plan shall be in accordance with the following categories:

**Emergencies:** projects which are essential to correct conditions hazardous to life, safety or property.

**Consent Decree:** projects which are immediately required as a result of the Consent Decree settlement in the higher education desegregation lawsuit.

**Self-Generated:** projects which will be totally financed from Federal or self-generated funds (Racetrack Revenues, Building Use Fees, Parking Fees, Reimbursement Bonds, etc.).

**Continuing Projects:** projects that have actually received previous funding (cash received or bonds sold), and are in progress and require additional funds for continuation or completion. The fact that a project may have received previous funds does not guarantee inclusion in this category. Only projects which continue to demonstrate high merit and are making satisfactory progress will be considered for placement in this category.

**New Projects (Renovations, Improvements and New Construction):** projects which protect the State's investment in physical plant assets through a coherent progress of major renovation, alteration and improvement to existing physical plants. Replacement facilities and projects to construct new space, when remodeling or renovating is not practical or feasible to solve the need, are included in this category. This category may also include land acquisition and items of major equipment.

### Chapter 4. Capital Outlay Request

Submission of Capital Outlay budget request shall be on forms prepared by the office of the Governor, Division of Administration. Where applicable, a preliminary list of movable equipment for each project shall be submitted with the request.

All projects are to be listed as separate, individual projects and are not to be combined with other projects into one budget request except in cases where there is an obvious savings in costs by the combination or circumstances are such that it is more practical to combine such projects. Justification shall be given for combining projects.

Each project shall have sufficient job description, scope of work, preliminary sketches, cost estimates, justification etc., to assist the Board in determining the scope, need, and priority of the project.

Where projects are to be done in multiple stages or phases, the total project must be presented with a description and scope of work of each phase, estimated cost of each phase, projected year of each expenditure, and related information so that the total cost and length of the entire project will be known.

Where planning money is requested, the entire project must be presented. Approval for planning money will be given only if the entire project is approved for future construction.

In submitting its lists of budget requests, each institution must give an accounting as to why some or a portion of the projects cannot be done with funds from its operating or other budgets.

An accounting shall also be given as to the status of the bonded debt in excess of the required reserves which may be used to fund all or part of a proposed project.

### Chapter 5. Priority Assignments

The Coordinator of Physical Plants shall assign priorities to each project on a system-wide basis. This shall be a preliminary recommended priority.

In assigning priorities, the Staff shall consider the following general guidelines:

Projects of an academic nature should generally receive priority over non-academic and non-academic over auxiliary proj-

ects. In the case of auxiliary facilities, the initial responsibility lies at the institution.

Projects involving existing programs should generally receive priority over those involving new programs.

Renovation projects should generally receive priority over new construction. This is to promote maximum use of existing facilities.

Repairs to prevent further damage to property, eliminate safety hazards, completion of projects under construction and cost efficient projects should normally receive a high priority.

Generally, a threshold of \$100,000 will be considered as the lower limit for a Capital Outlay request.

Where applicable, the rank of a continuing project may be affected by its progress or lack thereof.

New campuses or expansion of a campus to a separate location from the main campus shall not be approved unless there has been a prior feasibility study authorized by the Board of Trustees and approved by it.

The Board reserves the right to reevaluate every project, whether previously recommended or not, and make recommendations accordingly. The fact that a project has been partially funded and planned does not insure that it will be approved and included in the current recommendations.

It should be noted that the category of a project does not automatically assign priorities. Need and merit are overriding considerations in assigning priority; therefore, only those projects which demonstrate these qualities should be considered for inclusion in the priority list. Should a situation exist where a particular project warrants consideration at a higher priority than the category in which it would normally be placed, it may be placed out of sequence, given sufficient justification.

After assigning priorities, the Staff shall distribute its preliminary recommendations to the Physical Plants Committee prior to the regular Board meeting at which the final priority list will be adopted.

At the regular Physical Plants Committee meeting, the preliminary list will be reviewed and revised if necessary for final recommendation to the Board. Each institution shall have an opportunity to question or appeal any assignment.

Upon final approval of the Capital Outlay requests and priority list by the Board of Trustees, the Chairman of the Physical Plants Committee, or his designee, shall present the requests and the System priority list to the Board of Regents and will represent the Board of Trustees' System at the Board of Regents' hearings. The System presidents will accompany the representative at the hearings and will make the presentation for their respective schools.

No Capital Outlay requests or proposals shall be made in any year to the Board of Regents, the Division of Administration, or to the Legislature without prior approval of the Board of Trustees that year.

#### Chapter 6. Selection of Professional Architects, Engineers and Landscape Architects

The Regular 1975 Session of the Louisiana Legislature enacted revised statutes which created Professional Services Selection Boards of Architects, Engineers and Landscape Architects. Architects and engineers to be considered must be registered and licensed under the law of the State of Louisiana.

The Legislature provided for three Selection Boards as follows:

The Louisiana Architects Selection Board is composed of seven members—six regular members and one member from the particular user agency.

The Louisiana Engineers Selection Board is composed of seven members—six regular members and one member from the particular user agency.

The Louisiana Landscape Architects Selection Board is composed of five members—four regular members and one member from the particular user agency.

Projects which are predominantly architectural in character shall be classified as architectural projects; likewise, projects which are predominantly engineering in character shall be classified as engineering projects.

Whenever a particular project is under consideration, the president of the institution or his designated representative shall participate as a member of the Professional Selection Board for Architects, Engineers, or Landscape Architects handling the particular project.

The participation of the user agency member shall be restricted to matters directly affecting the project of his agency, and he shall be entitled to vote on all matters affecting the project of his agency.

Funding levels for Selection of Designer Professional shall be in accordance with the following:

Selection of designers for projects whose project cost exceeds \$200,000 shall be appointed by the appropriate Selection Board in accordance with La. R.S. 38:2310 thru R.S. 38:2316.

Selection of designers for projects costing less than \$200,000 whose funds are appropriated in the Capital Outlay bill and controlled by the Department of Facility Planning and Control shall be by direct appointment of the Division of Administration.

Selection of designers for projects costing less than \$150,000 not included in the Capital Outlay bill and funded through Building Use Fee, Racetrack Revenues etc., shall be the responsibility of the user agency. The Staff shall assist the university to the extent required in developing program requirements, contract negotiations, plan and specification review and construction administration.

#### Chapter 7. Submission of Preliminary Building Program and Request for a Designer

Submission of preliminary building programs for projects funded in the Capital Outlay bill shall be made to the Staff. The program shall contain the following:

##### Site Information

If land acquisition is involved, attach a plat showing the general location and acreage of the property. Give intended method of acquisition.

What site work is included in estimated cost?

Availability of utilities and length of utility extensions required to supply new building.

A small scale site plan showing the general location of the building.

##### Building Information

A listing and description of all spaces required, including:  
Area of space and any special height requirements.  
Number of occupants of each space.



Activity to be performed within the space and functional relationships between occupants.

Relationships of one space to another (function and proximity).

Any special requirements for lighting, temperature, ventilation, humidity, acoustics, cabinets and surface finishes.

Brief description of the types of systems desired. Will the building be served from a central plant?

Special requirement relating to the quality of the building and its system.

A recap of the spatial area requirements, the total net usable area of the building and the estimated total gross area of the building.

Is this new construction or renovation, or a combination? List the areas of each.

General description of the building:  
one story, two-story, multi-story.  
brick, stucco, wood, pre-cast.

#### Movable Equipment

If movable equipment is included in the Capital Outlay request, submit a movable equipment list indicating equipment description, quantity, estimated unit cost, estimated total cost and source of estimates.

Identify source of professional assistance used in preparation of the program or Capital Outlay request, including cost estimates.

When the proposed building or renovated structure will house new or expanded academic programs, a preliminary academic program shall accompany the submission. The Staff shall review the program for compliance with the above requirements and with compatibility to the academic program. The approved building program shall be forwarded to Facility Planning and Control with a recommendation to advertise for the selection of a designer. Building programs or parts thereof which do not receive staff approval shall be brought to the Physical Plants Committee and the Board for a final determination.

#### Chapter 8. Emergency Procedures

Institutions may request consideration for emergency Capital Outlay projects by providing written justification to the Physical Plants Committee. Pending approval of the Committee and the full Board, the school may then petition the Board of Regents for the projects to be included in their recommendations to the Division of Administration.

Institutions may petition the Interim Emergency Board for Emergency funding for Capital projects by providing written justification to the Physical Plants Committee. Pending approval of the Committee and the Board, it may appear before the Interim Emergency Board. Schools shall restrict these requests to those projects which are of a true emergency nature.

Institutions shall notify immediately the Board of Trustees' Staff of natural disaster, major fires, flooding or water damages etc., which constitute an emergency situation. The Staff shall assist to the extent required to restore the facilities to operable conditions.

#### Chapter 9. Easements, Rights-of-Way and Leases

All requests for easements, rights-of-way and leases on college and university campuses or properties under the jurisdiction of the Board of Trustees shall be submitted to the Physical Plants Committee of the Board. The submission shall contain justification for granting such easement, right-of-way or lease and be accompa-

nied by sufficient documentation comprised of but not limited to maps, plats and surveys. The submission shall also contain a legal description of the property and be stamped and signed by a registered engineer licensed to practice in the State of Louisiana. The Staff shall review the submission and forward it to the office of the Attorney General. Approval by the Board shall be contingent upon approval by the Attorney General's office.

#### Chapter 10. Funding Sources for Capital Improvements

Racetrack Revenues, Building Use Fees and Parking Fees may be used to fund capital improvements in accordance with the following stipulations:

Racetrack Revenues shall first be used in payment of any contractual or statutory obligation for which monies have been pledged. Monies remaining after these pledges are met first may be used to alleviate safety hazards and other bona fide emergency conditions and to make needed major repairs to buildings, grounds, streets and parking lots, and to upgrade utility systems. Any monies remaining may be budgeted and used for new capital construction or capital acquisitions.

Building Use Fee Revenues or proceeds from the sale of bonds secured by Building Use Fees shall first be used in payment of any contractual or statutory obligation for which the monies have been pledged. Monies remaining after these pledges are met may be used to construct, acquire, extend, repair or improve any academic facility suitable for use as a classroom, laboratory, gymnasium, library, student infirmary and related facilities necessary or appropriate for the instruction of students, or for research, or the administration of the educational or research programs, and maintenance, storage or utility facilities essential to the operation and use of the foregoing facilities.

Building Use Fees or proceeds from the sale of bonds secured by Building Use Fees may not be used in whole or part to construct, modify, repair, extend, renovate or acquire dormitories, dining halls, stadium, field houses, auditoriums used primarily for events for which admission is to be charged to the general public, faculty housing and student union buildings.

Parking Fees may be used only for construction, repairs and maintenance of parking facilities including streets, roadways, walks and walkways leading into such parking facilities and for operation of these parking programs and for all operations incidental to campus related parking and maintenance for vehicles where there is a student transit system in use for the purpose of serving off-campus parking.

No funds appropriated from the State General Fund for operating expenses may be expended for construction, repair, or maintenance of parking facilities until all proceeds from such parking fees have been expended.

### TITLE VIII STUDENTS

#### Chapter 1. Admission and Transfer

In order to transfer from one institution to another a student must be eligible to reenter the institution from which he is transferring before he will be able to enter an institution under the jurisdiction of the Board. No credit earned at another institution while under academic or non-academic suspension will be accepted upon return to an institution under the jurisdiction of the Board.

#### Chapter 2. High School Students

A student making application shall supply a high school transcript and the record of the ACT test or the acceptable equivalent in or-

der to be considered for admission. In the event that these cannot be supplied in time for admission, he may be considered for provisional admission. Parttime students may be admitted without ACT test or acceptable equivalent test.

Early admission shall be allowed a student entering an institution of higher learning before twenty units of high school credit are earned if: (1) the student made a "B" or better average during six semesters of high school, (2) the student made an ACT score of at least 24, and (3) the student is recommended by his high school principal. Upon earning 24 semester hours at the institution, he may be granted a high school diploma by the appropriate Board.

### Chapter 3. Special School Students

All institutions under the jurisdiction of the Board shall accept students who have successfully completed the curriculum of the State School for the Blind, the Deaf, the Spastic or Cerebral Palsy in order that such students may pursue a curriculum which they may be qualified to enter and complete in order to become certified as teachers.

### Chapter 4. Minimum Class Attendance Regulations for the Institutions Under the Control of the Board

Class attendance is regarded as an obligation as well as a privilege, and all students are expected to attend regularly and punctually all classes in which they enrolled. Failure to do so may jeopardize a student's scholastic standing and may lead to suspension from the institution.

Each instructor shall keep a permanent attendance record for each class. These records are subject to inspection by appropriate officials.

A student shall submit excuses for all class absences to the appropriate official(s) designated by the president within three days after the student returns to his respective class. The appropriate official may excuse a student for being absent and the faculty member shall accept an official university excuse.

When a freshman or sophomore student receives excessive unexcused absences (ten percent of the total classes), the instructor may recommend to the student's academic dean that he be withdrawn from the rolls of that class and given an appropriate grade.

Faculty members are required to state in writing and explain to the students their expectations in regard to class attendance prior to the close of the drop and add period.

### Chapter 5. Student Conduct and Appeal Procedures

Each institution is authorized to establish policies and regulations governing student conduct. Students shall have due process in disciplinary matters, and any student who has exhausted all due process procedures at the institutional level may appeal his or her grievance to the Board of Trustees. Within 30 days after all due process procedures have been exhausted at the institutional level, the student must present his appeal to the Executive Director of the Board of Trustees. The Staff shall review the due process proceedings from the institution and submit recommendations to the Board.

### Chapter 6. Parietal Rules

The Board of Trustees for State Colleges and Universities places the welfare of the student as the top priority in the establishment and operation of all higher education institutions. Positive Board action has been taken in the acquisition and construction of essential housing, dining, student life and academic facilities for the established institutions. The Board expects the students to utilize

these facilities to their fullest and in the best interest of all concerned during the various educational and other experiences of their university tenure.

### On-Campus Housing Rules

All unmarried fulltime undergraduate students, regardless of age or whether or not emancipated, are required to live in on-campus residence halls as long as space is available unless exempted by the institution for good and reasonable cause, such as:

In any case where it appears that a fulltime undergraduate student will otherwise suffer significant hardship or because of sufficient financial, medical or other good and sound reasons shown.

In the case of older students as, for example, (a) a returning military veteran; (b) a previously married person where proper officials make a finding of fact that such individual is by virtue of age and experience incompatible with the educational objectives and values sought to be provided by on-campus residence herein outlined.

Undergraduate students living with parents, grandparents, married brother or sister or in supervised sorority or fraternity housing.

### Right of Appeal

Any student who has applied for and been denied an exemption to the on-campus residence requirement shall have the right to appeal such decision in accordance with the requirements of Chapter 5 herein.

### Student Life Facilities

Because of the interrelated nature of the use, operation and financing for housing, dining and student life facilities, each institution is authorized to include dining costs in the cost of on-campus housing. Charges and fees are also authorized to be levied and collected for the availability, use and benefit of student life facilities and to pay a portion of the cost of providing combined on-campus residence halls, dining halls, and student life facilities.

### Order of Exemptions When Space Is Not Available

The order of priority in the granting of permission to live off campus shall be as follows:

- First, seniors.
- Second, juniors.
- Third, sophomores.
- Fourth, freshmen.

Subject to the foregoing, the following additional rules of priority shall be applied:

First shall be the students who have resided in off-campus housing for the longest period of time since attending the institution.

Second, in accordance with the order of date of application filed.

### Chapter 7. Academic Status of Students

#### Fulltime Students

A fulltime undergraduate student is one who is taking at least twelve semester hours, or its equivalent of scheduled work, during a regular semester or at least six semester hours during a summer session. A fulltime graduate student is one who is taking at least nine semester hours, or its equivalent of scheduled work, during a regular semester. (For those institutions under the quarter system, a fulltime undergraduate student is one who is taking at least eight semester hours, or its equivalent of scheduled work, during a quarter. A fulltime graduate student is one who is taking at least

semester hours, or its equivalent of scheduled work, during a quarter.)

#### Parttime Students

A parttime undergraduate student is one who is taking less than 12 semester hours during a regular semester or less than six semester hours during a summer session. A parttime graduate student is one who is taking less than nine semester hours during a regular semester. (For those institutions under the quarter system, a parttime undergraduate student is one who is taking less than eight semester hours during a quarter. A parttime graduate student is one who is taking less than six semester hours during a quarter.)

#### Special Students

Institutions may designate certain students as special students and may consider them as fulltime.

#### Hours Pursued

Hours pursued are defined as all courses completed and those courses not completed in which the grade of WA, WB, WC, WD, or WF is received. In the case of a student repeating a course, the grade and credits shall be used in computing the grade point average.

#### Chapter 8. Academic Scholarships

A maximum of eighty academic scholarships will be allocated to each college or university under the jurisdiction of the Board to be administered by the individual institution. The value of each scholarship shall not exceed \$1,250 per academic year of nine months for the payment of necessary college expenses. The scholarships will be awarded to fulltime students for a maximum of four years until a bachelor's degree is obtained, whichever is the shorter period. The selection shall be made from Louisiana applicants by a faculty committee without regard to department choice.

The selection of the recipients of these scholarships will be made on the basis of the following criteria:

Performance on American College Testing Examination (ACT) or other nationally recognized scholarship aptitude examination.

Past achievement as revealed by the high school record.

Statements pertaining to the ability and character to be secured by the faculty committee of the college directly from high school principals and teachers.

Health records sufficient to indicate physical ability and mental stability necessary to attain college goals.

Information obtained from a personal appearance by the applicant before the faculty committee.

The recipient of the scholarship must maintain a "B" average each semester.

Awards will be made to the applicants best qualified according to these criteria. In the event of essentially equal qualifications of applicants, need of the applicants will also be used as a determining factor.

All institutions under the jurisdiction of the Board shall fully utilize 30 academic scholarships at each institution.

#### Chapter 9. Scholastic Deficiencies

##### Academic Probation, Suspension, and Readmission Regulations

A fulltime or parttime student who has not made a "D" average (1.0) on all hours pursued during a semester will be dis-

missed for one semester, except first semester freshmen, who will be placed on probation.

A fulltime or parttime student who makes an average ranging from a 1.0 to 1.5 on all hours pursued during a semester will be placed on probation.

A student on probation will be given one semester to make a "C" average (2.0) on all hours pursued during that semester which will remove him from probation; if he does not make a "C" average on all hours pursued during the semester, he will be dismissed for one semester.

After the lapse of one semester, a student may reenter on probation; but he must make a "C" average on all hours pursued during the semester, or he will be dismissed again.

A student who resigns after nine weeks of a semester will receive at the time of withdrawal grades of WA, WB, WC, WD, or WF; these grades will be used in computing his academic status.

A student dismissed at the end of the spring semester may attend the summer session, but he must remain out during the fall semester. Grades earned during summer session do not change the probational or dismissal status of a student.

A student suspended for scholastic deficiencies may reenroll after the expiration of one semester until his fourth dismissal, which dismisses him permanently.

A student under suspension for scholastic reasons may not obtain credit toward a degree on courses pursued at another institution during the period when he is ineligible to register in an institution under the jurisdiction of the Board.

#### Chapter 10. Academic Appeal

A student, after having been dismissed the fourth time, may be allowed to appeal his case for readmittance for one more and final time, provided there has been a lapse of a reasonable period of time since the fourth dismissal.

#### Chapter 11. Student Hours

Any regular student who makes a "B" (3.0) average or better in any semester on all hours pursued shall be placed on the honor roll for that semester.

#### Chapter 12. Quality Point System

Institutions under the jurisdiction of the Board shall adopt the quality point allotment of four points for an A, three points for a B, two points for a C, one point for a D, and zero points for an F; therefore, a 2.0 means a "C" average.

#### Chapter 13. Student Government Association

The Board recognizes the value of the Student Government Associations at the institutions under the jurisdiction of the Board and encourages the establishment of Student Government Associations which are mutually beneficial to the student body and the institutions. A Student Government Association shall operate under a constitution approved by the president of an institution. An institution is authorized to collect Student Government Association fees, approved by the Board, and to maintain them in a separate institution account. Funds may be withdrawn from a Student Government Association account by authorization of a legally constituted body of a Student Government Association with the approval of an institution's chief student personnel officer and/or his or her designated agent.

#### Tuition Waiver and Salaries for SGA Officers

A waiver of tuition (as defined in Title VI, Chapter 5, Activity, Reg-

six semester hours, or its equivalent of scheduled work, during a quarter.)

#### Parttime Students

A parttime undergraduate student is one who is taking less than 12 semester hours during a regular semester or less than six semester hours during a summer session. A parttime graduate student is one who is taking less than nine semester hours during a regular semester. (For those institutions under the quarter system, a part-time undergraduate student is one who is taking less than eight semester hours during a quarter. A parttime graduate student is one who is taking less than six semester hours during a quarter.)

#### Special Students

Institutions may designate certain students as special students and may consider them as fulltime.

#### Hours Pursued

Hours pursued are defined as all courses completed and those courses not completed in which the grade of WA, WB, WC, WD, and WF is received. In the case of a student repeating a course, the last grade and credits shall be used in computing the grade point average.

### Chapter 8. Academic Scholarships

A maximum of eighty academic scholarships will be allocated to each college or university under the jurisdiction of the Board to be administered by the individual institution. The value of each scholarship shall not exceed \$1,250 per academic year of nine months for the payment of necessary college expenses. The scholarships shall be awarded to fulltime students for a maximum of four years or until a bachelor's degree is obtained, whichever is the shorter period. The selection shall be made from Louisiana applicants by a faculty committee without regard to department choice.

The selection of the recipients of these scholarships will be made on the basis of the following criteria:

Performance on American College Testing Examination (ACT) or other nationally recognized scholarship aptitude examination.

Past achievement as revealed by the high school record.

Statements pertaining to the ability and character to be secured by the faculty committee of the college directly from high school principals and teachers.

Health records sufficient to indicate physical ability and mental stability necessary to attain college goals.

Information obtained from a personal appearance by the applicant before the faculty committee.

The recipient of the scholarship must maintain a "B" average each semester.

The awards will be made to the applicants best qualified according to these criteria. In the event of essentially equal qualifications of applicants, need of the applicants will also be used as a determining factor.

The institutions under the jurisdiction of the Board shall fully utilize the 80 academic scholarships at each institution.

### Chapter 9. Scholastic Deficiencies

Scholastic Probation, Suspension, and Readmission Regulations are:

A fulltime or parttime student who has not made a "D" average (1.0) on all hours pursued during a semester will be dis-

missed for one semester, except first semester freshmen, who will be placed on probation.

A fulltime or parttime student who makes an average ranging from a 1.0 to 1.5 on all hours pursued during a semester will be placed on probation.

A student on probation will be given one semester to make a "C" average (2.0) on all hours pursued during that semester which will remove him from probation; if he does not make a "C" average on all hours pursued during the semester, he will be dismissed for one semester.

After the lapse of one semester, a student may reenter on probation; but he must make a "C" average on all hours pursued during the semester, or he will be dismissed again.

A student who resigns after nine weeks of a semester will receive at the time of withdrawal grades of WA, WB, WC, WD, or WF; these grades will be used in computing his academic status.

A student dismissed at the end of the spring semester may attend the summer session, but he must remain out during the fall semester. Grades earned during summer session do not change the probational or dismissal status of a student.

A student suspended for scholastic deficiencies may reenroll after the expiration of one semester until his fourth dismissal, which dismisses him permanently.

A student under suspension for scholastic reasons may not obtain credit toward a degree on courses pursued at another institution during the period when he is ineligible to register in an institution under the jurisdiction of the Board.

### Chapter 10. Academic Appeal

A student, after having been dismissed the fourth time, may be allowed to appeal his case for readmittance for one more and final time, provided there has been a lapse of a reasonable period of time since the fourth dismissal.

### Chapter 11. Student Hours

Any regular student who makes a "B" (3.0) average or better in any semester on all hours pursued shall be placed on the honor roll for that semester.

### Chapter 12. Quality Point System

Institutions under the jurisdiction of the Board shall adopt the quality point allotment of four points for an A, three points for a B, two points for a C, one point for a D, and zero points for an F; therefore, a 2.0 means a "C" average.

### Chapter 13. Student Government Association

The Board recognizes the value of the Student Government Associations at the institutions under the jurisdiction of the Board and encourages the establishment of Student Government Associations which are mutually beneficial to the student body and the institutions. A Student Government Association shall operate under a constitution approved by the president of an institution. An institution is authorized to collect Student Government Association fees, approved by the Board, and to maintain them in a separate institution account. Funds may be withdrawn from a Student Government Association account by authorization of a legally constituted body of a Student Government Association with the approval of an institution's chief student personnel officer and/or his or her designated agent.

#### Tuition Waiver and Salaries for SGA Officers

A waiver of tuition (as defined in Title VI, Chapter 5, Activity, Reg-

istration and Tuition Fees) shall be granted by the institutions under the jurisdiction of the Board to the top three selected SGA officers at those institutions, with the exception of Delgado Community College, where the recipients of the tuition waivers shall be the SGA Presidents and Vice-Presidents at the two Delgado College campuses. The waiver of tuition shall remain in effect for the duration of the respective terms of office.

A salary may be paid, with student government funds, to the President, Vice-President, Treasurer and/or Secretary; the salary shall be determined by the Student Government Association at each institution, and must be approved by the institution's chief student personnel officer and/or his designated agent.

Receipt of this tuition waiver and salary by the SGA Officers shall be contingent upon performance of assigned duties and tasks as set out and defined in the respective SGA constitution.

#### Chapter 14. Graduate Study

Graduate student—is a student who has been duly admitted to a graduate school of a college or university.

A fulltime graduate student is one who is taking at least nine semester hours or its equivalent of scheduled work during a regular semester. (For those institutions under the quarter calendar, a full-time graduate student is one who is taking at least six semester hours or its equivalent of scheduled work during a quarter.)

A parttime graduate student is one who is taking less than nine semester hours during a regular semester. (For those institutions under the quarter calendar, a parttime graduate student is one who is taking less than six semester hours during a quarter.)

#### Chapter 15. Admission to Graduate Study

##### Regular Admission

To be eligible for regular admission, an applicant must:

Satisfy general admission requirements of the institution. These shall include submitting a formal application, documents such as undergraduate transcripts, official reports on nationally recognized aptitude tests, and evaluations by recognized professionals in their field of interest, thereby demonstrating their potential for graduate study. When possible, interviews with the applicants should also be arranged.

Hold a baccalaureate degree from a regionally accredited institution except for special programs which award the baccalaureate and master's degrees simultaneously. Credentials of international students will be evaluated individually by the institution.

Have earned a minimum grade point average of 2.5 on a 4.0 scale on all undergraduate work attempted or 2.75 on all upper division course work attempted.

##### Conditional Admission

An applicant not qualified for regular admission may be granted conditional admission if he/she has earned a grade point average of 2.0 on a 4.0 scale on all undergraduate work attempted or 2.5 on all upper division course work attempted.

##### Removal of Conditional Status

Conditional status will be changed to regular status when a student earns a minimum of 12 semester hours of graduate credit (9 hours under the quarter calendar) with at least a 3.0 average and no grade lower than "C".

At the time a student completes 12 semester hours of graduate credit, if he/she is not eligible for regular status, the student will be

suspended from the degree program for a period of time determined by the university. Readmittance shall be in accordance with the university's established policy.

##### Non-Degree, Transient, or Visitor Admission

Each university shall make provisions for non-matriculating students. Not more than 12 semester hours of graduate credit earned while in a non-matriculating status may be applied to a graduate degree.

##### Provisional Admission

Graduate students may be admitted on a provisional basis while in the process of obtaining required credentials. Students, who are admitted provisionally and subsequently are ineligible for admission or do not meet all requirements for admission within a reasonable time specified by the university, shall have their registration cancelled without refund of fees.

##### Graduating Seniors

A graduating senior who has a "B" average on all undergraduate work attempted may be allowed to register for graduate credit if he/she:

Lacks not more than nine semester hours (six for a summer session) to complete baccalaureate degree requirements;

Will register for a maximum of 15 semester hours (12 under a quarter calendar) or ten for a summer session. This shall include all baccalaureate requirements and not more than six semester hours of graduate credit for a semester or four for a summer session.

Such a student retains his/her undergraduate status and may not be admitted to graduate school until awarded the baccalaureate degree.

Provisions of this section are not applicable to special programs which award the baccalaureate and master's degree simultaneously.

##### Entrance Examinations

Admission requirements shall include evidence of potential for graduate study obtained from one or more nationally recognized aptitude measures.

#### Chapter 16. Requirements for Master's Degrees

##### General Requirements:

A program leading to a master's degree normally shall be the equivalent of at least one year of fulltime graduate study.

The minimum credit requirement for the master's degree shall be 30 semester hours of graduate work, not more than six of which may be allowed for the thesis and its completion. In optional programs not requiring a thesis, the standard course requirement shall not be less than 30 semester hours.

The student shall complete a minimum of 18 semester hours of graduate credit in a major field, including credit for the thesis (where required) and its completion.

Master of Education degrees (except in School Administration and Supervision) shall require a minimum of 12 semester hours of graduate credit outside the student's field of concentration. For secondary majors this credit must be in a single field. For elementary majors, this credit may be distributed among fields.

Grades must average 3.0 or better on a 4.0 scale and may not include any grade lower than "C" nor more than six semester hours of credit with a grade of "C".

A minimum of one-half of the course credits for the degree must be in courses open only to graduate students.

#### Course Load

The recommended maximum course load for a graduate student is 16 graduate hours for a semester (12 for a quarter calendar) and nine for a nine-week summer session. For shorter sessions, the maximum shall be one hour of graduate credit for each week of the session.

#### Residence Requirements

To satisfy residence requirements, a graduate student must earn while in residence at least two-thirds of the semester hour credits required for the degree.

#### Admission to Candidacy

Each university shall provide appropriate and regular means for determining candidacy status.

#### Comprehensive Examination

A comprehensive examination covering all areas of study for the degree may be required of each candidate.

#### Thesis

A program leading to a master's degree shall require an understanding of research and the manner in which research is conducted, as evidenced by a thesis. For a non-research oriented program, additional course work resulting in an understanding of acceptable practices in the field may be required in lieu of the thesis.

#### Time Limit for Degree

The time limit for completion of all requirements for the master's degree shall be six consecutive calendar years from the time of initial enrollment for degree credit.

#### Transfer of Credit

A student may be allowed to transfer from a regionally accredited college or university a maximum of one-third of the semester hour credits required for the degree. Both resident and extension credits may be accepted.

### Chapter 17. Requirements for Specialist in Education Degree

#### General Requirements:

The applicant should have a master's degree from a regionally accredited institution; however, exceptional students with a baccalaureate degree may be admitted at the discretion of the university.

A minimum of three years successful, fulltime teaching experience and a valid teaching certificate may be required by established university policy.

Letters of recommendation from appropriate school and/or college officials, in a number deemed sufficient by the university, may be required.

The applicant shall have a grade point average of 3.0 on all graduate work pursued and shall provide acceptable scores on a nationally recognized aptitude test. At its discretion, the university may require the score from the advanced test in the student's major field.

The student shall be required to complete a field study or thesis, supported by adequate research, in an area of study pertaining to the degree.

All work beyond the master's degree which is to be applied to the Ed.S. degree must be completed within six calendar years from the initial enrollment.

#### Examinations

The student may be required to complete successfully a locally determined screening or qualifying examination or procedure.

The student shall be required to complete successfully a comprehensive examination which may be oral or written or both, covering all areas of study included for the degree.

#### Admission to Candidacy

Each university may provide appropriate and regular means for determining candidacy status.

#### Degree Program Requirements

Graduate credit shall be earned in a minimum of 60 semester hours above the baccalaureate degree, including a minimum of 30 semester hours after the master's degree. A minimum of 36 of these credits must be earned in courses open only to graduate students.

The student must earn, in all coursework, a minimum average of 3.0 on a 4.0 scale. No grade lower than "C" shall be applicable to the degree. Courses in which a grade lower than "B" is received shall not be counted toward the final 30 semester hours.

#### Residence Requirements

The minimum residence requirement shall be one semester or two consecutive quarters of fulltime study beyond the master's degree.

A maximum of ten semester hours of graduate credit earned in extension courses offered by the university and/or resident credits earned at a regionally accredited college or university may be included as part of the final 30 semester hours.

### Chapter 18. Requirements for Doctoral Degrees

#### General Requirements:

A program leading to a doctoral degree normally shall be the equivalent of at least three years of graduate study beyond the baccalaureate degree.

The applicant should have a master's degree from a regionally accredited institution; however, exceptional students with a baccalaureate degree may be admitted at the discretion of the university.

An applicant for admission to a degree in education may be required by established university policy to have a minimum of three years of successful, fulltime teaching experience and a valid teaching certificate.

Letters of recommendation shall be provided in a number deemed sufficient by the university.

Acceptable scores on the Graduate Record Examination (verbal and quantitative parts) or a university-designated comparable standard testing instrument, such as the Graduate Management Admissions Test, shall be provided; at its discretion, the university may require additional scores, such as from the advanced part of the GRE.

Proficiency in two foreign languages shall be demonstrated, except that the university may permit substitutions where deemed beneficial.

All degree requirements must be completed within six calendar years following admission to candidacy. Prior work applied



to the degree (including transfer and locally earned credits) must have been completed within nine calendar years immediately preceding the date on which the degree is conferred.

A dissertation, supported by adequate research and independent study of a well-defined problem of reasonable scope, shall be required of all students. The dissertation should make a significant contribution to learning in the discipline pertaining to the degree.

#### Examinations

The student shall complete successfully a locally determined screening or qualifying examination or procedure.

The student shall complete successfully a general or comprehensive examination which may be oral or written or both. This examination shall cover all areas of study included for the degree.

The student shall be required to complete successfully a final examination (oral or written or both) defending the dissertation.

#### Admission to Candidacy

Each university shall provide appropriate and regular means for determining candidacy status, usually after successful completion of the general or comprehensive examination.

#### Degree Program Requirements

Graduate credit shall be earned in a minimum of 30 semester hours beyond the master's degree or 60 beyond the baccalaureate degree. Of these, at least 42 shall be from the regular courses, exclusive of dissertation and/or special study credits. At least one-half of these credits shall be earned in courses open only to graduate students.

The student shall complete all course work with a minimum average of 3.0 on a 4.0 scale. No grade lower than "C" shall be applicable to the degree.

#### Dissertation

A program leading to a doctoral degree shall require independent research competence as evidenced by a doctoral dissertation which augments or reinterprets the knowledge of the field. For a professional doctoral program, demonstrated competence through a creative project that applies to known principles and research procedures and provides for professional experience may be required in lieu of the dissertation.

#### Residence Requirements

The minimum residence requirement shall be two semester or three quarters of consecutive graduate study.

Graduate credit, earned beyond the master's degree and prior to admission to the doctoral program, may be transferred if applicable to student's approved degree program. Transferred credit may not be used to reduce the minimum residence requirements.

### Chapter 19. Academic Probation and Suspension

#### Probation

A student whose graduate cumulative average or semester (quarter) average falls below 3.0 on a 4.0 scale shall be placed on probation. Procedures for removal of probation shall be left to the individual universities.

#### Suspension

A student on probation who fails to make a minimum average of 3.0 on a 4.0 scale during the next semester or session (two quar-

ters) of enrollment shall be suspended. Procedures for reinstatement shall be left to the individual universities.

### Chapter 20. Graduate Assistantships

Each university should provide a number of laboratory, research, and/or teaching assistantships for degree-seeking graduate students. Student fees may be waived in addition to the stipend paid graduate assistants.

### Chapter 21. Second Master's Degree

A student seeking a second master's degree may be allowed to apply from a previous graduate degree a maximum of one-half the credits required for the second degree.

Bill Junkin  
Executive Director

## RULE

### Office of the Governor Division of Administration Facility Planning and Control Department

The Commissioner of Administration has adopted regulations and procedures for the procurement of rented or leased space by state agencies.

#### Rental and Lease Procedure and Regulations I.

##### Authority, Policy and Purpose

##### A. The Statutes

Louisiana Revised Statutes provide that all agreements for the lease or rental of space shall be made by the agency whose offices and/or activities are to be housed, but shall be made and entered into only with the approval of the Commissioner of Administration. (Louisiana Revised Statutes, Chapter 17 of Title 39 (R.S. 39:1551-1736) with particular reference to 39:1641-1643). The Commissioner has designated the Facility Planning and Control Department to administer this function.

It is the policy of the Division of Administration to acquire for state agencies the best rental or lease space for the least dollar amount with the greatest amount of competition between and among lessors of privately-owned facilities.

Agency is defined in R.S. 39:2(1) and the fact that an agency is a non-budget agency shall not be a test as to whether this Section shall be applicable.

##### B. Purposes

The purpose of these procedures and regulations are to simplify and clarify the procurement practices for the renting and leasing of space for state agencies, to provide increased economy and efficiency in procurement activities, to foster more effective competition for bid space and ensure fair and equitable treatment of all persons involved, to enable greater public confidence in the lease procurement process, and to maintain a procurement system of quality and integrity.

##### C. Exceptions

These provisions do not apply to:

Exempt agencies.

(1) Colleges, universities and trade schools.

(2) The Department of Transportation and Development.

(3) The Military Department.

(4) Any agency which is established as a corporate entity and enjoying corporate status.

(5) Any agency or office exempted by executive order of the governor.

Exempt types of space.

(1) Space for the storage of voting machines.

(2) Institutional buildings such as hospitals, clinics, and buildings at educational, penal, and correctional institutions.

## II.

### Space Acquisition Method

The Facility Planning and Control Department will retain the originals of the pertinent leases and will notify the affected User agency, reminding them when their lease is about to expire.

All standard forms mentioned herein are available on request from Facility Planning and Control.

Every lease for the use of 2,500 square feet or more of space in a privately owned building entered into by a state agency as lessee shall be competitively bid and awarded, pursuant to R.S. 39:1594-1595.

Any lease for the use of less than 2,500 square feet may be negotiated by the user agency, subject to approval by the Division of Administration.

#### A. Request for Approval

All leases and lease amendments, including amendments both for space of less than 2,500 square feet which is to be negotiated, and for 2,500 square feet or more which is to be bid, must be preceded by a Request for Approval Form RL-2. The user agency prepares and forwards to the Rental and Lease Section a Request for Approval Form RL-2 on which agency requests for space, location and terms of lease are detailed. The RL-2A Form gives guidelines to assist the agency in completing RL-2.

In preparing Request for Approval Form RL-2, the user agency checks its request for space against the "Office Standards for the State of Louisiana", a copy of which is included in Form RL-2.

The Budget Office of the Division of Administration will examine the request in relation to authorized programs, funds, and personnel, and Facility Planning and Control will approve, take under advisement, or disapprove the user agency request, taking into consideration the existing or offered price per square foot of rental space, which is deemed comparable by Facility Planning and Control.

#### B. Space Less Than 2,500 Square Feet

After approval by Facility Planning and Control of the requested space of less than 2,500 square feet, the user agency negotiates for the desired space, and submits an RL-1 Form to Facility Planning and Control. Facility Planning and Control will submit the RL-1 Form to the Budget Office for approval of the lease expenditure.

Facility Planning and Control will request the Fire Marshal to make his inspection and report; Facility Planning and Control will also request liability insurance for the user space. The lease is executed, first by the lessor, then by the lessee, who is the user agency or department. Then the lease package, containing four copies of the executed lease, the purchase order, the RL-1, and the Fire Marshal's report is approved or disapproved by Facility Planning and Control. Should a lease be disapproved, it is returned to the requisitioning agency. Copies of executed leases are distributed, two copies to the user agency, and one copy each to the lessor and the Legislative Fiscal Office and the original retained by Facility Planning and Control.

#### C. Space 2,500 Square Feet or Greater

##### 1. Advertisement and Notice

As required by R.S. 39:1643, leases for the use of 2,500 square feet or more of space are to be awarded pursuant to R.S. 39:1594 which requires adequate public notice of the invitation for bids to be given at least 20 days prior to bid opening date. This notice is by written notice to bidders on a bid list maintained by Facility Planning and Control and by advertising in the official journal of the state and in a newspaper of general circulation in the

parish where the property is to be leased. The requirement of R.S. 39:1643 is implemented in the following manner.

##### 2. The Bid Package

Facility Planning and Control receives the RL-2 Form from the user agency and prepares the bid package, which includes:

RL-3 Invitation to Bid.

RL-4 Bid Proposal Form.

RL-5 Specifications for Lease.

RL-6 Sample Lease.

Facility Planning and Control forwards the bid package to the user agency for its final opportunity to review and comment prior to distribution to prospective bidders. Any reservations or objections to the bid package must be submitted to Facility Planning and Control within five days, and the decision of Facility Planning and Control as to the reflection of any requested changes is final.

##### 3. Bid Opening

The bid package is then advertised and transmitted to prospective bidders. Bids are opened by Facility Planning and Control on the specified date. Facility Planning and Control evaluates the bids and sends a tabulation to the assistant commissioner with a copy to the legislative fiscal officer.

##### 4. Agency Notification and Report

On receipt of bids, the user agency is notified and has a representative visit all bid premises, and the agency reports to Facility Planning and Control concerning conformity with advertised specification. The apparent successful bidder is notified of the intent to award, and the agency is notified.

##### 5. RL-1 Form and Lease Completion

Just as for space less than 2,500 square feet, the user agency requesting space of 2,500 square feet or more must submit a Space Rental Requisition RL-1 Form to Facility Planning and Control. Facility Planning and Control will transmit this form to the State Budget Office to ascertain that the required funds are budgeted.

The lease completion procedure is also the same as for space less than 2,500 square feet. Facility Planning and Control requests the Fire Marshal to make his inspection and report; Facility Planning and Control also requests liability insurance for the user space. The lease is executed, first by the lessor, then by the lessee. The lessor must furnish evidence of acceptable financial resources to Facility Planning and Control as provided in Section V below. The lease package, containing four copies of the executed lease, the purchase order, the RL-1, the Fire Marshal's report and a copy of the advertisement of the bid is approved by Facility Planning and Control. Following this approval, copies of the executed and approved lease are distributed, two copies to the user agency, and one copy each to the lessor, the Legislative Fiscal Office and the original retained by Facility Planning and Control.

## III.

### Renovation and New Construction

Space requirements of the state may be met by lessors utilizing any of the following:

Owned or leased space ready for occupancy.

Owned or leased space renovatable for occupancy on or before the proposed or required due date.

Owned or leased new construction to be completed on or before the proposed or required due date.

Bidders or prospective lessors shall indicate which type space is being offered, the specific space to be confirmed in an affidavit by the successful lessor at the time he executed his lease.

Offerors of space not ready for occupancy shall provide sketch plans and outline specifications, or such equivalent representations of the planned renovations or remodeling, or the building to be constructed, so as to demonstrate suitability of the space offered for the use intended.

If such an offeror is the apparent successful offeror or bidder, he must submit suitable evidence of his financial responsibility. Such suitable evidence is described below in Section V. He **must** also submit preliminary plans and outline specifications of the space which he will provide.

#### IV.

##### Additional Requirements of Lessor

Any lessor of space, either less than 2,500 square feet or 2,500 square feet or greater, must return a signed lease, and the accompanying affidavit, within ten days after receipt of same for his execution.

#### V.

##### Determination of Responsibility

A. In addition to providing preliminary plans, outline specifications, or equivalent satisfactory representations of planned renovations or building construction, to qualify as responsible a prospective lessor must:

1. Have adequate financial resources for performance, or have the ability to obtain such resources as required during performance.

2. Have the necessary experience, organization, technical qualifications, skills, and facilities, or have the ability to obtain them (this may include subcontractor arrangements).

3. Be able to comply with the proposed or required occupancy date.

4. Have a satisfactory record of contract performance.

B. In order to make a determination of responsibility on the part of the lessor and to assist him in determining that the lessor meets the standards in Section A, Facility Planning and Control may request information as follows:

1. A letter of commitment from the bank or other institution financing the project and addressed to Facility Planning and Control stating the amount and terms of commitment to the lessor.

2. Information from the prospective lessor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements.

3. Other existing information within the agency or another state department, including financial data, the list of debarred and ineligible bidders and records concerning lessor performance.

4. Publications, including credit ratings and trade and financial journals.

5. Information from other sources, including banks, other financial companies, state departments and agencies, and courts.

#### VI.

##### Resolution of Controversies

###### A. Right to Protest

Any prospective lessor who is aggrieved in connection with the solicitation or award of a contract may protest to Facility Planning and Control. Protests with respect to a solicitation shall be submitted in writing no later than 10 days prior to the opening of bids. If a person protests a solicitation, an award cannot be made until said protest is resolved. Protests with respect to the award of a contract shall be submitted in writing within 60 days after bid opening or 14 days after contract award, whichever is later. Said protest shall state fully and in particularity the reason for protest. If a protest is made with respect to the award of a contract, work on the contract cannot be commenced until it is resolved administratively.

###### B. Decision

The assistant director, Facility Planning and Control, must notify the protesting party in writing and the legal counsel of the Division of Administration within 14 days after receipt of said protest whether or not the protest is denied or granted. If the protest

with reference to the solicitation is granted, the solicitation will be cancelled and reissued. If the protest with reference to the award is granted, then the lease will be voided and the remaining solicitations may be re-evaluated for another selection. If another selection cannot be made or if it appears to be in the best interest of the state, a new solicitation will be issued.

#### C. Appeal

If an aggrieved party is not satisfied with the rendered decision, then that party may appeal said decision in writing to the commissioner of administration within seven days of the decision. The protesting party should fully explain the basis of his appeal. The Commissioner then must render a decision in writing within 14 days of receipt of the appeal. The Commissioner's decision is final and an aggrieved party may bring judicial action within six months from receipt of said decision; but Facility Planning and Control may proceed with an award after the commissioner so decides.

#### VII.

##### Emergency Procurement

Facility Planning and Control may make emergency procurements when there exists an imminent threat to the public health, welfare, safety or public property. The declaration of an emergency must be made in writing fully documenting the nature of the emergency, the circumstances leading up to the emergency and a description of the threat to public health, welfare, safety or public property.

#### VIII.

##### Alterations, Modifications and Additional Space Requirements

In the event alterations or modifications of space currently under lease are required to meet changed operating requirements, a lease may be amended. Such lease amendment may, with approval of the Division of Administration, provide an adjustment in monthly lease payments not to exceed 25 percent of the original lease price per square foot, sufficient to reimburse the lessor for paying for the leasehold improvements. Provided, however, that any adjustment in monthly lease payments shall also require the approval of the Joint Legislative Committee on the Budget and the continuance of an adjustment in excess of 20 percent of the current lease shall be further contingent on the appropriation of funds therefor in the following fiscal year.

In the event a lessee agency requires additional adjacent space and it is available at the same price as that now occupied, the agency may contract for up to 2,500 additional square feet, in accordance with Section II, Subsection A and B. Additions of 2,500 square feet or more are to be bid in accordance with Section II, Subsection C.

The additional space added is to be only that for which the requirement could not reasonably have been foreseen at the time of execution of the lease or at option renewal; the additional adjacent space provision is not to be used to circumvent the bid law.

#### IX.

##### Revised Statutes

These regulations shall be read and interpreted jointly with Chapter 17 of Title 39.

Joseph P. Gossen  
Assistant Director

#### **RULE**

##### **Office of the Governor Division of Administration Department of the State Register**

The Department of the State Register within the Division of Administration in accordance with the Administrative Procedure

Act, R.S. 49:950-970, hereby adopts Rules on Rules for the codification of all state agency rules and regulations into a comprehensive *Louisiana Administrative Code*.

Rules on Rules

Chapter 1. Preliminary Provisions.

§101. Title of Official Legal Codification

The official legal codification published pursuant to R.S. 49:954.1 shall be known as the "Louisiana Administrative Code."

§103. Citation of the *Louisiana Administrative Code*

Without prejudice to any other mode of citation the *Louisiana Administrative Code* may be cited by Title and Section number. The approved short form of citation to the *Louisiana Administrative Code* is "LAC." Thus, "LAC 1:2" refers to Section 2 of Title 1 of the *Louisiana Administrative Code*.

§105. Arrangement of the *Louisiana Administrative Code*

The *Louisiana Administrative Code* shall be arranged as follows:

A. The *Louisiana Administrative Code* will be divided into Titles which shall be subdivided as follows:

1. Parts, identified by Roman numerals, beginning with each Title;
2. Chapters, identified by Arabic numerals, beginning with each Title;
3. Subchapters, identified by capital letters, beginning with each Chapter;
4. Sections, identified by Arabic numerals, beginning with each Title.

B. The Sections of the *Louisiana Administrative Code* shall be subdivided into the following parts:

1. Subsections, identified by capital letters, beginning with each Section;
2. Paragraphs, identified by Arabic numerals, beginning with each Subsection;
3. Subparagraphs, identified by lowercase letters, beginning with each Paragraph;
4. Clauses, identified by lowercase Roman numerals, beginning with each Subparagraph.

C. It should be noted that not every Title will be subdivided into Parts, but every Title will have at least one Chapter; not every Chapter will have a Subchapter, but every Chapter will have at least one Section.

D. Sections which are subdivided may have no more than four levels of subdivisions. Sections which consist of definitions in alphabetical order do not need subdivision labels for each definition. Each definition shall begin at the first indent level and are also unlabeled. Other lists within Sections, if in alphabetical order, do not need labels. A single Paragraph within a Section is not labeled.

§107. Headings not to be used in Construing

Titles, Parts, Chapters, Subchapters and Sections will have a heading. This heading will not govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of the *Louisiana Administrative Code*. These headings are merely an explanation of what is in that unit of the *Louisiana Administrative Code* and should be stated in as few words as possible.

§109. Tenses, Gender, and Number

Except as otherwise stated in any Title, Part, Chapter, Subchapter, or Section of the *Louisiana Administrative Code*, the present tense includes the past tense and future tense, and the future, the present tense; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural, the singular.

Chapter 3. Publication of the *Louisiana Administrative Code*  
And the *Louisiana Register*.

Subchapter A. *Louisiana Administrative Code*

§301. Contents of the *Louisiana Administrative Code*

The *Louisiana Administrative Code* shall contain all effective rules adopted by each agency subject to the Louisiana Administrative Procedure Act and all boards, commissions, agencies, and departments of the Executive Branch. The *Louisiana Administrative Code* will also contain effective executive orders. Any rules which would be unduly cumbersome, expensive, or otherwise inexpedient to publish may be excepted and a notice stating the general subject matter and how a copy may be obtained substituted.

§303. Periodic Supplementation of the *Louisiana Administrative Code*; Index

At least once each year all rules and executive orders required to be codified in the *Louisiana Administrative Code* by §301 of this Title which have been filed with the Department of the State Register will be published and distributed as an integral part of this Code, or the effective Title or part thereof may be reissued. The index and any tables shall be similarly supplemented.

Subchapter B. *Louisiana Register*

§305. Citation of the *Louisiana Register*

Without prejudice to any other mode of citation the *Louisiana Register* may be cited by volume and page number. The approved short form of citation to the *Louisiana Register* is "LR" Thus, "LR 3:801" refers to material beginning on page 801 of Volume 3 of the *Louisiana Register*.

§307. Contents of the *Louisiana Register*

Each issue of the *Louisiana Register* will contain a Table of Contents arranged alphabetically by agency within the following categories: Committee Reports, Emergency Rules, Executive Orders, Notices of Intent, Potpourri, and Rules.

§309. Federal Rules, Standards or Guidelines

A. If an agency proposes or adopts federal rules or portions thereof, the requirement that the full text thereof be filed with the Department of the State Register and published in the *Louisiana Register* shall be satisfied by including in the text of the proposed or adopted rules a statement that the agency proposes to adopt or is adopting such federal rules with a specific citation to the *Federal Register* or *Code of Federal Regulations* where the text appears.

B. If an agency proposes or adopts as rules the standards or guidelines, or portions thereof, of any professional, trade or other association or entity, the requirement that the full text be filed with the Department of the State Register and published in the *Louisiana Register* shall be satisfied by including in the text of the proposed or adopted rules a specific citation to the standards or guidelines and filing with the Department of the State Register a copy of such standards or guidelines.

C. In accordance with the Louisiana Administrative Procedure Act, the agency shall be required to file the full text of adopted rules, including federal rules, standards and guidelines in the agency's principal office.

§311. Frequency of Publication of the *Louisiana Register*

The *Louisiana Register* shall be published at least once a month and shall contain all previously unpublished items required to be published and which are duly filed by the Department prior to the closing date of each issue.

§313. Table of Sections Affected

Each issue of the *Louisiana Register* will contain a numer-

ical list of the Sections of the *Louisiana Administrative Code* expressly affected by the documents published in the issue. Beginning with the second issue of each quarter, each issue will also carry a cumulative list of the Sections of the *Louisiana Administrative Code* affected by the documents published during that quarter.

Subchapter C. Copies and Reproductions.

§315. Copyright

All information published in the *Louisiana Administrative Code* or the *Louisiana Register* which includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indices, source notes, authority notes, numerical lists, and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Department of the State Register. Any such information which appears on the same leaf with the text of any rule or regulation, however, may be incidentally reproduced in the connection with the reproduction of such rule or regulation, if such reproduction is for the private use and not for resale. There shall be no other restrictions on the reproduction of information published pursuant to this Part, and the State hereby consents to any such reproduction.

§317. Photocopies and Fees

The Department of the State Register or an agency shall provide a copy of any rule to the public upon request in writing or in person. The public will be charged statutory or other reasonable fees for photocopies of rules.

Chapter 5. Effect of Publication

§501. Official Text of Published Documents

The official text of any document required or authorized to be published under this Title, shall from the date of such publication be the only valid and enforceable text of such document regardless of any discrepancy between such official text and the agency text of such document that thereafter any amendment to such document shall be drawn as an amendment to the official text thereof; that if any agency discovers a discrepancy between the agency text and the official text of a document, the agency shall forthwith deposit, without regard to the requirements relating to notice of proposed rulemaking and adoption of regulations, with the department an appropriate corrective amendment to the official text; that the agency may specify that such amendment shall be effective as of the effective date of the defective official text; that only persons who have had actual knowledge of the discrepancy shall be affected by such amendment prior to the publication of the official text thereof in the manner prescribed by the Administrative Procedure Act; and that the purpose of such requirement is to permit the public to rely absolutely upon the correctness of the text of a regulation, statement of policy or other document as published under this Title by declaring such published text to be the only legal evidence of the valid and enforceable text of such regulation, statement of policy or other document.

§503. Constructive Notice

Unless otherwise specifically provided by statute the publication under this Title of any document required or authorized by this Title to be so published shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby.

§505. Judicial Notice

The contents of the *Louisiana Administrative Code*, the supplements thereto, and the *Louisiana Register* shall be given judicial notice.

Mai Abington  
Director

**RULE**

**Department of Health and Human Resources  
Board of Medical Examiners**

The Louisiana State Board of Medical Examiners, at its meeting of October 25, 1984, adopted the following rules specifying and governing the various fees charged and collected by the Board in discharging its licensing and other functions under law:

Chapter IV

ADMINISTRATIVE PROVISIONS

**Part 30—Fees and Costs**

Subpart A—General Provisions

§ 30.01 Scope of Part—The rules of this Part prescribe the fees and costs payable to and recoverable by the Board with respect to the various services and functions performed by the Board for or on behalf of applicants for licensure, certification or registration, the holders of licenses and certificates issued by the Board, and the public.

§ 30.02 Form of Payment Required—Payment to the Board of any fees or costs in excess of \$25 shall be made in the form of a check or money order.

§ 30.03 Payments Nonrefundable—Except as may be expressly provided by these rules, all fees and costs paid to the Board shall be nonrefundable in their entirety.

§ 30.04 Dishonored Checks—In addition to the amount of fees and costs elsewhere prescribed in this Part, a handling charge of \$10 shall be payable to the Board by any person who, in payment of fees or costs, tenders to the Board any check, draft or other instrument which is dishonored by the financial institution against which it is drawn.

Subpart B—General Fees and Costs

§ 30.05 Miscellaneous Fees and Costs—For providing the services indicated, the following fees shall be payable to and recoverable by the Board:

- (1) Photocopies of Documents,  
Per Page ..... \$ .25
- (2) Certification of Document  
as True Copy ..... \$ 2.00
- (3) Certification of Document(s)  
as Official Records ..... \$ 4.00
- (4) Official List of Licensees ..... \$ 5.00
- (5) Duplicate Original Certificate  
of License, Certificate or Permit ..... \$10.00

§ 30.06 Reciprocity Endorsement—For processing and handling a request by any licensee, certificate or permit holder or registrant for the Board's endorsement of such person's licensure or certification status to another state for the purpose of reciprocity licensure or certification, a fee of \$25 shall be payable to the Board.

§ 30.07 Handling and Mailing Costs—In addition to any fees or costs elsewhere prescribed in this Part, when any service performed by the Board requires, by its nature, or as requested by the person on whose behalf such service is performed, that the Board incur any postage, mailing, shipping, handling, insurance or other costs, any such costs in excess of the then-applicable minimum first class postage shall be payable to and recoverable by the Board.

Subpart C—Physicians and Surgeons

§ 30.08 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the licensing, certification and registration of physicians and surgeons.

§ 30.09 Licenses, Permits and Examination.

(a) For processing applications for licensure of the type indicated, the following fees shall be payable to the Board:

- (1) Standard Application ..... \$100
- (2) Reciprocity Application ..... \$200

(b) For processing applications for permits of the type indicated, the following fees shall be payable to the Board:

- (1) Graduate Medical Educational Temporary Permit ..... \$100
- (2) Visiting Physician Permit ..... \$ 50
- (3) Short-Term Residency Permit ..... \$ 50
- (4) Permit Pending Examination ..... \$ 25
- (5) Other Institutional or Temporary Permits ..... \$ 50

(c) For registration for and taking of the FLEX, the following fees shall be payable to and recoverable by the Board:

- (1) Complete FLEX ..... \$290
- (2) Part I ..... \$190
- (3) Part II ..... \$215

(d) When an applicant is required by Part 3 of these rules to take all or a portion of the FLEX, the fees prescribed by subsection (c) of this section shall be added to the applicable application processing fee.

(e) For processing and permitting a person, who has registered with another state to take all or a portion of the FLEX, to take the FLEX as a courtesy candidate at a sitting administered by the Board, a fee of \$50 shall be payable to the Board.

§ 30.10 Postgraduate Year One (Internship) Registration—For processing an application for and issuance of a certificate of registration pursuant to §§ 3.45 to 3.48 of these rules, a fee of \$25 shall be payable to the Board.

§ 30.11 Transfer of Permit to License—For processing an application for transfer of a permit to an unrestricted license, a fee of \$50 shall be payable to the Board.

§ 30.12 Annual Renewal.

(a) For processing a licensee's annual renewal of license under § 3.43, a fee of \$50 shall be payable to the Board.

(b) For processing a permit holder's annual renewal of a Graduate Medical Educational Temporary Permit, a fee of \$25 shall be payable to the Board.

Subpart D—Podiatrists

§ 30.13 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the licensing of podiatrists.

§ 30.14 Licenses, Permits and Examination.

(a) For processing applications for licensure of the type indicated, the following fees shall be payable to the Board:

- (1) Standard Application ..... \$ 50.00
- (2) Reciprocity Application ..... \$106.50

(b) For issuing a temporary permit, a fee of \$10 shall be payable to the Board.

(c) For registration for and taking of the oral examination administered by the Board, a fee of \$50 shall be payable to the Board.

(d) When an applicant is required by these rules to take the oral examination administered by the Board, the fee prescribed by subsection (c) of this section shall be added to the applicable application processing fee.

§ 30.15 Annual Renewal—For processing a licensee's annual renewal of license, the following fees shall be payable to the Board:

- (1) Louisiana Residents ..... \$25
- (2) Non-Residents ..... \$10

Subpart E—Physicians Assistants

§ 30.16 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the certification of physicians assistants.

§ 30.17 Certification—For processing an application for certification as a physicians assistant, a fee of \$155 shall be payable to the Board.

§ 30.18 Locum Tenens Application—For processing an

application for certification as a *locum tenens* with respect to a supervising physician, a fee of \$25 shall be payable to the Board.

§ 30.19 Annual Renewal—For processing an application for annual renewal of a physicians assistant's certification, a fee of \$25 shall be payable to the Board.

Subpart F—Physical Therapists

§ 30.20 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the licensing of physical therapists.

§ 30.21 Licensing, Permits and Examination.

(a) For processing applications for licenses of the type indicated, the following fees shall be payable to the Board:

- (1) Standard Application ..... \$ 80
- (2) Reciprocity Application ..... \$105

(b) For issuing a temporary permit, a fee of \$10 shall be payable to the Board.

(c) For registration for and taking of the examination administered by the Board, a fee of \$50 shall be payable to the Board.

(d) When an applicant is required by these rules to take the examination administered by the Board, the fee prescribed by subsection (c) of this section shall be added to the applicable application processing fee.

§ 30.22 Annual Renewal—For processing an application for annual renewal of a physical therapist's license, a fee of \$25 shall be payable to the Board.

§ 30.23 Reinstatement of License—For processing an application for reinstatement of a license which has lapsed by expiration and nonrenewal, a fee of \$25 shall be payable to the Board in addition to the applicable renewal fee.

Subpart G—Occupational Therapists and Occupational Therapy Assistants

§ 30.24 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the licensing of occupational therapists and occupational therapy assistants.

§ 30.25 Licenses and Permits.

(a) For processing applications for occupational therapists' licenses of the type indicated, the following fees shall be payable to the Board:

- (1) Standard Application ..... \$55
- (2) Reciprocity Application ..... \$80

(b) For processing applications for occupational therapy assistants' licenses of the type indicated, the following fees shall be payable to the Board:

- (1) Standard Application ..... \$35
- (2) Reciprocity Application ..... \$55

(c) For issuing a temporary permit, a fee of \$25 shall be payable to the Board.

§ 30.26 Annual Renewal—For processing an application for annual renewal of an occupational therapist's or an occupational therapy assistant's license, a fee of \$25 shall be payable to the Board. If the application for renewal is received beyond the deadline designated by the Board, a late renewal fee of \$35 shall be payable to the Board.

§ 30.27 Reinstatement of License—For processing an application for reinstatement of a license which has lapsed by expiration and nonrenewal, a fee of \$25 shall be payable to the Board in addition to the applicable renewal fee.

Subpart H—Acupuncturists and Acupuncturists Assistants

§ 30.28 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the certification of acupuncturists and acupuncturist's assistants.

§ 30.29 Certification—For processing an application for certification as an acupuncturist or as an acupuncturist assistant, a fee of \$100 shall be payable to the Board.

§ 30.30 Annual Renewal—For processing an application for annual renewal of an acupuncturist's or acupuncturist assistant's certification, a fee of \$25 shall be payable to the Board.

Subpart I—Emergency Medical Technicians

§ 30.31 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the certification of emergency medical technicians.

§ 30.32 Certification—For processing an application for certification of an emergency medical technician, a fee of \$25 shall be payable to the Board.

Subpart J—Midwives

§ 30.33 Scope of Subpart—The rules of this Subpart prescribe the fees and costs applicable to the licensing of midwives.

§ 30.34 Annual Renewal—For processing an application for annual renewal of a midwifery license, a fee of \$25 shall be payable to the Board.

Subpart K—Adjudication Proceedings

§ 30.35 Subpoenas—For issuance and service of a subpoena or subpoena duces tecum with respect to an administrative hearing under Part 38 of these rules, a fee of \$4 shall be payable to the Board in addition to the witness fees prescribed by law (see La. Rev. Stat. 49:956(5)).

Delmar Rorison  
Executive Assistant

## RULE

### Department of Health and Human Resources Board of Medical Examiners

The Louisiana State Board of Medical Examiners, at its meeting of October 25, 1984, adopted the following amended and reformulated rules governing the licensing of physicians and surgeons in the State of Louisiana.

#### CHAPTER II

#### LICENSING AND CERTIFICATION

#### Part 3—Physicians and Surgeons

##### Subpart A—General Provisions

§ 3.01 Scope of Part—The rules of this Part govern the licensing of physicians and surgeons to engage in the practice of medicine in the State of Louisiana.

##### § 3.02 Definitions.

(a) As used in this Part, the following terms shall have the meanings specified:

(1) The term "applicant" means a person who has applied to the Board for a license or permit to engage in the practice of medicine in the State of Louisiana.

(2) The term "application" means a written request directly to and received by the Board, upon forms supplied by the Board, for a license or permit to practice medicine in the State of Louisiana, together with all information, certificates, documents and other materials required by the Board to be submitted with such forms.

(3) the term "good moral character," as applied to an applicant, means that:

(i) The applicant has not, prior to or during the pendency of an application to the Board, been guilty of any act, omission, condition or circumstance which would provide legal cause under R.S. 37:1285 for the suspension or revocation of medical licensure;

(ii) The applicant has not, prior to or in connection with his application, made any representation to the Board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and

(iii) The applicant has not made any representation or failed

to make a representation or engaged in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for a license or permit required by this Part.

(4) The term "license" means the lawful authority of a physician to engage in the practice of medicine in the State of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the Board.

(5) The term "Medical Practice Act" means R.S. 37:1261-1291, as hereafter amended or supplemented.

(6) The term "permit" means the lawful authority of a physician to engage in the practice of medicine in the State of Louisiana for a designated, temporary period of time, subject to restrictions and conditions specified by the Board, as evidenced by a certificate duly issued by and under the official seal of the Board. A permit is of determinate, limited duration and implies no right or entitlement to a license or to renewal of the permit.

(7) The term "physician" means a person possessing a doctor of medicine or an equivalent degree duly awarded by a medical educational institution approved by the Board pursuant to §§ 3.11 to 3.17 of this Part.

(8) The term "state" means any state of the United States, the District of Columbia and Puerto Rico.

(b) Masculine terms wheresoever used in this Part shall also be deemed to include the feminine.

##### Subpart B—Graduates of American and Canadian Medical Schools and Colleges

§ 3.03 Scope of Subpart—The rules of this Subpart govern the licensing of physicians and surgeons who are graduates of medical schools and colleges approved by the Board located within any state or in Canada.

##### § 3.04 Qualifications for License

(a) To be eligible for a license, an applicant shall:

(1) Be at least 21 years of age;

(2) Be of good moral character as defined by § 3.02(a)(3);

(3) Be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the Commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the Commissioner's regulations thereunder (8 C.F.R.);

(4) Possess:

(i) A doctor of medicine or equivalent degree duly issued and conferred by a medical school or college approved by the Board; or

(ii) A doctor of osteopathy degree issued and conferred on or after June 1, 1971 by a school or college of osteopathy approved by the Board; and

(5) Have taken the Federation Licensing Examination (FLEX) of the Federation of State Medical Boards of the United States, Inc., within the prior five years, and achieved an average specified as the minimum passing score by § 3.31 of this Part, subject to the exception provided for certain applicants for licensure by reciprocity provided by § 3.19(a); provided, however, that an applicant who has failed the FLEX more than three times shall not thereafter be eligible for licensure in Louisiana.

(b) The burden of satisfying the Board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the Board.

§ 3.05 Procedural Requirements—In addition to the substantive qualifications specified in § 3.04, to be eligible for a license, an applicant shall satisfy the procedures and requirements



for application provided by §§ 3.20 to 3.23 of this Part and, if applicable, the procedures and requirements for examination administered by the Board provided by §§ 3.24 to 3.35 of this Part.

§ 3.06 Waiver of Qualifications—Upon request by an applicant, the Board may, in its discretion, waive the necessity of successfully passing the FLEX, as otherwise required by § 3.04(a)(5), in favor of an applicant who has been formally appointed to a tenured position as professor or associate professor by and with a medical school or college within the State of Louisiana approved by the Board.

#### Subpart C—Graduates of Foreign Medical Schools

##### § 3.07 Scope of Subpart; Definition.

(a) The rules of this Subpart specify additional qualifications, requirements and procedures for the licensing of physicians and surgeons who are foreign medical graduates.

(b) As used in this Subpart, the term “foreign medical graduate” or “FMG” means a graduate of a medical school or college approved by the Board not located in any state or in Canada.

##### § 3.08 Qualifications for License.

(a) To be eligible for a license, a foreign medical graduate applicant shall:

(1) Possess all of the substantive qualifications for license specified by § 3.04 of this Part;

(2) Have taken and successfully passed the examination administered by the Educational Council on Foreign Medical Graduates (ECFMG), or its successor examination;

(3) Be competent and proficient in speaking, understanding, reading and writing the English language;

(4) Have completed at least three years of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the American Council on Graduate Medical Education of the American Medical Association (ACGME), or by the Royal College of Physicians and Surgeons of Canada (RCPS), and approved by the Board. To be approved by the Board such program must be offered and taken in an institution offering not fewer than two residency or equivalent programs accredited by the ACGME or by the RCPS and the program in which the applicant participates must evidence the applicant’s progressive responsibility for patient care; and

(5) Have taken and successfully passed an oral examination administered by the Board.

(b) In addition to the qualifications specified in the preceding subsection, if an FMG applicant has participated in any clinical clerkship program within the United States as part of the academic training requisite to his doctor of medicine degree, such clinical clerkship program shall be subject to approval by the Board as a condition of the applicant’s eligibility for licensure. Such a clinical clerkship program may be approved by the Board only if, at the time the applicant participated in such program, the clinical clerkship program was accredited or approved by the ACGME, the clinical clerkship was served in a hospital or other institution accredited by the Joint Commission on Accreditation of Hospitals, and the applicant’s supervising physician within such program held formal appointment as a professor or associate professor of the medical school or college sponsoring such program; provided, however, that notwithstanding a clinical clerkship program’s satisfaction of these standards, the Board may decline to approve any such program upon a finding that it was not substantially equivalent to the clinical clerkships offered by medical schools and colleges accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges.

(c) The burden of satisfying the Board as to the qualifications and eligibility of the FMG applicant for licensure shall be upon

the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of the Board.

§ 3.09 Procedural Requirements—In addition to the substantive qualifications specified in § 3.08, to be eligible for a license, an FMG applicant shall satisfy the procedures and requirements for application provided by §§ 3.20 to 3.23 of this Part; if applicable, the procedures and requirements for examination administered by the Board provided in §§ 3.24 to 3.35 of this Part; and shall provide notarized verification of his medical school transcript, reflecting the courses and hours taken and grades achieved together with a detailed description of each clinical clerkship in which the applicant may have participated as part of his medical education, specifying the inclusive dates and situs of any such clerkship and the name and address of the applicant’s supervising physician therein.

##### § 3.10 Waiver of Qualifications

(a) The waiver of qualifications provided by § 3.06 of this Part shall be available to foreign medical graduate applicants.

(b) Upon request by an applicant, the Board may, in its discretion, waive the necessity of successfully passing the ECFMG examination, as otherwise required by § 3.08(a)(2), in favor of an applicant who is currently certified by a specialty board recognized by the American Board of Medical Specialties.

#### Subpart D—Board Approval of Medical Schools and Colleges

§ 3.11 Scope of Subpart—The rules of this Subpart provide the method and procedures by which medical schools and colleges and schools of colleges of osteopathy are approved by the Board.

§ 3.12 Applicability of Approval—Graduation from an approved school is among the qualifications requisite to medical licensure as provided by § 3.04(a)(4) (American and Canadian graduates), § 3.08(a)(1) (foreign medical graduates), and § 3.19(a) (reciprocity applicants). This qualification will be deemed to be satisfied if the school or college from which the applicant graduated was approved by the Board as of the date the applicant’s degree was issued.

##### § 3.13 Approval of American Schools and Colleges.

(a) A medical school or college located in any state which is currently accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges (LCME/AAMC), or their successors, shall be concurrently considered approved by the Board.

(b) A school or college of osteopathy located in any state which is currently accredited by the American Osteopathic Association, or its successor, shall be concurrently considered approved by the Board.

§ 3.14 Approval of Canadian Schools—A medical school or college located in Canada which is currently accredited by the Royal College of Physicians and Surgeons of Canada, or its successor, shall be concurrently considered approved by the Board.

##### § 3.15 Approval of Foreign Medical Schools.

(a) To be approved by the Board, a medical school or college not located in any state or in Canada shall:

(1) Be officially recognized by its domicile country; and

(2) Evidence and demonstrate that the medical education, facilities and resources it provides its students are substantially equivalent in quality, scope and depth to a medical education meeting the standards, criteria, qualifications and requirements applied by the LSME/AAMC in accrediting medical schools and colleges in the United States. Such evidence shall be provided by:

(i) Completing the foreign medical school survey ques-

tionaire prepared and provided by the Board and submitting the same to the Board;

(ii) Submitting to an on-site survey by the Board, at the school's expense, if so requested by the Board; and

(iii) Providing such additional data or information as may be requested by the Board.

(b) On the basis of information provided pursuant to the preceding subsection, the Board shall determine whether the foreign medical school possesses the qualifications specified herein. If such qualifications are satisfied, the foreign medical school or college shall be considered and declared approved by the Board.

(c) A foreign medical school or college may be approved by the Board without the necessity of individual determination pursuant to subsections (a) and (b) of this section, if it is currently accredited by a national accrediting authority in the country of its domicile, provided that the Board makes an affirmative finding that such authority observes and adheres to accrediting procedures and standards substantially equivalent to those observed by the LCME/AAMC.

(d) The Board's approval of a foreign medical school or college under this section shall, subject to the provisions of § 3.16, be considered valid for a period of five years from the date of approval.

§ 3.16 Withdrawal of Approval—Notwithstanding current or prior approval by the Board, the Board's approval of a foreign medical school or college may be withdrawn at any time upon the Board's finding that the school or college does not possess the qualifications for approval specified by § 3.15.

§ 3.17 List of Approved Schools—A listing of approved schools and colleges of medicine and osteopathy is set forth in an appendix to this Part and shall from time to time be amended and supplemented by the Board consistently with the provisions of this Subpart.

#### Subpart E—Licensure by Reciprocity

§ 3.18 Definition—As used in this Subpart, "licensure by reciprocity" means the issuance of a license on the basis of licensure by another state pursuant to written examination.

#### § 3.19 Qualifications for Licensure by Reciprocity.

(a) An applicant who possesses and meets all of the qualifications and requirements specified by §§ 3.04 to 3.05 of this Part, save for successfully passing the FLEX, as otherwise required by § 3.04(a)(5), shall nonetheless be eligible for licensing if such applicant;

(1) Possesses, as of the time the application is filed and at the time the Board passes upon such application, a current, unrestricted license issued by another state;

(2) Was awarded a doctor of medicine degree on or before December 31, 1977; and

(3) Has, within 10 years prior to the date of application, taken and successfully passed a written medical competence examination administered by the authority which issued the applicant's unrestricted license.

(b) An applicant who possesses all of the qualifications for licensure by reciprocity specified by the preceding subsection, save for (a)(2) (i.e., an applicant who was awarded a doctor of medicine degree on or after January 1, 1978) shall nonetheless be considered eligible for licensure by reciprocity upon taking and successfully passing Day III of the FLEX (or the clinical competence portion of its successor examination) as administered by and under the auspices of the Board.

(c) An applicant who possesses all of the qualifications for licensure by reciprocity specified by subsection (a) of this section, save for (a)(3) (i.e., an applicant who has not taken and passed a written medical competence examination within 10 years of the date of application), shall nonetheless be considered eligible for li-

censure by reciprocity if such applicant takes and successfully passes Day III of the FLEX (or the clinical competence portion of its successor examination) as administered by and under the auspices of the Board.

#### Subpart F—Application

§ 3.20 Purpose and Scope—The rules of this Subpart govern the procedures and requirements applicable to application to the Board for licensing as a physician in the State of Louisiana.

#### § 3.21 Application Procedure.

(a) Application for unrestricted licensing shall be made upon forms supplied by the Board.

(b) If application is made for licensing on the basis of examination to be administered by the Board, an initial application must be received by the Board on or before March 31 if the applicant desires to sit for the June administration of the FLEX, on or before August 31 if the applicant desires to sit for the December administration of the FLEX (see Subpart G of this Part respecting dates and places of examination). Completed applications must be received by the Board on or before April 30 or October 31, respectively, in order for an applicant to be eligible to sit for the June or December administration of the FLEX.

(c) Application for licensing by reciprocity under Subpart E may be made at any time.

(d) Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the Secretary-Treasurer of the Board, Suite 100, 830 Union Street, New Orleans, Louisiana, 70112. Application forms will be mailed by the Board within 30 days of the Board's receipt of request therefor. To ensure timely filing and completion of application, forms must be requested not later than 40 days prior to the deadlines for initial application specified in the preceding subsection.

(e) An application for licensing under this Part shall include:

(1) Proof, documented in a form satisfactory to the Board as specified by the secretary, that the applicant possesses the qualifications set forth in this Part;

(2) Three recent photographs of the applicant; and

(3) Such other information and documentation as the Board may require to evidence qualification for licensing.

(f) All documents required to be submitted to the Board must be the original thereof. For good cause shown, the Board may waive or modify this requirement.

(g) The Board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The Board may, in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

(h) Each application submitted to the Board shall be accompanied by the applicable fee, as provided in Part 30 of these rules.

(i) Upon submission of or concurrently with submission of a completed application, an applicant shall, by appointment, make a personal appearance before the Board, or its designee, as a condition to the Board's consideration of such application.

§ 3.22 Additional Requirements for Foreign Medical Graduates.

(a) Any diploma or other document required to be submitted to the Board by an FMG applicant which is not in the English language must be accompanied by a certified translation thereof into English.

(b) In addition to the procedures and requirements set forth in § 3.21, upon submission of a completed application, an FMG applicant shall, by appointment, make a personal appearance be-

fore a member of the Board as a condition to the Board's consideration of such application.

### § 3.23 Effect of Application.

(a) The submission of an application for licensing to the Board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for any license, permit, certificate or registration, each person, firm, corporation, clinic, office or institution by whom or with whom the applicant has been employed in the practice of medicine, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership, to disclose and release to the Board any and all information and documentation concerning the applicant which the Board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the Board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

(b) By submission of an application for licensing to the Board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the Board and to waive all objections as to the admissibility or disclosure of findings, reports or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

(c) The submission of an application for licensing to the Board shall constitute and operate as an authorization and consent by the applicant to the Board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the Board from other persons, firms, corporations, associations or governmental entities pursuant to subsections (a) or (b) of this section to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the medical licensing authority of any state; the Federation of State Medical Boards of the United States; the American Medical Association and any component state and county or parish medical society, including the Louisiana State Medical Society and component parish societies thereof; the Federal Drug Enforcement Agency; the Louisiana Office of Narcotics and Dangerous Drugs, Division of Licensing and Registration, Department of Health and Human Resources; Federal, state, county or parish and municipal health and law enforcement agencies and the Armed Services.

### Subpart G—Examination

§ 3.24 Designation of Examination—The examination administered by the Board pursuant to R.S. 37:1272(5) is the Federation Licensing Examination (FLEX) of the Federation of State Medical Boards of the United States, Inc.

§ 3.25 Eligibility for Examination—To be eligible for examination by the Board, an applicant shall possess all qualifications for licensure prescribed by § 3.04(a); provided, however, that an applicant who has completed, or prior to examination will complete, his medical or osteopathic education but who does not yet possess a degree as required by § 3.04(a)(4), shall be deemed eligible for examination upon submission to the Board of a letter subscribed by the dean of an approved medical school or college or of an approved school or college of osteopathy, certifying that the applicant is in his last semester or term of, or has completed

his, academic medical or osteopathic education at such school or college, that the applicant is a candidate for the degree of doctor of medicine or doctor of osteopathy at the next scheduled convocation of such school or college, and specifying the date on which such degree will be awarded.

§ 3.26 Dates, Places of Examination—The Board's licensing examination is administered semiannually, in June and December, in the city of New Orleans and annually in June in the city of Shreveport. Applicants shall be advised of the specific dates, times and locations of the next scheduled FLEX examination upon application to the Board and may obtain such information upon inquiry to the office of the Secretary.

### § 3.27 Administration of Examination.

(a) The Board's licensing examination is administered by a Chief Proctor, appointed by the Board, and several assistant proctors. The chief proctor is authorized and directed by the Board to obtain positive photographic identification from all applicants appearing and properly registered for the examination, to establish and require examinees to observe an appropriate seating arrangement, to provide appropriate instructions for taking the examination, to fix and signal the time for beginning and ending the several sections of the examination, to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees or the examination process, and to take all necessary and appropriate actions to secure the integrity of the examination and the examination process, including, without limitation, excusing an applicant from the examination or changing an applicant's seating location at any time during the examination.

(b) An applicant who appears for examination shall:

(1) Present to the chief proctor or his designated Assistant Proctor proof of registration for the examination and positive personal photographic and other identification in the form prescribed by the Board; and

(2) Fully and promptly comply with any and all rules, procedures, instructions, directions or requests made or prescribed by the chief proctor or any assistant proctor.

### § 3.28 Subversion of Examination Process.

(a) An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in § 3.31 of this Subpart.

(b) Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

(1) Refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions or requests made or prescribed by the chief proctor or an assistant proctor;

(2) Removing from the examination room or rooms any of the examination materials;

(3) Reproducing or reconstructing, by copying, duplication, written notes or electronic recording, any portion of the licensing examination;

(4) Selling, distributing, buying, receiving, obtaining or having unauthorized possession of a future, current or previously administered licensing examination;

(5) Communicating in any manner with any other examinee or any other person during the administration of the examination;

(6) Copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;

(7) Having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any

books, notes, recording devices, or other written, printed or recorded materials or data of any kind;

(8) Impersonating an examinee by appearing for and as an applicant and taking the examination for, as and in the name of an applicant other than himself;

(9) Permitting another person to appear for and take the examination on one's behalf and in one's name; or

(10) Engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

#### § 3.29 Finding of Subversion.

(a) When, during the administration of examination, the chief proctor or any assistant proctor has reasonable cause to believe that an applicant-examinee is engaging or attempting to engage, or has engaged or attempted to engage, in conduct which subverts or undermines the integrity of the examination process, the chief proctor shall take such action as he deems necessary or appropriate to terminate such conduct and shall report such conduct in writing to the Board.

(b) In the event of suspected conduct described by § 3.28(b)(5) or (6), the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

(c) When the Board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the Board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by § 3.30 of this Subpart and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the Board governing administrative hearings. Unless waived by the applicant, the Board's findings of fact, its conclusions of law under these rules, and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

#### § 3.30 Sanctions for Subversion of Examination.

(a) An applicant who is found by the Board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for medical licensure in the State of Louisiana.

(b) An applicant-examinee who is found by the Board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed the examination. Such failure shall be recorded in the official records of the Board.

(c) In addition to the sanctions permitted or mandated by subsections (a) and (b) of this section, as to an applicant-examinee found by the Board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examining process, the Board may:

(1) Revoke, suspend or impose probationary conditions on any license or permit issued to such applicant;

(2) Disqualify the applicant, permanently or for a specified period of time, from eligibility for licensure in the State of Louisiana; or

(3) Disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

§ 3.31 Passing Score—An applicant will be deemed to have successfully passed the examination if he attains a FLEX Weighted Average of at least 75.

#### § 3.32 Restriction, Limitation on Examinations.

(a) A passing score must be attained by an applicant upon completion of all sections of the FLEX taken during a single administration of the entire examination. The board will not consider any average based on cumulative scores or averages, or partial examination or re-evaluation, except as may be expressly approved by the Board pursuant to § 3.34(b) of this Subpart.

(b) An applicant having failed to attain a passing score upon taking the FLEX three times shall not be considered for licensing and shall not be eligible to take the examination again until the applicant has satisfactorily completed at least six months of additional supervised postdoctoral academic medical training approved by the Board. Thereafter, upon failing to attain a passing score upon taking the FLEX one additional time, an applicant shall not be considered for licensing.

#### § 3.33 Examination In or For Another State.

(a) Upon application to the Board, an applicant for licensing under this Part may be permitted to take the FLEX in another state. The score attained by such applicant on such examination will be accepted by the Board as if the applicant has taken the FLEX as administered by the Board provided that the examination is administered and taken consistently with the restrictions and limitations prescribed by § 3.32 of this Subpart.

(b) A FLEX score attained by an applicant in a FLEX examination administered prior to the applicant's application to the Board for licensing will be accepted by the Board, provided that:

(1) The applicant presents or causes to be presented to the Board written certification of the date and place that the FLEX was taken and the FLEX Weighted Average achieved;

(2) The examination was administered and taken consistently with the restrictions and limitations prescribed by § 3.32 of this Subpart; and

(3) The applicant provides the Board with a satisfactory written explanation of the applicant's failure to obtain licensing in the state in which the examination was taken.

(c) Upon application to the Board and payment of the fee prescribed in Part 30 of these rules, an individual applying for licensure in another state may sit for the FLEX examination administered by the Board in Louisiana.

#### § 3.34 Lost, Stolen or Destroyed Examinations.

(a) The submission of an application for examination by the Board shall constitute and operate as an acknowledgement and agreement by the applicant that the liability of the Board, its members, employees and agents, and the State of Louisiana to the applicant for the loss, theft or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of scores thereon by the National Board of Medical Examiners, other than by intentional act, shall be limited exclusively to the refund of the fees paid for examination by the applicant.

(b) In the event that one or more of the sections of the FLEX taken by an applicant are lost, stolen or destroyed prior to the reporting of the applicant's scores thereon, such applicant shall be permitted by the Board to sit for and take such sections of the FLEX at either of the next two successively scheduled administrations of the examination, and such scores or averages as the applicant attains on such sections shall be averaged with the sections on which scores were previously reported in computing the applicant's FLEX Weighted Average, which shall be accepted by the Board notwithstanding § 3.32(a) of this Subpart.

#### Subpart H—Restricted Licensure, Permits

#### § 3.35 Restricted Licensure in General.

(a) With respect to applicants who do not meet or possess all of the qualifications and requirements for licensing, the Board may, in its discretion, issue such restricted licenses as are, in its

judgment, necessary or appropriate to its responsibilities under law. Restricted licenses shall be designated and known as permits.

(b) A temporary permit entitles the holder to engage in the practice of medicine in the State of Louisiana only for the period of time specified by such permit and creates no right or entitlement to licensing or renewal of the permit after its expiration.

(c) An institutional permit entitles the holder to engage in the practice of medicine only at, in and in association with the medical institution, clinic or location specified by such permit or within a specified medical training program.

(d) A permit issued by the Board may be either temporary or institutional, or both. Other permits may be issued by the Board upon such terms, conditions, limitations or restrictions as to time, place, nature and scope of practice, as are, in the judgment of the Board, deemed necessary or appropriate to the particular circumstances of individual applicants or physicians.

§ 3.36 Types of Permits—The types of permits which the Board may consider issuing, as enumerated in the following sections of this Subpart, shall not be construed to provide any right or entitlement whatsoever to the described permit, issuance of which shall be determined in the absolute discretion of the Board.

§ 3.37 Graduate Medical Educational Temporary Permit.

(a) A foreign medical graduate who possesses all of the qualifications for licensing prescribed by § 3.08 of this Part, save for § 3.08(a)(4) shall be issued an institutional temporary permit, to be known as a Graduate Medical Educational Temporary Permit (GMETP), to participate in a postdoctoral medical training program in the State of Louisiana for the purpose of fulfilling in whole or in part the requirements of § 3.08(a)(4) provided that:

(1) The postdoctoral medical program in which the FMG applicant is to participate is sponsored by a medical school or college approved by the Board and the program is approved by the American Council on Graduate Medical Education of the American Medical Association; and

(2) An application for a GMETP is submitted to the Board through the dean of the medical school or college in which the FMG is to receive such training, who shall certify to the Board that the FMG applicant has been accepted for participation in an approved program subject to issuance of a GMETP by the Board.

(b) The holder of a GMETP shall not sign any documents requiring unrestricted medical licensure.

(c) The holder of a GMETP shall not engage in the practice of medicine in any respect or receive clinical training other than within the approved graduate medical educational program.

§ 3.38 Visiting Physician Permit.

(a) The Board may issue a temporary permit to an applicant physician or surgeon who is invited by one or more physicians licensed under this Part to participate or consult in diagnosis or treatment of a patient under care in a Louisiana medical institution, provided that such invited physician:

(1) Possesses the qualifications for licensing prescribed by § 3.04 (a)(1)-(4);

(2) Within a reasonable time prior to the intended consultation or treatment, presents or causes to be presented to the Board:

(i) Indisputable personal identification;

(ii) Verification satisfactory to the Board that the applicant holds a current unrestricted license issued by another state or, if an alien, holds an unrestricted license or other legal authorization to engage in the practice of medicine in his domicile country; and

(iii) Written recommendations by two physicians licensed under this Part, attesting to the professional qualifications of the visiting physician and assuming responsibility for his professional activities and patient care; and

(3) Satisfies the application and processing fee prescribed in Part 30 of these rules.

(b) A temporary permit issued under this section may be restricted by the Board to permit a specific act in consultation and/or to restrict consultation or treatment to a designated patient.

(c) A temporary permit issued under this section shall expire, and thereby become null, void and to no effect on the date specified by such permit.

§ 3.39 Short-Term Residency Permit

(a) The Board may issue an institutional temporary permit to an applicant who is a commissioned physician of the Armed Services of the United States for the purpose of receiving postgraduate clinical training in a medical program approved by the Board and conducted by a Louisiana medical school or college, provided that such physician:

(1) Possesses the qualifications for licensing prescribed by § 3.04(a)(1)-(4);

(2) Possesses a current unrestricted license to practice medicine in, and duly issued by, any state;

(3) Will participate in such postdoctoral medicine training program pursuant to and within the course and scope of his orders and duties as a commissioned officer of the Armed Services;

(4) Within a reasonable time prior to the commencement of such training program, presents or causes to be presented to the Board:

(i) Satisfactory documentation that he possesses the qualifications required by this section, including a certified copy of his military orders authorizing and directing his participation in the specified medical training program; and

(ii) Written certification by the dean of the medical school or college in which the applicant is to receive such training that the applicant has been accepted for participation in such program subject to the issuance of a permit by the Board; and

(5) Satisfies the application and processing fees prescribed in Part 30 of these rules.

(b) The Board may, at its discretion, issue a temporary permit for the purpose of serving a preceptorship or participating in a short-term residency program to an applicant who possesses the qualifications for licensure prescribed by § 3.04(a)(1)-(4) and who possesses a current unrestricted license to practice medicine in, and duly issued by, any state; provided that:

(1) The preceptorship or residency program is approved by the Board;

(2) The applicant presents, or causes to be presented, to the Board:

(i) A completed application for a short-term residency permit upon the form provided by the Board, together with the fee prescribed by Part 30 of these rules;

(ii) Satisfactory documentation that the applicant possesses the qualifications required by this section;

(iii) Written certification of current unrestricted licensure by the state in which the applicant resides at the time of the application; and

(iv) A letter from the physician under whom he will be serving the preceptorship or short-term residency, describing the capacity in which the applicant will be serving and the inclusive dates of such service; and

(3) The applicant appears in person before and presents to a member of the Board his original doctor of medicine degree and original certificate of state medical licensure.

(c) The holder of a permit issued under this section shall not engage in the practice of medicine in any respect in the State of Louisiana or receive medical educational training other than within the postdoctoral medical educational program, preceptorship or short-term residency program for which he is approved by the Board.

(d) A temporary permit issued under this section shall ex-

pire, and thereby become null and void and to no effect on the date specified by such permit.

#### § 3.40 Permit Pending Examination Results.

(a) The Board may issue an institutional temporary permit for the sole purpose of serving in an approved medical residency training program to a graduate of an American or Canadian medical school or college who has taken the FLEX but whose scores have not yet been reported to the Board, to be effective pending the reporting of such scores to the Board, provided that the applicant possesses and meets all of the qualifications and requirements for licensure provided by this Part save for having successfully passed the FLEX (§ 3.04(a)(5)), and provided further that the applicant has not previously taken and failed to achieve a passing score on the FLEX or any other written examination administered by the licensing authority of any state.

(b) The Board may issue a temporary permit to an applicant for licensure by reciprocity (§§ 3.18 to 3.19) who is required by 3.19(b) or (c) to take Day III of the FLEX (or the clinical competence portion of its successor examination), but who has not yet taken such portion of the Flex or whose scores have not yet been reported to the Board, provided that the applicant possesses and meets all of the qualifications and requirements for licensure provided by this Part save for having successfully passed Day III of the FLEX (or the clinical competence portion of its successor examination) (§ 3.19(b), (c)), and provided further that the applicant has registered for the next available administration of the FLEX and has not previously taken and failed to achieve a passing score on such portion of the FLEX.

(c) A permit issued under this section shall expire, and thereby become null, void and to no effect on the date that:

(1) The Board gives written notice to the permit holder that he has failed to achieve a passing score on the FLEX;

(2) The Board gives written notice to the permit holder pursuant to § 3.30(c) that it has probable cause to believe that he has engaged or attempted to engage in conduct which subverted or undermined the integrity of the examination process;

(3) The permit holder is issued a license pursuant to § 3.41(a) or another type of permit as provided for by §§ 3.35 to 3.39 of this Part; or

(4) The holder of a permit issued under subsection (b) fails to appear for and take the FLEX examination for which he is registered.

### Subpart L—License Issuance, Termination, Renewal, Reinstatement

#### § 3.41 Issuance of License.

(a) If the qualifications, requirements and procedures prescribed or incorporated by §§ 3.04 to 3.05, §§ 3.08 to 3.09 or § 3.19 are met to the satisfaction of the Board, the Board shall issue to the applicant a license to engage in the practice of medicine in the State of Louisiana.

(b) A license issued under § 3.04 of this Part shall be issued by the Board within 30 days following the reporting of the applicant's FLEX Weighted Average to the Board. A license issued under any other section of this Part shall be issued by the Board within 15 days following the meeting of the Board next following the date on which the applicant's application, evidencing all requisite qualifications, is completed in every respect.

#### § 3.42 Expiration of Licenses and Permits.

(a) Every license or permit issued by the Board under this Part, the expiration date of which is not stated thereon or provided by these rules, shall expire, and thereby become null, void and to no effect, on the last day of the year in which such license or permit was issued.

(b) The timely submission of an application for renewal of a license, but not a permit, as provided by § 3.43 of this Part, shall

operate to continue the expiring license in full force and effect pending issuance of the renewal license.

(c) Permits are not subject to renewal.

#### § 3.43 Renewal of License.

(a) Every license issued by the Board under this Part shall be renewed annually on or before its date of expiration by submitting to the Board an application for renewal, upon forms supplied by the Board, together with the renewal fee prescribed in Part 30 of these rules.

(b) An application for renewal of license form shall be mailed by the Board to each person holding a license issued under this Part on or before the first day of December of each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the Board.

#### § 3.44 Reinstatement of License.

(a) A license which has expired may be reinstated by the Board subject to the conditions and procedures hereinafter provided.

(b) An application for reinstatement shall be made upon forms supplied by the Board and accompanied by two letters of character recommendation from reputable physicians of the former licensee's last professional location, together with the applicable renewal fee plus a penalty computed as follows:

(1) If the application for reinstatement is made within one year from the date of license expiration, the penalty shall be equal to twice the renewal fee.

(2) If the application for reinstatement is made more than one year but less than two years from the date of license expiration, the penalty shall be equal to three times the renewal fee.

(3) If the application for reinstatement is made more than two years but less than three years from the date of license expirations, the penalty shall be equal to four times the renewal fee.

(4) If the application for reinstatement is made more than three years from the date of license expiration, the penalty shall be equal to five times the renewal fee.

(c) With respect to an application for reinstatement made more than one year from the date on which the license expired, as a condition of reinstatement, the Board may require:

(1) That the applicant complete a statistical affidavit, upon a form supplied by the Board, and provide the Board with a recent photograph;

(2) That the applicant possess a current, unrestricted license issued by another state; and/or

(3) If the applicant does not at the time of the application possess a current, unrestricted license issued by another state, that the applicant take and successfully pass all or a designated portion of the FLEX or its successor examination.

### Subpart J—Postgraduate Year One (Internship) Registration

#### § 3.45 Necessity for Registration.

(a) No person who does not possess a license or permit issued under this Part shall enroll or participate in a first year postgraduate medical educational program, or internship, unless he is duly registered with the Board pursuant to this Subpart.

(b) Notwithstanding registration under this Subpart, no person who does not possess a license or permit issued under this Part shall enroll or participate in a first year postgraduate medical educational program, an internship, or any other program howsoever designated or whenever taken, which permits or requires such person to exercise independent medical judgment, assume independent responsibility for patient care, or otherwise to engage in the practice of medicine.

(c) Upon a finding that a person or registrant has violated the proscriptions of this section, the Board may:

(1) Suspend or revoke such person's registration under this Subpart or impose probationary conditions thereon;



(2) Consider and declare such person or registrant ineligible for a medical license or permit under this Part; or

(3) Cause institution of judicial proceedings against such person for injunctive relief, costs and attorneys fees, pursuant to R.S. 37:1286.

§ 3.46 Qualifications for Registration.

(a) To be eligible for registration under this Subpart, an applicant shall possess all of the substantive qualifications for licensure specified by § 3.04(a)(1)-(4) and shall be a graduate of an approved American or Canadian medical school or college.

(b) The burden of satisfying the Board as to the qualifications and eligibility of the applicant for registration shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the Board.

§ 3.47 Procedural Requirements.

(a) In addition to the substantive qualifications specified in § 3.46, to be eligible for registration under this Subpart, an applicant shall:

(1) Submit to the Board a completed application, upon forms supplied by the Board, subscribed by the applicant and by the administrator or chief executive officer of the hospital or medical institution in which the post graduate program is to be conducted, accompanied by a recent photograph of the applicant;

(2) Make a personal appearance, by appointment, before a member of the Board, or at the office of the Board before its designated officer, and present evidence of the qualifications specified by § 3.46; provided, however, that an applicant who has completed his medical or osteopathic education but who does not yet possess a degree as required by § 3.04(a)(4) may be deemed eligible for registration upon submission to the Board of a letter subscribed by the dean of an approved medical school or college or of an approved school or college of osteopathy, certifying that the applicant has completed his academic medical or osteopathic education at such school or college, that the applicant is a candidate for the degree of doctor of medicine or doctor of osteopathy at the next scheduled convocation of such school or college, and specifying the date on which such degree will be awarded; and

(3) Pay the applicable registration fee, as provided in Part 30 of these rules.

(b) All documents required to be submitted to the Board must be the original thereof. For good cause shown, the Board may waive or modify this requirement.

§ 3.48 Issuance of Registration—If the qualifications, requirements and procedures prescribed or incorporated by § 3.47 to 3.48 are met to the satisfaction of the Board, the Board shall issue a certificate to the applicant evidencing his registration under this Subpart for enrollment and participation in a first year post-graduate (internship) program.

Delmar Rorison  
Executive Assistant

**RULE**

**Department of Health and Human Resources  
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority contained in LRS Title 37, Chapter II, Nurses, Part II, Practical Nurses, Section 961-979, and pursuant to Notice of Intent published on August 20, 1984 took the following action relative to adoption of two amendments to the administrative rules and minimum requirements relating to Practical Nursing Education And Licensure to practice in the State

of Louisiana on October 12, 1984 at its annual Board meeting held at the Ramada Inn, 1732 Canal Street, New Orleans, Louisiana.

Amendments are as follows:

Section IV, Program Projection,

5. Curriculum Requirements,

5-3. Length of Program—a program shall cover a minimum number of hours of scheduled instruction to range between 1500-1600 hours.

Section VIII, Licensure,

2. Types of Licensure,

2-1. Licensure by examination—An applicant for licensure by examination shall

C. Be permitted to write the examination a second and third time within a period of three years of graduation.

Terry L. De Marca, R.N.  
Executive Director

**RULE**

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

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

**RULE**

Effective December 1, 1984, the Title XIX State Plan, Attachment 4.19-D, page 41, paragraph B shall read as follows:

B. Closing a Patient Fund Account

The facility is to refund to the individual or responsible party, upon the recipient's discharge: (1) the balance in his personal account and (2) that portion of any advance payment not applied directly to the facility fee used by the recipient.

Upon the death of a recipient, the facility should notify the next of kin advising of the amount of such funds as of the date of death. The funds would then be held by the facility until the next of kin notifies as to whether a succession will be opened. If a succession is to be opened, the facility is to turn over the funds to the administrator of the estate, if one, or according to the judgment of possession. If no succession is to be opened, the facility should make the funds payable to the estate of the deceased, and the funds given to the responsible party of record. If the funds are retained by the facility and the responsible party (legal guardian, administrator of the estate, or person placed in possession by court judgment) fails to obtain the funds within three months after the date of death, the facility should notify the Public Administrator or Curator of vacant successions of the Parish in which the facility is located. The notice should provide detailed information about the decedent, his next of kin, and the amount of funds which are on hand in the decedent's name. The facility shall continue to retain the funds until an order from a court specifies that the funds are to be turned over to the Public Administrator or Curator of vacant successions. If no order or judgment is forthcoming, the facility shall retain the funds for seven years from the death of the decedent. Thereafter the facility is responsible for delivering the unclaimed funds to the Secretary of Revenue and Taxation.

This action is necessary in order to bring the Title XIX State Plan into compliance with Louisiana Revised Statutes 9:158 and 9:160 as outlined in a letter from the Public Administrator of the State of Louisiana addressed to the Office of General Counsel and dated November 18, 1982. This rule revises the procedure to provide for disposition of unclaimed personal funds of deceased residents of Intermediate Care Facilities I and II (ICFs I and II), Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities for the Handicapped (ICFs/H). It shall have no application where the leg-



islature has already enacted laws governing the disposition of personal funds belonging to residents of the state schools for the retarded or to the patients of state mental hospitals.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

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

#### **RULE**

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

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

#### **RULE**

Effective December 1, 1984, the names of those drugs identified as less than effective and those drugs identified as identical, related or similar to less than effective drugs, in accordance with provisions of Section 2103 of the "Omnibus Budget Reconciliation Act of 1981" (P.L. 97-35), will no longer be published in the *Louisiana Register*. The effectiveness of these drugs were and continue to be determined by the Food and Drug Administration (FDA) in the Drug Efficacy Study Implementation (DESI); therefore these drugs will be referred to as DESI drugs.

Reimbursement for DESI drugs has been and will continue to be disallowed because Section 2103 prohibits the use of federal funds under Medicare, Part B, and Medicaid for expenses incurred on or after October 1, 1981, for these drugs.

Providers enrolled in the Title XIX Medical Assistance Program will be notified by letter, prior to termination of payments, when a drug has been added to the DESI list and a current list of DESI drugs will be maintained in the Chapter XIX Medical Assistance Manual. The names of drugs, as they are added to the DESI list, are published on a periodic basis by the FDA in the *Federal Register*. Identical products made by manufacturers not shown are also excluded from payments.

This action is based on the June 20, 1984, Dallas Regional Medical Services Letter No. 84-25 to State Agencies Administering Approved Medical Assistance Plans recommending that procedures be enhanced for notifying enrolled Title XIX providers of additions to the list of DESI drugs and for denying payment of these drugs on a timely basis. The letter further states that reimbursement for DESI drugs must cease on the day the FDA notice is published in the *Federal Register*.

Federal Regulations published in the *Federal Register* on October 1, 1981 (46 FR 48550) and October 21, 1981 (46 FR 57646) specify that Medicaid State Agencies notify their providers and suppliers of those drugs which have been added to the DESI list and for which reimbursement will not be made.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

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

#### **RULE**

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

The Department of Health and Human Resources, Office

of Family Security, adopts the following rule in the Support Enforcement Program.

The Department of Health and Human Resources, Office of Family Security implements individual income tax refund offset provisions as authorized by La. R.S. 47:299.1 through 299.19 effective January 1, 1985.

Under the provisions of these statutes, the Support Enforcement Program will request withholding of any state income tax refunds due to individuals who have child support arrearages in excess of \$50 which are payable to the Department of Health and Human Resources.

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

#### **RULE**

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

In accordance with Revised Statute 15:440.4(B) of the 1984 Regular Session of the Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development/Division of Evaluation and Services (OHD/DES) hereby adopts the following rule relative to the training and certification requirements for department personnel who will supervise the taking of the videotaped statement of the child 14 years of age or under who is the victim of rape, physical or sexual abuse which will permit the videotape being used as competent evidence in a court of law:

OHD/DES staff supervising the taking of the videotaped statement of the child 14 years of age or under who is the victim of rape, physical or sexual abuse which will permit the videotape being used as competent evidence in a court of law shall at a minimum receive 12 hours of agency training that covers the following topics:

- Identification of Child Abuse and Neglect;
- Physical, Medical and Behavioral Indicators of Physical and Sexual Abuse;
- Investigative Interviewing and Observing Techniques;
- Techniques for talking to child victims;
- Techniques in the Use of Anatomically Correct Dolls in Interviewing the Sexually Abused child.

The verification that the OHD/DES employee has received this training is documented on OHD/DES Form TR-1 which acknowledges the satisfactory completion of the mandated 32 hours of Act 710 Training for new workers and supervisors, and which will include the above cited training requirements or the specified 12 hours of training cited above. The agency's certification, TR-1, is completed by the OHD/DES Regional Trainer who conducted the training. It specifies the following:

- Employee's name
- Social Security Number
- Position with the agency
- Title of course
- Location of training
- Inclusive date(s) of training
- Total Hours
- Signature and date of signature of the trainer
- An attachment describing the contents of the completed training.

Further, the OHD/DES staff person supervising these videotaped interviews shall be required to complete these 12 hours of training every two years.

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

**RULE**  
**Department of Labor**  
**Office of Labor**

The following are additions to the state rules and regulations for the administration of the Job Training Partnership Act (JTPA) (Public Law 97-300):

**RULE 35**

"Except as otherwise provided, training provided with funds made available under this Act shall be only for occupations for which there is a demand in the area served, or in other areas to which the participant is willing to relocate."

"All contracts that are being funded by JTPA money where the intent of the contract is placement shall have performance goals including placement goals incorporated in that contract unless otherwise specified by the Council."

**RULE 36**

"Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the same area as that proposed to be funded under this Act, an opportunity shall be provided for such organization to submit comments with respect to such proposals."

**RULE 37**

"Not less than 120 days before the beginning of the first of the two program years covered by the JTPA Plan:

(A) the proposed plan or summary thereof shall be published; and

(B) such plan shall be made available for review and comment to:

1. House of the Legislature;
2. local educational and public agencies; and
3. labor organization in the area which represents employees having the skills in which training is proposed."

Johnny L. Hodges  
Assistant Secretary

**RULE**  
**Department of Labor**  
**Office of Labor**

Under the authority of Act 65, 1968, Regular Legislative Session (R.S. 38:2301, [L], Revised Statutes of 1950), and pursuant to the provisions of R.S. 49:950 et. seq., the assistant secretary of the Louisiana Office of Labor has promulgated such rules and procedures as are deemed necessary to carry out the requirements of said statute. Preceding final adoption by the assistant secretary, the rules were forwarded to and found acceptable by the Joint Committee on Labor and Industrial Relations. These rules are established by the assistant secretary of the Office of Labor and are subject to change by the assistant secretary, in accordance with provisions of the Administrative Procedure Act.

Prevailing Wage Rate Rules

SECTION I: Wage Rate Decisions

Rule 1: Work projects will be categorized under one of the following types of work:

- A. Building Construction
- B. Highway Construction
- C. Heavy Construction
- D. Shipbuilding
- E. Marine floating bucket or hydraulic dredging
- F. Water well drilling

Rule 2: Geographic boundaries shall be established for each craft by the assistant secretary of Labor.

Rule 3: Every prevailing wage rate decision issued will list

a minimum hourly wage rate and related fringe benefits for each classification of worker which may be expected to be utilized in the completion of the contracted project.

Rule 4: Every prevailing wage rate decision issued will include a copy of these prevailing wage rate rules in the form in which they are finally adopted.

Rule 5: There may be issued such modifications or addendums to prevailing wage rate decisions as the assistant secretary determines is necessary to update wage rate data or to include additional job classifications.

Rule 6: Decisions will include definitions of such workers classifications as the assistant secretary deems necessary. Additional definitions or clarification of job functions for workers classifications may be obtained upon submission of a request to the assistant secretary.

Rule 7: Workers who perform job functions of a classification other than the classification in which they are listed shall be paid not less than the minimum wages issued for the classification in which they actually work.

Rule 8: Apprentices indentured in an apprenticeship program approved by the Louisiana Office of Labor and who are performing job functions of the craft into which they are indentured shall be paid at the rate of pay resulting when the percentage points for the apprentices' current progression step is applied to the wage rate issued for the classification in which they are working.

Rule 9: All workers, except those apprentices described in Rule 7 above, who perform work directly on the job site must be paid not less than the minimum wages issued for the classification in which they work.

Rule 10: The contracting agency shall notify the assistant secretary for the Office of Labor of the successful bidder for the project and the date, time and place of the prejob conference, which notice shall include an invitation to the assistant secretary or his designee to attend for the purpose of explaining the contractor's responsibilities under the prevailing wage law.

Rule 11: It shall be the responsibility of the general contractor on the first day the job commences to post the entire prevailing wage rate decision including these rules in a prominent and easily accessible place at the site of the work. It shall also be the responsibility of the general contractor to furnish a copy of the prevailing wage rate decision for the project and a copy of the prevailing wage rules to each subcontractor involved in the project and to explain to the subcontractor his responsibilities with respect to R.S. 38:2301 and the contract for the applicable project.

SECTION II: Enforcement

Rule 1: Field personnel of the Office of Labor will conduct inspections as assigned by the assistant secretary as well as routine inspections of the work projects for which a prevailing wage rate decision has been issued.

Rule 2: On each inspection, the Office of Labor's representative shall first ascertain whether the prevailing wage rate decision is posted. He or she may then witness the work being performed, conduct interviews with/or take written statements from management personnel and/or workers on the job site or what other investigative techniques he or she may deem to be appropriate in order to determine whether or not the workers are being paid in compliance with the terms of the prevailing wage rate decision.

Rule 3: The assistant secretary or his designee, in order to ensure compliance and enforcement of a prevailing wage decision, may at any time during a project inspect the books and records of any contractor or subcontractor. The assistant secretary may initiate such inspection upon his own motion or after his receipt of an oral or written complaint from an employee on the project. The

inspection of the books and records may take place at the jobsite or such other reasonable location specified by the assistant secretary or his designee, including but not limited to the office of the assistant secretary.

Rule 4: The failure of a contractor or subcontractor to timely furnish the books and records requested by the assistant secretary or his designee or the furnishing of false or misleading information shall be deemed to be sufficient cause to preclude the waiver of the applicable penalty.

Rule 5: Workers employed on a project for which a prevailing wage rate decision has been issued who suspect that they are not being paid in accordance with the schedule of wages listed in the decision should contact: Louisiana Department of Labor, Prevailing Wage Division, 5360 Florida Boulevard, Baton Rouge, LA 70806, Telephone (504) 925-4224.

Rule 6: The names of all complainants shall remain strictly confidential whether such complaint is verbal or written.

Rule 7: LSA - R.S. 23:964 reads as follows:

“\*\*\*Any employer who discharges, or in any other manner discriminates against any employee because such employee has testified in any investigation or proceeding relative to the enforcement of any of the labor laws of the State of Louisiana, shall be fined not less than \$100 nor more than \$250, or imprisoned for not less than 30 days nor more than 90 days, or both.”

Any employer who violates the provisions of the above quoted statute shall be reported to the district attorney for the parish in which the offense occurred. The district attorney shall be supplied with any and all supportive evidence of the violation and a request from the assistant secretary of labor that the employer be prosecuted to the fullest extent of the law.

Rule 8: These rules will abolish or supercede prevailing wage rules adopted on 11-20-80.

Johnny L. Hodges  
Assistant Secretary

## **RULE**

### **Department of Public Safety and Corrections Office of State Police**

The Louisiana Department of Public Safety and Corrections adopts rules and regulations pursuant to authority granted by Act 361 of the 1983 Louisiana Legislature. The rules and regulations will establish and govern the “Environmental Emergency Response Training Program” mandated by Act 361.

#### Part I - General

##### 1.1 Authority

(A) Part II of these regulations governing the Environmental Emergency Response Training Course is established by the Department of Public Safety as authorized by Act 361 of the Regular Session of the Legislature 1983.

(B) These regulations may be cited as the “Emergency Response Course.”

##### 1.2 Definitions

For the purposes of these regulations the words defined in this section have the following meaning, unless the context clearly indicates otherwise:

Act - means Act 361 of 1983.

DEQ - means Department of Environmental Quality.

DPS - means Department of Public Safety.

Environmental Emergencies - means an insult to the order of nature caused by the intentional or unintentional introduction of any substance regulated by state law, where said introduction to the natural order would cause undue public alarm.

SDEQ - Secretary, Department of Environmental Quality.

SDPS - Secretary, Department of Public Safety.

State Police Training Academy - means the course of instruction of which completion is required to be employed as a State Trooper.

Training - means Environmental Emergency Response Training Program.

Part II - Environmental Emergency Response Training Program

#### 2.1 Staff and Organization

(A) The secretary, Department of Public Safety is hereby authorized to appoint one training coordinator, for the purposes of securing, monitoring, or directing training which corresponds to the responsibilities of DPS in relation to environmental emergencies. As provided for in this part, the DPS training coordinator may also secure, monitor or direct such technical training as may be required to facilitate Environmental Emergency Response Training.

(B) The DPS training coordinator shall be appointed from the ranks of sworn commissioned officers of the Office of State Police who are graduates of the State Police Training Academy. The training coordinator shall report to the commander of the State Police Hazardous Substance Control Section, who may assign to the DPS training coordinator additional duties and responsibilities as required to perform the overall duties of a member of the Office of State Police.

(C) The secretary, Department of Environmental Quality is hereby authorized to appoint one training coordinator for the purpose of securing, monitoring, or directing training which corresponds to the responsibilities of DNR in relation to environmental emergencies. As provided for in this part, the DNR training coordinator may also secure, monitor or direct, such technical training as may be required to facilitate Environmental Emergency Response Training.

(D) The DNR training coordinator shall report to the assistant secretary, Office of Environmental Affairs, who may assign to the DNR training coordinator additional duties and responsibilities as may be required to perform the overall duties of a member of the Office of Environmental Affairs.

(E) The secretary, Department of Public Safety shall be authorized to appoint one managing secretary in order to facilitate the management of the clerical functions generated by the two training coordinators.

(F) The secretary, DPS shall seek authorization, pursuant to this part, from the Civil Service Commission to increase the authorized compliment of the Office of State Police by two positions. One position being used for purpose of employing the DPS training coordinator, and the other position being used for the purpose of employing the managing secretary.

(G) The secretary, DEQ shall seek authorization, pursuant to this part, from the Civil Service Commission to increase the authorized compliment of the Office of Environmental Affairs by one position, it being used for the purposes of employing the DNR training coordinator.

(H) The secretary, DEQ shall be authorized to fund the aforementioned positions pursuant to Act 361 of the Regular Session of the Legislature 1983 (RS 30:1079(E)).

#### 2.2 Eligibility

(A) As provided for in this part (2.3 - Curriculum), any employee of the State of Louisiana, or any employee of any political subdivision thereof, shall be eligible to attend training, provided that priority be given in the attendance of peace officers, fire fighters, civil defense planners, hospital personnel, and those employees who, by nature of their official duties, protect the environment of Louisiana.

(B) Members of private industry may be allowed to attend training provided they be assessed a reasonable fee as determined

by the SDPS. Such fee to be used to reimburse the emergency response fund.

(C) Any person employed by the United States Government or its allies, or any person employed by any other state or local government outside Louisiana, who by nature of their official duties, protect their respective environments, may be given consideration to attend, provided there be space available.

### 2.3 Curriculum

(A) Except as otherwise provided for in this part, the secretaries of DPS and DEQ shall jointly determine course length and content.

(B) Working through the assistant secretary for the Office of Emergency Preparedness, the secretaries of DPS and DEQ may seek such assistance as is available from the Federal Emergency Management Agency.

### 2.4 Administration

(A) Training conducted shall be a minimum of three sessions annually (fiscal year), each session containing no less than 40 hours of instruction. However, nothing herein contained shall be so construed as to prohibit additional training sessions of less than 40 hours duration, based on availability of funds and instructors.

(B) Whenever practical, students (the number and organizational background of whom shall be determined jointly by the two training coordinators) shall be housed in the State Police Training Academy. Whenever the aforementioned housing is unavailable, the SDEQ is hereby authorized to arrange housing, at the Environmental Emergency Training Program's expense. Said authorization, however, shall not exceed the current allowable per day in-state lodging expense, as ordered by the Division of Administration.

(C) The SDEQ is not authorized to reimburse attendees nor their respective employing agencies for costs incurred for salary (including overtime) by the attendees of their employing agency.

(D) The SDEQ is hereby authorized expenditures for the sake and purpose of providing instruction for the training, including honoraria, and instructor's per diem, and travel and per diem incurred by the training coordinators and managing secretary, necessitated by the nature of training and curriculum. The SDEQ is further authorized expenditures necessary for the acquisition of training aids and supplies, and whatever other implements as may be required from time to time to insure an adequate level of instruction.

C. Paul Phelps  
Secretary

## RULE

### Department of Public Safety and Corrections Office of State Police Hazardous Substances Control

In accordance with LRS 32:1504 the Louisiana Hazardous Materials/Waste Regulations are updated to be consistent with the Code of Federal Regulations Title 49 Parts 170 - 179 and 390 - 397. The additions to the Regulations include:

1. Updated hazardous materials table (§172.101).
2. Regulations governing the packaging and transportation of cryogenic material (§171.1; 171.7; 171.8; 171.203; 172.328; 172.504; 173.11; 173.23; 173.33; 173.300; 177.816; 177.818; 177.824; 177.826; 177.840; 178.).
3. Updated radiological regulations.
4. Identification number markings for hazardous waste (§ 3.2).

5. Hazardous Waste Manifest required (§ 3.11).

6. Packaging for hazardous waste (§ 3.14).

In accordance with LRS 32:1510, the Louisiana Statewide Emergency Response Plan is revised as follows:

### §1 RESPONSIBILITY OF RESPONDING AGENCIES

The Department of Public Safety and Corrections has ultimate responsibility for the safe and timely conclusion of any hazardous material transportation incident.

The Department of Public Safety and Corrections is responsible for coordinating a Statewide Transportation Emergency Response System for Hazardous Material Incidents. In this capacity as coordinator at any hazardous material transportation incident, by governor's order, all resources of the state government are available and through association with the National Regional Response Team all resources of the Federal Government are available.

The Department of Public Safety and Corrections is also charged by the legislature to investigate hazardous material transportation incidents to determine cause and identify any violation of the Louisiana Hazardous Material/Waste Regulations. Agencies in control of a hazardous material incident should contact the LSP Hazardous Material Unit or the local troop prior to disturbing the scene of an incident with respect to evidence vital to an investigation.

In the event of a hazardous material transportation incident, the initial responding agency will be determined by location. In an incorporated area, the law enforcement agency with jurisdiction shall be in charge unless local elected officials have provided otherwise. If the hazardous material transportation incident occurs in an unincorporated area, a State Police trooper will be dispatched and will control the scene until the local elected sheriff asks that control be relinquished to him. The State Police will then relinquish control and offer whatever assistance is deemed necessary.

If the incident/accident occurs on a state or federal highway system, or a railroad grade crossing of these highways outside incorporated municipalities, the State Police will be the controlling agency.

In all hazardous material transportation incidents where a release has occurred, the Department of Environmental Quality has the responsibility to coordinate and effect the cleanup. All responding agencies will coordinate these efforts with the Department of Environmental Quality in light of their responsibility to ensure the environment is returned to its original state.

The secretary of the Department of Public Safety and Corrections or his representative may declare any hazardous material transportation incident an emergency and take control of the incident by informing the ranking fire and police authority on the scene of such action. The decision to declare a hazardous material transportation incident an emergency shall be based on at least one of the following criteria:

1. The controlling agencies lack of understanding of the problem.
2. The severity or potential severity of the incident.
3. The effect the incident could have on public safety.
4. The consequences which could come from inappropriate or delayed action.

Notification of the declaration of an emergency must be made immediately to the State Office of Emergency Preparedness and shall remain in effect for 24 hours unless redeclared.

Complete cooperation between responding agencies is of utmost importance in order to bring a hazardous material incident to a satisfactory conclusion.

## §2 INITIAL RESPONSE

The most basic step of initial response is parking the vehicle safely. Often times, the strategic location of a patrol car actually protects the scene or perhaps even closes a route of approach. Care should be exercised to avoid spilled substances or escaping vapors, and an appropriate distance should be placed between the vehicle and the scene, the responding agent must bear in mind that the unit's radio may be the only line of communication for quite some time.

As soon as possible, the material involved in the incident must be identified. Emergency personnel must be familiarized with simple means of achieving this. The U.S. Department of Transportation system of placards, container shapes, and valve configurations on containers such as tank trucks and rail cars provides easy, visual, and immediate identification into broad categories. Documents carried by the engineer or conductor in rail cars or the driver of a motor carrier provide specific information important to the course of action which will soon be dictated. Emergency response personnel must be trained to seek the persons and the information as soon as practicable after their arrival.

Accurate identification is the basis for determining the potential danger posed by the incident. What is involved, how much is involved, population density, wind direction and what facilities or institutions are threatened must be quickly determined. The question of fire, spills and leaks, or the imminent threat thereof must also be considered by the Incident Commander in order that the actual response be initiated. Only once an accurate, thorough assessment of potential danger has been made can an intelligent, professional response be activated, coordinated and maintained.

## §3 COORDINATION

Overlapping will occur during the first few minutes of any hazardous material incident between the response and coordination phase. Many individual steps are interchangeable, and with skillful application, much of the initial response phase and the coordination phase may be accomplished simultaneously. In order to insure safety and economy of personnel, the best avenue of response should be suggested quickly by the Incident Commander, keeping in mind that various responding agencies may need to respond to different locations of the incident. Large industrial complexes and locations bisected by railways pose special response problems.

Much time should be taken during pre-emergency planning sessions to minimize the detrimental effects of such logistical problems. With the arrival of sufficient personnel, the perimeter can be established or strengthened and evacuation and/or investigation can commence.

Crucial to the successful coordination of any emergency where many different agencies have responded is communication. Therefore, an on-scene command post shall be immediately established by the controlling agency in order that the greatest economy of personnel, and least duplication of effort be achieved. This is most easily accomplished by assigning one radio-equipped member of (not necessarily command element) each responding agency to a central location such as a strategically located vehicle of the agency first on the scene. It is our suggestion that the command post be identified by a green flashing light in order to distinguish it from other emergency response vehicles. Emergency personnel must be trained and the habit instilled, to instinctively search out the responsible elements of the other agencies so that the establishment of an on-scene command post be facilitated. This, however, is NOT the place for the policy making level officials of government and other agencies. Their efforts will be enhanced and their thinking clearer if they gather, for example, at a pre-established Emergency Operations Center (EOC).

## §4 COMMAND POST PROCEDURE

The on-scene command post can be a standup operation

at the scene or one located in a vehicle outfitted for the purpose. Buildings, shops and other such places, depending upon the location of the incident, can often be utilized as a command post. There are no cut and dry rules for what a command post should be. There are, however, certain requirements for its location and management. The acceptance of the concept of working together and supporting each other will determine if the plan will succeed in its objectives.

### LOCATION:

I. The first responder upon arriving will establish the command post location, as best determined by the situation at hand and will state to the dispatcher exactly where the command post is located. This will be the reference for all initial activity at the scene of the incident. Give address, landmarks and any other information that will clearly establish the command post location.

NOTE: A flashing green light will facilitate the identification of the command post. Only the *established* on-scene command post may use the flashing green light.

II. After the initial establishment of the command post and the arrival of the primary controlling agency (fire chief, sheriff personnel or state police), brief the person assuming command and determine at that time if the command post location should be moved or remain in the original location. In all cases advise the radio room, emergency communications of the change of command by giving the name and position of the person assuming command. Again giving the exact location.

III. If it is determined that a staging area for personnel and equipment is to be established, again notify the dispatcher by stating staging area for personnel and equipment will be located (give exact location and access routes) and the name of the person in charge of the staging area.

### § 5 MANAGEMENT:

One person should clearly be in charge of the operation and that person's name and position should be made known to all agencies involved in assisting at the incident. This person is generally known as the "Incident Commander." The concept of one man clearly in charge is essential to the success of the operation.

Support agencies shall make their presence known to the command post Incident Commander and shall report their activities to him.

Each agency assisting at the Command Post should alert and coordinate his agency's activity at the scene under the direction of the Incident Commander.

A copy of the updated Louisiana Hazardous Materials/Waste Regulations and the Louisiana Statewide Emergency Response Plan is available for review at the Hazardous Substance Control Unit, Office of State Police, 265 South Foster Drive, in Baton Rouge.

C. Paul Phelps  
Secretary

## RULE

### Department of Revenue and Taxation Tax Commission

The Louisiana Tax Commission has adopted amendments to their rules, regulations and guidelines relating to the assessment of real/personal property and use value. The following were amended:

d. The fair market value of real and personal property shall be determined by the following generally recognized appraisal procedures: the market approach, the cost approach, and/or the income approach.

1. In utilizing the market approach, the assessor shall use

an appraisal technique in which the market value estimate is predicated upon prices paid in actual market transaction and current listings.

2. In utilizing the cost approach, the assessor shall use a method in which the value of a property is derived by estimating the replacement or reproduction cost of the improvements; deducting therefrom the estimated depreciation; and then adding the market value of the land, if any.

3. In utilizing the income approach, the assessor shall use an appraisal technique in which the anticipated net income is processed to indicate the capital amount of the investment which produces the net income (R.S. 47:2323).

e. Assessment Date—Assessments shall be made on the basis of the condition of things existing on the first day of January of each year (R.S. 47:1952).

f. Domicile—All property subject to taxation, including merchandise or stock in trade, shall be placed upon the assessment lists in the respective parishes or districts where situated. Personal property acquires a situs at the domicile of the holder or owner, but tangible personal property used continuously in any other taxing district may acquire a tax situs there. . . . (R.S. 47:1952).

3. Real Property Defined—“Real Estate” or “Immovable Property” means and includes not only land, city, town, and village lots, but all things thereunto pertaining, and all structures and other appurtenances thereto, as pass to the vendee by the conveyance of the land or lot.

4. Personal Property Defined—“Personal Property” or “Movable Property” means and includes all things other than real estate which have any pecuniary value, all moneys, credits, investments in bonds, stocks, franchises, shares in joint stock companies or otherwise (R.S. 47:1702).

Personal property shall mean tangible property that is capable of being moved or removed from real property without substantial damage to the property itself or the real property from which it is capable of being removed. Personal property shall include, but not necessarily be limited to, inventory, furniture, fixtures, machinery and equipment, and all process and manufacturing machinery and equipment, including the foundation therefore (R.S. 47:2322).

5. Forms—Forms for use in reporting real and personal property including, but not limited to, inventory, furniture and fixtures, machinery and equipment, and other taxable property, shall be approved and adopted by the Louisiana Tax Commission or its successor after adequate public notice and hearing held pursuant to the Administrative Procedure Act. Such forms and the rules and regulations necessary for their administration shall be applicable throughout the state and shall be applied uniformly upon similar types of property (R.S. 47:2324-2327).

C. Reappraisal—Real property shall be reappraised at least every four years and personal property shall be reappraised on an annual basis (R.S. 47:2331).

#### D. Statutes Pertaining to Specific Personal Property

##### 1. Bank Shares

The shares of stock of all banks, banking companies, firms, associations or corporations, doing a banking business in this state, chartered by the laws of this state or of the United States, are hereby declared subject to taxation for all purposes in this state (R.S. 47:1967). The basis for arriving at the valuation of the shares of stock in any bank, banking company, firm, association or corporation engaged in the banking business shall be the stockholder equity capital which shall be determined by the addition of paid in common stock, surplus, undivided profits, and all reserves, excluding those reserves for loan losses as allowed by the United States Internal Revenue Service. Equity capital shall be adjusted to remove that portion of equity capital based on United States

obligations by deducting a percentage of equity capital based on the ratio of United States obligations to total assets. Borrowed money and the value of the preferred stock issued by any such bank and actually owned by the United States of America or any agency thereof shall not be construed as equity for the purposes of this Section.

For the purposes in determining the fair market value of bank stock, the following criteria should be used: Stockholder equity should serve as a four times factor, 80 percent, and annual net earnings of the individual banking institution shall serve as a one time factor, 20 percent. Annual net earnings shall be adjusted to remove that portion of earnings based on United States obligations by deducting a percentage of annual net earnings based on the ratio of interest on United States obligations to total operating income. Negative earnings shall not be considered in this formula, and there shall be no earnings loss carried forward or backward. For the purpose of computing the one time, 20 percent earnings factor, the earnings shall be capitalized by multiplying the annual net earnings of the banking institution by the average earnings ratio for all banks in the United States as published by a nationwide recognized bond and securities rating firm.

For the purpose of arriving at fair market value of bank stock in the formula previously outlined, the Tax Commission or its successor shall compute the formula as follows:

1. In the case of banks, banking companies, firms, associations, or corporations created under the laws of the United States, from the statements made to the comptroller of the Currency and required to be published as of December 31 of each year; or

2. In the case of banks, banking companies, firms, associations, or corporations created under the laws of this state, from the statement made to the commissioner of Financial Institutions, and required to be published as of December 31 of each year.

From the assessment determined by the application of the 15 percent of fair market value provided for above, there shall be deducted 50 percent of the assessed value of real estate, improvements, buildings, furniture and fixtures owned by the bank. If such real estate, improvements, buildings, furniture and fixtures are owned by a separate corporation, the deduction will be allowed provided all the capital stock of which (except directors' qualifying shares, if any) is owned by the bank, banking company, firm, association or corporation. (R.S. 47:1967).

##### 2. Insurance Companies

All property and assets of life insurance companies organized under the laws of this state, shall be assessed to the corporation as to a natural person, in the name of the corporation, in the parish, town, city, village, or district of its residence, as herein provided and not otherwise, except that taxable real property and tangible personal property shall be assessed at the place such property is situated (R.S. 47:1954).

In computing the taxable property of domestic life insurance companies, the value of the real property and tangible personal property on which the company pays taxes and any holding of national, state, or municipal bonds or stocks not subject to taxation held by the company six months prior to the assessment shall be deducted from its net admitted assets above liabilities as testified and shown by the latest report of the Secretary of State; and the remainder shall be the amount of intangible personal property for which the company shall be assessed. Provided, however, no ad valorem tax shall be imposed on the premiums on life, health and accident insurance policies (R.S. 47:1954).

##### 3. Inventories

a. Inventory Values. The law provides that: in the assessment of merchandise or stock in trade on hand, the inventory value of the merchandise shall be ascertained by computing the cost or purchase price at the point of origin, plus the carrying charges to



the point of destination, and the average value as so determined during the year preceding the calendar year in which the assessment is made shall be the basis for fixing the assessed value (R.S. 47:1961).

b. Inventory Records. The law provides that: all persons, engaged in the business of retailing or wholesaling merchandise in the state, whose gross sales shall be in excess of \$15,000 shall make and keep an inventory of their merchandise, fixtures, machinery, equipment and other assets within the state showing the quantity, description and value thereof as of the first day of January of each year; such persons shall likewise make and keep on hand a true and accurate record of all other business transactions had in connection with their stores, mercantile or manufacturing establishments.

c. Inspections of Inventories and Records. The law provides that: these inventories and records shall be separately made for and kept on hand in each store or establishment within the state, and shall be open for inspection by the tax assessor or any of his deputies, or any other taxing authority, at any reasonable time: when demanded by one of the officers at such time, the inventories and records shall be produced and the officers afforded the opportunity to make a complete and thorough examination of the inventory and records for the purpose of ascertaining the proper assessment to be made of the property of such person. The inventories and records for more than one establishment belonging to the same person may be kept for inspection at one place of business within the state, but in this event such records shall be open for inspection to the assessors and their deputies, or any other taxing authorities of the entire state, and shall be made in such manner as to segregate the stores or establishments from each other and from those in other parishes, and information as to the place where such inventories and records are kept shall be given the tax assessors and deputies and other taxing authorities on demand (R.S. 47:1961).

d. Preservation of Inventory Records. The law provides that: the inventories and records herein provided to be made and kept shall be kept on hand as herein provided for a period of three years from December 31 of the year for which they were made or kept (R.S. 47:1961).

#### 4. Listing and Assessing of Notes and Indebtedness

All credits, including open accounts, bills receivable, judgments and all promissory notes, not exempt, shall be assessed at the personal property ratio. Valuation shall be at an average of the capital employed in the business after deduction from accounts payable, bills payable and other liabilities of a similar character, not exempt. Liabilities due from branches or subsidiaries shall not be deducted (R.S. 47:1962).

Indebtedness and all evidence of indebtedness shall be taxable only at the situs and domicile of the holder or owner thereof (R.S. 47:1952).

E. Statutes Pertaining to Specific Real Property—R.S. 9:1131.9 provides that timeshare property shall be assessed as a single entity unless the property is subject to the Louisiana Condominium Act. The statute further provides that the managing entity shall have the responsibility for collecting and paying the taxes. Further, a timeshare unit subject to a condominium declaration shall not exceed the assessed value of non-timesharing condominium units, apartments or other accommodation.

#### GUIDELINES FOR ASCERTAINING THE FAIR MARKET VALUE OF LOAN AND FINANCE COMPANY PERSONAL PROPERTY

The taxable personal property of loan and finance companies includes office equipment, office furniture and fixtures, repossessed articles and credits (loans which are not secured by property located in Louisiana; Column 3, loans secured by personal endorsement; Column 5, and signature loans; Column 6). Loans secured by mortgages on property located in Louisiana are exempted from taxation by authority of the Louisiana Constitution.

Discovery of loan and finance companies should present no problem to parish assessors. Therefore, these guidelines are concerned solely with the procedures for valuation of loan and finance company personal property.

Each parish assessor shall provide loan and finance companies with copies of LAT Form 5 and LAT Form 6. LAT Form 5 should be utilized to identify the existence and value of office furniture and equipment. These items are to be brought to present day values and depreciated according to the effective age of the items in compliance with Tables 1.1 and 1.2 for office equipment and office furniture and fixtures, respectively. LAT Form 6 shall be utilized to identify and value repossessed articles which shall be assessed at 15 percent of actual value.

LAT Form 6 shall also be utilized to identify and value taxable credits. Such credits shall be offset and lessened by the actual bona fide accounts payable, bills payable and other liabilities of a similar character. (R.S. 47:1962) This is accomplished by determining the percentage taxable receivables (sum of average, Columns 3, 5 and 6) are to average total receivables, then deducting that percentage of allowable payables (sum of average, Columns 1, 2 and 3) from total taxable receivables. This remainder shall be assessed at 15 percent of fair market value.



Table 1.1  
OFFICE EQUIPMENT

COST INDEX (AVERAGE)		AVERAGE ECONOMIC LIFE 10 YEARS		
YEAR	INDEX	EFFECTIVE AGE	PERCENT GOOD	COMPOSITE MULTIPLIER
1984	0.990	1	92	.91
1983	1.017	2	84	.85
1982	1.036	3	76	.79
1981	1.084	4	67	.73
1980	1.196	5	58	.69
1979	1.316	6	49	.64
1978	1.438	7	39	.56
1977	1.547	8	30	.46
1976	1.629	9	24	.39
1975	1.731	10	21	.36
1974	1.930	11	20	.39

Table 1.2  
OFFICE FURNITURE AND FIXTURES

COST INDEX (AVERAGE)		AVERAGE ECONOMIC LIFE 15 YEARS		
YEAR	INDEX	EFFECTIVE AGE	PERCENT GOOD	COMPOSITE MULTIPLIER
1984	0.990	1	95	.94
1983	1.017	2	90	.92
1982	1.036	3	85	.88
1981	1.084	4	79	.86
1980	1.196	5	73	.87
1979	1.316	6	68	.89
1978	1.438	7	62	.89
1977	1.547	8	55	.85
1976	1.629	9	49	.80
1975	1.731	10	43	.74
1974	1.930	11	37	.71
1973	2.235	12	31	.69
1972	2.316	13	26	.60
1971	2.393	14	23	.55
1970	2.535	15	21	.53
1969	2.697	16	20	.54

Table 2.1  
FLOATING EQUIPMENT  
MOTOR VESSELS

COST INDEX (AVERAGE)		AVERAGE ECONOMIC LIFE 12 YEARS		
YEAR	INDEX	EFFECTIVE AGE	PERCENT GOOD	COMPOSITE MULTIPLIER
1984	0.990	1	94	.93
1983	1.017	2	87	.88
1982	1.036	3	80	.83
1981	1.084	4	73	.79
1980	1.196	5	66	.79
1979	1.316	6	58	.76
1978	1.438	7	50	.72
1977	1.547	8	43	.67
1976	1.629	9	36	.59
1975	1.731	10	29	.50
1974	1.930	11	24	.46
1973	2.235	12	22	.49
1972	2.316	13	20	.46

**CONSIDERATION OF OBSOLESCENCE**

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been *proved*, the assessor must again exercise his discretion to determine the amount that *shall* be given.

Table 2.2  
FLOATING EQUIPMENT  
BARGES

COST INDEX (AVERAGE)		AVERAGE ECONOMIC LIFE 20 YEARS		
YEAR	INDEX	EFFECTIVE AGE	PERCENT GOOD	COMPOSITE MULTIPLIER
1984	0.990	1	97	.96
1983	1.017	2	93	.95
1982	1.036	3	90	.93
1981	1.084	4	86	.93
1980	1.196	5	82	.98
1979	1.316	6	78	1.03
1978	1.438	7	74	1.06
1977	1.547	8	70	1.08
1976	1.629	9	65	1.06
1975	1.731	10	60	1.04
1974	1.930	11	55	1.06
1973	2.235	12	50	1.12
1972	2.316	13	45	1.04
1971	2.393	14	40	.96
1970	2.535	15	35	.89
1969	2.697	16	31	.84
1968	2.815	17	27	.76
1967	2.925	18	24	.70
1966	3.046	19	22	.67
1965	3.140	20	21	.66
1964	3.180	21	20	.64

#### CONSIDERATION OF OBSOLESCENCE

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the tax-

payer in writing, economic or functional obsolescence shall be given.

The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been *proved*, the assessor must again exercise his discretion to determine the amount that *shall* be given.

TABLE 3.1  
SUBSURFACE EQUIPMENT OF  
OIL, GAS AND ASSOCIATED WELLS

The Fair Market Value and Assessed Value schedule below covers only that portion of subsurface equipment subject to ad valorem taxation. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated

by the taxpayer in writing, economic or functional obsolescence shall be deducted from the fair market value per foot indicated.

The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been *proved*, the assessor must again exercise his discretion to determine the amount that *shall* be given.

See explanations in OG Section regarding assessment of Multiple Completion Wells.

<u>PRODUCING DEPTHS</u>	<u>FAIR MARKET VALUE BY DEPTH PER FOOT</u>	<u>ASSESSED VALUE BY DEPTH PER FOOT</u>
0 - 1,249 ft.	\$ 1.39	\$ .21
1,250 - 2,499 ft.	1.95	.32
2,500 - 3,749 ft.	3.47	.52
3,750 - 4,999 ft.	9.29	1.39
5,000 - 7,499 ft.	12.86	1.93
7,500 - 9,999 ft.	15.79	2.37
10,000 - 12,499 ft.	19.35	2.90
12,500 - 14,999 ft.	25.62	3.84
15,000 - 17,499 ft.	35.18	5.28
17,500 - 19,999 ft.	50.31	7.55
20,000 - Deeper ft.	46.48	6.97

TABLE 3.2  
SURFACE EQUIPMENT

Listed are FAIR MARKET VALUES AND ASSESSED VALUES of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been *proved*, the assessor must again exercise his discretion to determine the amount that *shall* be given.

All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Louisiana Tax Commission and in accordance with requirements set forth on LAT-12 - "Personal Property Tax Report - Oil and Gas Property" form.

Oil and Gas Personal Property will be assessed in seven major categories:

- Oil and Gas Wells (Subsurface Equipment)
- Oil and Gas Equipment (Surface Equipment)
- Tanks (Surface Equipment)
- Lines (Oil and Gas Lease Lines)
- Inventories (Material & Supplies)
- Field Improvements (Docks, platforms, bldgs., etc.)
- Other Property (Other property not included above)

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>ACTUATORS</u> - (See Metering Equipment)		
<u>AUTOMATIC CONTROL EQUIPMENT</u> - (Assessed on an individual basis)		
<u>AUTOMATIC TANK SWITCH UNIT</u> - (See Metering Equipment)		
<u>BARGES</u> - CONCRETE - (Assessed on an individual basis)		
<u>BARGES</u> - STORAGE - (Assessed on an individual basis)		
<u>BARGES</u> - UTILITY - (Assessed on an individual basis)		
<u>BARGES</u> - WORK - (Assessed on an individual basis)		
<u>COMMUNICATION EQUIPMENT</u> - (Assessed on an individual basis)		

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>DAMPENERS</u> - (See Metering Equipment - "Recorders")		
<u>DESORBERS</u> - No metering equipment included.		
125# Desorber . . . . .	\$ 29,520	\$ 4,430
300# Desorber . . . . .	35,230	5,280
500# Desorber . . . . .	35,970	5,400
<u>DESTROILETS</u> - (See Metering Equipment - "Regulators")		
<u>DESURGERS</u> - (See Metering Equipment - "Regulators")		
<u>DESILTERS</u> - (See Metering Equipment - "Regulators")		
<u>DIATROLLERS</u> - (See Metering Equipment - "Regulators")		
<u>DOCKS, PLATFORMS, BUILDINGS</u> - (Assessed on an individual basis)		
<u>DRY DEHYDRATORS (DRIERS)</u> - (See "Scrubbers")		
<u>ENGINES - UNATTACHED</u> (Only includes engine & skids)		
Per Horsepower . . . . .	70	10
<u>EVAPORATORS</u> - No metering equipment included.		
CLASS I . . . . .	2,470	370
CLASS II . . . . .	4,940	740
CLASS III . . . . .	7,420	1,110
<u>EXPANDER UNIT</u> - No metering equipment included.		
Per Unit . . . . .	9,750	1,460
<u>FLOW SPLITTERS</u> - No metering equipment included.		
48 In. Diameter Vessel . . . . .	4,720	710
72 In. Diameter Vessel . . . . .	5,990	900
96 In. Diameter Vessel . . . . .	8,850	1,330
120 In. Diameter Vessel . . . . .	12,440	1,870
<u>FIRE CONTROL SYSTEM</u> - (Assessed on an individual basis)		
<u>FURNITURE &amp; FIXTURES</u> - (Assessed on an individual basis)		
Field operations only according to location.		
<u>GAS COMPRESSORS</u> - Package unit - skids, scrubbers, cooling system and power controls. No metering or regulating equipment.		
Up to 1500 Horsepower (Per H.P.) . . . . .	380	60
1501 and Up . . . . .	190	30

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>GAS COOLERS</u> - No metering equipment.		
CLASS 10 CF . . . . (Per Unit) . . . . .	\$ 10,500	\$ 1,580
CLASS 12 CF . . . . (Per Unit) . . . . .	11,240	1,690
CLASS 14 CF . . . . (Per Unit) . . . . .	11,990	1,800
CLASS 16 CF . . . . (Per Unit) . . . . .	12,740	1,910
CLASS 18 CF . . . . (Per Unit) . . . . .	14,230	2,140
<u>GENERATORS</u> - Package Unit Only - No special installation.		
Per K.W. . . . .	140	20
<u>GLYCOL DEHYDRATION</u> - Package unit - including pressure gauge, relief valve, and regulator. No other metering equipment.		
Up to 4.0 MMCF/D . . . . .	6,750	1,010
4.1 to 5.0 MMCF/D . . . . .	8,610	1,290
5.1 to 10.0 MMCF/D . . . . .	9,220	1,380
10.1 to 15.0 MMCF/D . . . . .	11,920	1,790
15.1 to 20.0 MMCF/D . . . . .	17,980	2,700
20.1 to 25.0 MMCF/D . . . . .	19,560	2,930
25.1 to 30.0 MMCF/D . . . . .	25,780	3,870
30.1 to 50.0 MMCF/D . . . . .	31,930	4,790
50.1 to 75.0 MMCF/D . . . . .	50,960	7,640
75.1 & UP . . . . .	76,450	11,470
<u>HEATERS</u> - Includes unit, safety valves, regulators and automatic shut-down. No metering equipment.		
<u>STEAM BATH - DIRECT HEATER</u>		
24 In. Diameter Vessel - 250,000 BTU/HR Rate	3,670	550
30 In. Diameter Vessel - 500,000 BTU/HR Rate	5,170	780
36 In. Diameter Vessel - 750,000 BTU/HR Rate	6,440	970
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	8,690	1,300
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	11,760	1,760
<u>WATER BATH - INDIRECT HEATER</u>		
24 In. Diameter Vessel - 250,000 BTU/HR Rate	2,250	340
30 In. Diameter Vessel - 500,000 BTU/HR Rate	3,000	450
36 In. Diameter Vessel - 750,000 BTU/HR Rate	4,190	630
42 In. Diameter Vessel - 1,000,000 BTU/HR Rate	4,870	730
48 In. Diameter Vessel - 1,500,000 BTU/HR Rate	7,130	1,070

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>STEAM - (STEAM GENERATORS)</u>		
24 In. Diameter Vessel - 250,000 BTU/HR Rate	\$ 1,500	\$ 230
30 In. Diameter Vessel - 450,000 BTU/HR Rate	2,030	300
36 In. Diameter Vessel - 500 to 750,000 BTU/HR	2,400	360
48 In. Diameter Vessel - 1 to 2,000,000 BTU/HR	3,980	600
60 In. Diameter Vessel - 2 to 3,000,000 BTU/HR	5,910	890
72 In. Diameter Vessel - 3 to 6,000,000 BTU/HR	10,940	1,640
96 In. Diameter Vessel - 6 to 8,000,000 BTU/HR	17,840	2,680
<u>HEAT EXCHANGE UNITS - SKID MOUNTED - (See Production Units)</u>		
<u>HEATER TREATERS - Necessary controls, gauges, valves and piping. No metering equipment included.</u>		
<u>HEATER-TREATERS - Non-Metering</u>		
4 x 20 ft. . . . .	3,590	540
4 x 27 ft. . . . .	4,350	650
6 x 20 ft. . . . .	4,790	720
6 x 27 ft. . . . .	5,700	860
8 x 20 ft. . . . .	6,370	960
8 x 27 ft. . . . .	7,030	1,060
10 x 20 ft. . . . .	7,420	1,110
10 x 27 ft. . . . .	8,250	1,240
<u>HEATER-TREATERS-METERING - Also includes metering section with dump counters.</u>		
3 x 15 ft. . . . .	6,750	1,010
4 x 22 ft. . . . .	7,420	1,110
6 x 22 ft. . . . .	8,990	1,350
8 x 22 ft. . . . .	11,240	1,690
10 x 22 ft. . . . .	14,230	2,140
<u>L.A.C.T. (LEASE AUTOMATIC CUSTODY TRANSFER) - (See Metering)</u>		



<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>L.T.X. (LOW TEMPERATURE EXTRACTION)</u> - Includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc. - complete unit.		
RANGE I - Up to 5.0 MMCF/D . . . . .	\$ 29,680	\$ 4,450
RANGE II - 5.1 to 10.0 MMCF/D . . . . .	41,970	6,300
RANGE III - 10.1 to 15.0 MMCF/D . . . . .	53,650	8,050
RANGE IV - 15.1 and up MMCF/D . . . . .	69,250	10,390
<u>LIQUA METER UNITS</u> - (See Metering Equipment)		
<u>MANIFOLDS</u> - (See Metering Equipment)		
<u>MATERIAL &amp; SUPPLIES - INVENTORIES</u> - (Assessed on an individual basis)		
<u>METER CALIBRATING VESSELS</u> - (See Metering Equipment)		
<u>METER PROVER TANKS</u> - (See Metering Equipment)		
<u>METER RUNS</u> - (See Metering Equipment)		
<u>METER CONTROL STATIONS</u> - (Assessed on an individual basis)		
Not considered Communication Equipment.		
<u>METERING EQUIPMENT</u>		
<u>ACTUATORS</u> - Hydraulic, pneumatic & electric valves.	1,500	230
<u>CONTROLLERS</u> - Time cycle valve - valve controlling device (Also known as Intermittent)	910	140
<u>FLUID METERS:</u>		
<u>1 Level Control</u>		
24 In. Diameter Vessel - 1/2 bbl. dump	1,120	170
30 In. Diameter Vessel - 1 bbl. dump	1,270	190
36 In. Diameter Vessel - 2 bbl. dump	1,580	240
<u>2 Level Control</u>		
20 In. Diameter Vessel - 1/2 bbl. dump	1,390	210
24 In. Diameter Vessel - 1/2 bbl. dump	1,500	230
30 In. Diameter Vessel - 1 bbl. dump	1,580	240
36 In. Diameter Vessel - 2 bbl. dump	2,400	360

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>L.A.C.T. &amp; A.T.S. UNITS</u>		
30 lb. discharge. . . . .	\$ 5,470	\$ 820
60 lb. discharge. . . . .	6,960	1,040
<u>SOLAR PANELS</u>		
Per Unit (10" x 10"). . . . .	220	30
<u>METER RUNS - Piping, Valves &amp; Supports - No Meters</u>		
2 In. piping & valve . . . . .	910	140
3 In. piping & valve . . . . .	1,080	160
4 In. piping & valve . . . . .	1,270	190
6 In. piping & valve . . . . .	1,950	290
8 In. piping & valve . . . . .	2,930	440
10 In. piping & valve . . . . .	4,570	690
12 In. piping & valve . . . . .	4,940	740
14 In. piping & valve . . . . .	7,490	1,120
16 In. piping & valve . . . . .	11,990	1,800
18 In. piping & valve . . . . .	16,480	2,470
20 In. piping & valve . . . . .	22,480	3,370
22 In. piping & valve . . . . .	31,480	4,720
24 In. piping & valve . . . . .	43,470	6,520
<u>RECORDERS (METERS) - Includes both static element and</u> tube drive pulsation dampener - also one and two pen operation.		
Per Meter . . . . .	600	90
<u>METERING VESSELS (ACCUMULATORS)</u>		
1 bbl. Calibration Plate - (24 x 10). . .	710	110
5 bbl. Calibration Plate - (24 x 10). . .	1,720	260
7.5 bbl. Calibration Plate - (30 x 10). .	1,950	290
10 bbl. Calibration Plate - (36 x 10). . .	2,170	330
<u>MANIFOLDS - MANUAL OPERATED</u>		
<u>HIGH PRESSURE</u>		
Per Well. . . . .	1,790	270
Per Valve . . . . .	910	140
<u>LOW PRESSURE</u>		
Per Well. . . . .	910	140
Per Valve . . . . .	450	70

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>MANIFOLDS - AUTOMATIC OPERATED</u>		
<u>HIGH PRESSURE</u>		
Per Well. . . . .	\$ 4,800	\$ 720
Per Valve . . . . .	2,400	360
<u>LOW PRESSURE</u>		
Per Well. . . . .	3,890	580
Per Valve . . . . .	1,950	290
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors - in addition to normal equipment found on manual operated system.		
<u>NO METERING EQUIPMENT INCLUDED</u>		
<u>PROVER TANKS</u>		
5 bbl. (4 x 8). . . . .	3,220	480
10 bbl. (5 x 8). . . . .	3,750	560
15 bbl. (6 x 9). . . . .	4,190	630
20 bbl. (6 x 10) . . . . .	4,350	650
25 bbl. (8 x 9). . . . .	5,100	760
<u>REGULATORS</u>		
Per Unit. . . . .	600	90
<u>PIPE LINES - LEASE LINES</u>		
<u>STEEL</u>		
2 In. Nominal Size - Per Mile . . . . .	5,620	840
2 1/2 In. Nominal Size - Per Mile . . . . .	7,130	1,070
3 & 3 1/2 In. Nominal Size - Per Mile . . . . .	8,990	1,350
4, 4 1/2 & 5 In. Nominal Size - Per Mile. . . . .	12,740	1,910

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
PIPELINES - Continued		
<u>PLASTIC - P.V.C.</u>		
2 In. Nominal Size - Per Mile. . . . .	\$ 2,250	\$ 340
2 1/2 In. Nominal Size - Per Mile. . . . .	2,630	390
3 In. Nominal Size - Per Mile. . . . .	3,000	450
4 In. Nominal Size - Per Mile. . . . .	3,750	560
6 In. Nominal Size - Per Mile. . . . .	5,620	840
<u>PLASTIC - FIBERGLASS</u>		
2 In. Nominal Size - Per Mile. . . . .	4,500	680
3 In. Nominal Size - Per Mile. . . . .	6,370	960
4 In. Nominal Size - Per Mile. . . . .	7,870	1,180
6 In. Nominal Size - Per Mile. . . . .	13,860	2,080
<u>PIPE STOCK - (Assessed on an individual basis)</u>		
<u>PIPE STOCK - EXEMPT - (Under La. Const. Art. 7 § 21 (D-3))</u>		
<u>PRODUCTION UNITS</u>		
CLASS I - Per Unit - 1 Separator & 1 Heater	6,150	920
CLASS II - Per Unit - 2 Separators & 1 Heater	8,950	1,340
<u>PRODUCTION PROCESS UNITS - These units are by specific design and not in the same category as gas compressors, liquid and gas production units or pump-motor units. Assessed on an individual basis.</u>		
<u>PUMPS - IN LINE</u>		
Per horsepower rating of motor . . . . .	70	10
<u>PUMP-MOTOR UNIT - Pump and Motor Only</u>		
CLASS I (Water Flood, SW disposal, P/L, etc.)		
Up to 300 HP - Rated on Per HP of Motor.	140	20
CLASS II (High Pressure injection, etc.)		
301 and Up HP - Rated on Per HP of Motor	220	30

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>PUMPING UNITS - CONVENTIONAL &amp; BEAM BALANCE UNITS</u>		
Assessed according to well depth on which unit is operating.		
0 - 1,250 ft. well depth. . . . .	\$ 630	\$ 90
1,251 - 2,500 ft. well depth. . . . .	1,270	190
2,501 - 3,750 ft. well depth. . . . .	2,630	390
3,751 - 5,000 ft. well depth. . . . .	4,120	620
5,001 - 7,500 ft. well depth. . . . .	4,500	680
7,501 - 10,000 ft. well depth. . . . .	5,990	900
10,001 - 12,500 ft. well depth. . . . .	6,750	1,010
12,501 - 15,000 ft. well depth. . . . .	8,250	1,240
15,001 - 17,500 ft. well depth. . . . .	9,740	1,460
17,501 - 20,000 ft. well depth. . . . .	13,490	2,020
20,001 - deeper ft. well depth. . . . .	15,740	2,360
For "Air Balance" and "Heavy Duty" units multiply the above market value by 1.30.		
<u>REGENERATORS (ACCUMULATOR) - (See Metering Equipment)</u>		
<u>SAMPLER - (See Metering Equipment "Fluid Meters".)</u>		
<u>SCRUBBERS - TWO CLASSES</u>		
<u>CLASS I</u> - Manufactured, for use with other major equipment and at times included with such equipment as part of a package unit.		
8 In. Diameter Vessel . . . . .	820	120
10 In. Diameter Vessel . . . . .	1,190	180
12 In. Diameter Vessel . . . . .	1,350	200
<u>CLASS II</u> - Small "in-line" scrubber used in flow system usually direct from a gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.		
8 In. Diameter Vessel . . . . .	220	30
12 In. Diameter Vessel . . . . .	300	50
<u>NO METERING OR REGULATING EQUIPMENT INCLUDED IN THE ABOVE</u>		

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>SKIMMER TANKS</u> - (See Flow Tanks in tank section)		
<u>STABILIZERS</u> - Per Unit. . . . .	\$ 530	\$ 80
<u>SEPARATORS</u> - (No metering equipment included)		
125 PSI Vessel . . . . .	4,120	620
230 PSI Vessel . . . . .	5,100	760
500 PSI Vessel . . . . .	7,490	1,120
600 PSI Vessel . . . . .	7,870	1,180
1,000 PSI Vessel . . . . .	8,990	1,350
1,200 PSI Vessel . . . . .	10,500	1,580
1,440 PSI Vessel . . . . .	11,990	1,800
1,500 PSI Vessel . . . . .	12,740	1,910
2,000 PSI Vessel . . . . .	16,120	2,420
3,000 PSI Vessel . . . . .	18,740	2,810
4,000 PSI Vessel . . . . .	22,870	3,430
5,000 PSI Vessel . . . . .	26,980	4,050
6,000 PSI Vessel . . . . .	32,220	4,830
<u>SUMP/DUMP TANKS</u> - (See Metering Equipment "Fluid Tanks")		
<u>TANKS</u> - No metering equipment		
<u>FLOW TANKS</u> (Receiver or Gunbarrel)		
50 to 548 bbl. range		
Average tank size - 250 bbl. - per barrel	11.24	1.69
<u>STOCK TANK</u> (Lease Tank)		
100 to 750 bbl. range		
Average tank size - 300 bbl. - per barrel	8.24	1.24
<u>STORAGE TANKS</u> (Closed Top) - Per Barrel		
1,000 barrel . . . . .	12.00	1.80
1,500 barrel . . . . .	10.11	1.52
2,000 barrel . . . . .	7.87	1.18
2,001 - 5,000 barrel . . . . .	4.86	.73
5,001 - 10,000 barrel . . . . .	3.37	.51
10,001 - 15,000 barrel . . . . .	2.62	.39
15,001 - 55,000 barrel . . . . .	2.25	.34
55,001 - 150,000 barrel . . . . .	1.88	.28

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>INTERNAL FLOATING ROOF - Per Barrel</u>		
10,000 barrel. . . . .	\$ 4.86	\$ .73
20,000 barrel. . . . .	3.74	.56
30,000 barrel. . . . .	3.01	.45
50,000 barrel. . . . .	2.62	.39
55,000 barrel. . . . .	2.62	.39
80,000 barrel. . . . .	2.25	.34
100,000 barrel. . . . .	1.88	.28
<u>PONTOON FLOATING ROOF - Per Barrel</u>		
10,000 barrel. . . . .	5.62	.84
20,000 barrel. . . . .	4.13	.62
40,000 barrel. . . . .	3.37	.51
50,000 barrel. . . . .	3.01	.45
80,000 barrel. . . . .	2.62	.39
100,000 barrel. . . . .	2.25	.34
150,000 barrel. . . . .	1.88	.28
<u>VAPOR RECOVERY UNIT - No metering equipment</u>		
CLASS I. . . . .	3,300	500
CLASS II . . . . .	6,600	990
CLASS III . . . . .	9,900	1,490
<u>WATER FLOOD EQUIPMENT - (See "Pump-Motor, Class I")</u>		
<u>UTILITY COMPRESSORS</u>		
Per horsepower - rated on motor. . . . .	190	30
<u>WATERKNOCKOUTS - Includes unit, backpressure valve &amp; regulator, but no metering equipment.</u>		
24 In. Diameter Vessel . . . . .	1,190	180
30 In. Diameter Vessel . . . . .	1,500	230
36 In. Diameter Vessel . . . . .	1,790	270
48 In. Diameter Vessel . . . . .	2,840	430
72 In. Diameter Vessel . . . . .	3,980	600
96 In. Diameter Vessel . . . . .	6,370	950
120 In. Diameter Vessel . . . . .	9,590	1,440



TABLE 3.3  
SERVICE STATIONS  
MARKETING PERSONAL PROPERTY  
\*ALTERNATIVE PROCEDURE

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>SIGNS - - - Station Signs</u>		
6 ft. lighted-installed on 12 ft. pole. . . . \$	450	\$ 70
10 ft. lighted-installed on 16 ft. pole. . . .	1,460	220
<u>Rotators - (Additional Equipment)</u>		
Small & Medium Signs. . . . .	290	40
Large Signs . . . . .	500	80
<u>Attachment Signs - For Station Signs</u>		
Lighted - "Self-Serve" (4 x 11 ft.) . . . . .	340	50
Lighted - "Pricing" (5 x 9 ft.) . . . . .	570	90
<u>High-Rise Signs</u>		
16 ft. lighted - installed on:		
1 Pole. . . . .	2,700	400
2 Pole. . . . .	3,370	510
3 Pole. . . . .	3,940	590
<u>Attachment Signs - For High-Rise</u>		
Lighted "Self-Serve" (5 x 17 ft.) . . . . .	1,350	200
Lighted "Pricing" (5 x 9 ft.) . . . . .	570	90
<u>LIGHTS - - Light Poles - each. . . . .</u>	50	10
Lights - per pole unit. . . . .	110	20
<u>AIR &amp; WATER UNITS - Above ground. . . . .</u>	160	20
Below ground. . . . .	100	20
<u>AIR COMPRESSORS - 1/3 to 1 H.P. . . . .</u>	300	50
1 1/2 to 5 H.P. . . . .	640	100
<u>PUMPS - - Single - Self contained and/or remote con-</u>		
trolled computer - Non-electronic	620	90
<u>Dual - Non-Electronic. . . . .</u>	1,070	160

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSED VALUE</u>
<u>PUMPS - CONTINUED</u>		
<u>Single - Computerized, non-self-service,</u> post pay, pre/post pay, self- contained and/or remote controlled dispensers. . . . .	\$ 750	\$ 110
<u>Dual - Computerized.</u> . . . . .	1,320	200
<u>Read-Out Equipment - At operator of self-</u> service - Per Hose Outlet . . . . .	220	30
<u>Submerged Pumps - Used with remote control</u> equipment, according to number used - per unit . . . . .	310	50
<u>DRIVE ON LIFTS -</u> Single Post . . . . .	1,010	150
Dual Post . . . . .	1,690	250
<u>CAR WASH EQUIPMENT-</u> In Bay (Roll over brushes). . . . .	9,900	1,490
In Bay (Pull Through) . . . . .	17,430	2,610
Tunnel (40 to 50 ft.) . . . . .	33,170	4,980
Tunnel (60 to 75 ft.) . . . . .	36,260	5,440
<u>TANKS -</u> Average for all tank sizes (underground) - per gallon. . . . .	.29	.04

The above represents "Fair Market Value" and "Assessed Value" of modern stations and self-service marketing equipment. Other cost associated with such equipment is included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

\*This ALTERNATIVE ASSESSMENT PROCEDURE should be used ONLY when acquisition cost and age are unknown or unavailable. See GB Section for Normal Assessment Procedure.

TABLE 4.1  
DRILLING RIGS AND RELATED EQUIPMENT

Depth "0" to 3,499 Feet

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 371,000	\$ 55,650
4-6 Years	85%	315,000	47,250
7-9 Years	70%	260,000	39,000
10-12 Years	55%	204,000	30,600
13 Years or Older	40%	148,000	22,200

Depth 3,500 to 6,999 Feet

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 787,000	\$ 118,050
4-6 Years	85%	669,000	100,350
7-9 Years	70%	551,000	82,650
10-12 Years	55%	433,000	64,950
13 Years or Older	40%	315,000	47,250

Depth 7,000 to 9,999 Feet

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 1,124,000	\$ 168,600
4-6 Years	85%	955,400	143,300
7-9 Years	70%	786,800	118,000
10-12 Years	55%	618,200	92,750
13 Years or Older	40%	449,600	67,450

Depth 10,000 to 12,999 Feet

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 2,698,000	\$ 404,700
4-6 Years	85%	2,293,000	343,950
7-9 Years	70%	1,889,000	283,350
10-12 Years	55%	1,484,000	222,600
13 Years or Older	40%	1,079,000	161,850

TABLE 4.1 - Continued

Depth 13,000 to 19,999 Feet

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 3,597,000	\$ 539,550
4-6 Years	85%	3,057,000	458,550
7-9 Years	70%	2,518,000	377,700
10-12 Years	55%	1,978,000	296,700
13 Years or Older	40%	1,439,000	215,850

Depth 20,000 to 24,999 Feet

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 4,497,000	\$ 674,550
4-6 Years	85%	3,822,000	573,300
7-9 Years	70%	3,148,000	472,200
10-12 Years	55%	2,473,000	370,950
13 Years or Older	40%	1,799,000	269,850

Depth 25,000 Feet or Deeper

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 5,341,000	\$ 801,150
4-6 Years	85%	4,540,000	681,000
7-9 Years	70%	3,739,000	560,850
10-12 Years	55%	2,938,000	440,700
13 Years or Older	40%	2,136,000	320,400

BARGES (Hull)—Assess Barges (Hull) at 25 percent of the assessment for the Rig Age and Value Bracket, and add this to the proper rig assessment to arrive at total for barge and its drilling rig.

WORKOVER RIGS—Assess Workover Rigs at 25 percent of the assessment for the Rig Age and Value Bracket.

**CONSIDERATION OF OBSOLESCENCE**

Economic and/or Functional Obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been proved, the assessor must again exercise his discretion to determine the amount that shall be given.

**GUIDELINES FOR ASCERTAINING THE FAIR MARKET VALUE OF PIPELINES**

Pipelines which are not involved in the interstate transmission of products are to be assessed by parish assessors. Two separate classes of pipelines are identified because of differences in function, design and quality. The two classes are "lease lines", which are generally of lower quality, subject to changes in routes, etc.; and "other pipelines" which are generally larger and of higher quality.

Both classes of pipelines are to be assessed in the taxing district where located. A copy of LAT Form 14 is to be provided the pipeline owner. Surface equipment associated with pipelines (compressor stations, booster stations, etc.) are to be reported separately on LAT Form 5. Surface pipeline related equipment is to be valued individually at cost factored to current value less

physical deterioration. Pipelines are to be valued for assessment purposes at cost less physical deterioration. A cost schedule is provided for the various sizes of "other pipelines". Represented in this schedule is the cost-new, as of January 1, 1984 for the different size pipelines. This cost is to be reduced for the appropriate allowance for physical deterioration (Table 5.1) based on the age of the pipeline by multiplying replacement cost by the appropriate percent good factor. Where significant functional and economic obsolescence has been proven to the assessor, appropriate allowance should be made on an individual case basis.

Lease Lines—The category "lease lines" represents pipelines which are generally in the two inches to six inches size range. These pipelines are considered to be subject to changes in routes due to equipment and well requirements; and generally are not of the same quality as "other pipelines". These lines are generally associated with wells and surface equipment on the oil and gas production field. Fiberglass and plastic lines which are now being used in some areas are also covered in this category. Refer to Oil and Gas Property Section, Surface Equipment for "lease lines".

\* \* \*

6. Assessment will be based on Fair Market Value (refer to column on LAT-14) unless taxpayer provides evidence that conditions exist that warrants change. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been proved, the assessor must again exercise his discretion to determine the amount that shall be given.

TABLE 5.1

PIPELINE TRANSPORTATION

---

YEAR	PERCENT GOOD
1984	98
1983	94
1982	91
1981	88
1980	85
1979	81
1978	77
1977	74
1976	70
1975	65
1974	61
1973	57
1972	52
1971	47
1970	44
1969	40
1968	40*
1967	40*
1966	40*
1965	40*
1964	40*
1963	40*

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\*Actual Percent Good less than 40,  
minimum indicated.

TABLE 5.2

## CURRENT COSTS FOR OTHER PIPELINES

SIZE	COST PER FOOT	COST PER MILE
6"	\$ 14.27	\$ 75,350
8"	20.39	107,660
10"	30.53	161,200
12"	33.29	175,770
14"	40.09	211,680
16"	46.89	247,580
18"	54.02	285,230
20"	61.16	322,920
22"	69.32	366,010
24"	77.45	408,940
26"	84.94	448,480
28"	92.40	487,870
30"	101.25	534,600
32"	110.08	581,220
34"	118.23	624,250
36"	126.39	667,340
38"	135.00	712,800
40"	143.59	758,160
42"	152.21	803,670
44"	160.75	848,760
46"	169.29	893,850
48"	177.85	939,050

#### GUIDELINES FOR ASCERTAINING THE FAIR MARKET VALUE OF AIRCRAFT

Airplanes and helicopters not used in commercial or contract carrying of passengers and freight are subject to valuation and assessment by parish assessors. Antique airplanes, those manufactured at least 25 years ago and not being used in commerce, are exempt from personal property taxes. Any aircraft weighing less than 6,000 pounds which is owned by a private individual and not used for commercial or profit making purposes is also exempt from personal property taxes (R.S. 47:6001). As with other forms of personal property, aircraft are to be taxed where situated on January 1. Fair market value is the standard for valuation of aircraft. The procedures for discovery and valuation of Aircraft follow:

**DISCOVERY**—By their nature, aircraft are a highly mobile form of personal property. Aircraft listings for each parish are presently developed from a list supplied to the Louisiana Tax

Commission by the FAA detailing the owner, identification number, make, and other information for every aircraft in Louisiana registered with this agency. The Tax Commission, in turn, supplies this information to the parish assessors who shall supplement this list based on their own knowledge of recently purchased aircraft not included in the FAA listing or of aircraft typically operating in their parish but registered in another parish or state.

**VALUATION**—Fair market value is the valuation standard for aircraft. The assessor shall estimate the fair market value of each aircraft having situs in his parish through use of the information provided him on LAT Form 15. The same procedure shall be used as for other forms of machinery and equipment. That is, the original cost of the aircraft will be brought up to current value through use of the appropriate cost index, percent good factors and composite multipliers appearing in Table 6.1.

TABLE 6.1

AIRCRAFT (INCLUDING HELICOPTERS)

COST INDEX		AVERAGE ECONOMIC LIFE		
(AVERAGE)		10 YEARS		
YEAR	INDEX	EFFECTIVE AGE	PERCENT GOOD	COMPOSITE MULTIPLIER
1984	0.990	1	92	.91
1983	1.017	2	84	.85
1982	1.036	3	76	.79
1981	1.084	4	67	.73
1980	1.196	5	58	.69
1979	1.316	6	49	.64
1978	1.438	7	39	.56
1977	1.547	8	30	.46
1976	1.629	9	24	.39
1975	1.731	10	21	.36
1974	1.930	11	20	.39

\* \* \*

This procedure should only be used if the assessor has proof that the average economic life of the personal property is different from the average economic life as provided in the guidelines. Otherwise, use Procedure 1 to calculate the fair market value.

Alternative Procedure 3—This procedure should be used only if economic and/or functional obsolescence has affected the fair market value of the business and industrial personal property. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration.

The steps are:

1. Acquire the acquisition cost of the personal property.
2. Multiply the acquisition cost times the cost index, from Table 11.2.

3. Adjust the number derived in Step 2 for the economic and/or functional obsolescence.
4. Multiply the magnitude derived in Step 3 by the percent good, from Table 11.3.
5. The result is the fair market value of personal property that has suffered some economic and/or functional obsolescence.

This procedure should be used only if the assessor has evidence that the personal property has incurred significant economic and/or functional obsolescence. The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been proved, the assessor must again exercise his discretion to determine the amount that shall be given. Otherwise, use Procedure 1 to calculate the fair market value.



TABLE 11.2  
COST INDEXES

<u>YEAR</u>	<u>NATIONAL AVERAGE</u>	
	1926 = 100	January 1, 1984 = 100*
1984	776.4	0.990
1983	755.8	1.017
1982	742.4	1.036
1981	709.2	1.084
1980	642.8	1.196
1979	584.4	1.316
1978	534.7	1.438
1977	497.1	1.547
1976	472.1	1.629
1975	444.3	1.731
1974	398.4	1.930
1973	344.1	2.235
1972	332.1	2.316
1971	321.3	2.393
1970	303.3	2.535
1969	285.1	2.697
1968	273.2	2.815
1967	262.9	2.925
1966	252.5	3.046
1965	244.9	3.140
1964	241.8	3.180
1963	239.2	3.215
1962	238.5	3.224
1961	237.2	3.242
1960	237.7	3.235
1959	234.9	3.274

\*Reappraisal Date: January 1, 1984 - 769.0 (Base Year)

TABLE 11.4

COMPOSITE MULTIPLIERS

SUB-TABLE #1		SUB-TABLE #2		SUB-TABLE #3		SUB-TABLE #4		SUB-TABLE #5		SUB-TABLE #6		SUB-TABLE #7		SUB-TABLE #8	
3 Years		5 Years		8 Years		10 Years		12 Years		15 Years		20 Years		25 Years	
AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.
1	.69	1	.84	1	.89	1	.91	1	.93	1	.94	1	.96	1	.97
2	.50	2	.70	2	.80	2	.85	2	.88	2	.92	2	.95	2	.97
3	.35	3	.54	3	.69	3	.79	3	.83	3	.88	3	.93	3	.96
4	.22	4	.37	4	.59	4	.73	4	.79	4	.86	4	.93	4	.98
		5	.28	5	.51	5	.69	5	.79	5	.87	5	.98	5	1.04
		6	.26	6	.43	6	.64	6	.76	6	.89	6	1.03	6	1.11
				7	.37	7	.56	7	.72	7	.89	7	1.06	7	1.16
				8	.34	8	.46	8	.67	8	.85	8	1.08	8	1.21
				9	.33	9	.39	9	.59	9	.80	9	1.06	9	1.22
						10	.36	10	.50	10	.74	10	1.04	10	1.23
						11	.39	11	.46	11	.71	11	1.06	11	1.31
								12	.49	12	.69	12	1.12	12	1.43
								13	.46	13	.60	13	1.04	13	1.39
										14	.55	14	.96	14	1.34
										15	.53	15	.89	15	1.32
										16	.54	16	.84	16	1.29
												17	.76	17	1.24
												18	.70	18	1.14
												19	.67	19	1.04
												20	.66	20	.94
												21	.64	21	.83
														22	.74
														23	.68
														24	.65
														25	.65
														26	.65

CLASSIFICATION

The Modern Soil Surveys published by the U.S. Department of Agriculture, Soil Conservation Service in cooperation with the Louisiana Agricultural Experiment Station listed in Map Index, together with the conversion legends prepared and distributed by the Soil Conservation Service shall be used for determining the use value classification of agricultural, horticultural and timberland. The parishes in which Modern Soil Surveys have been completed are as follows:

- Acadia
- Allen
- Ascension
- Assumption
- \*Avoyelles
- Bossier
- Caddo
- \*Calcasieu
- \*Cameron
- \*Catahoula
- \*Claiborne
- \*Concordia
- \*DeSoto
- East Baton Rouge
- \*East Carroll
- Evangeline
- Lafayette
- \*Lafourche
- Madison
- \*Morehouse
- \*Natchitoches
- Ouachita
- Pointe Coupee
- Rapides
- Red River
- \*St. Bernard
- St. James
- St. John the Baptist
- \*St. Landry
- St. Martin
- St. Mary
- \*St. Tammany

- Franklin
- \*Grant
- Iberia
- Iberville
- Jefferson
- Tensas
- Terrebonne
- West Baton Rouge
- West Carroll

\* - Modern Soil Survey completed and now being published.

The General Soil Maps published by the U.S. Department of Agriculture, Soil Conservation Service listed in Map Index, together with the conversion legends prepared and distributed by the Soil Conservation Service shall be used for determining use value classification in all other parishes until the time that the Modern Soil Surveys for such parishes are completed. On January of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classification for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued.

It is the intent that General Soil Maps are to be used only in the absence of and until Modern Soil Surveys are completed in the future by the U.S. Department of Agriculture, Soil Conservation Service on presently unmapped areas. However, at the option of and by agreement between the assessor and the land owner Modern Soil Surveys that have been completed on any part of any parish (including individual farms or tracts of land), can be used for determining use value classification until such time as the Modern Soil Survey for that parish is completed.

MAP INDEX  
 LISTING OF GENERAL SOIL MAPS  
 & MODERN SOIL SURVEYS  
 FOR THE STATE OF LOUISIANA  
 PUBLISHED BY  
 U. S. DEPT. OF AGRIC., SOIL CONSERVATION SERVICE  
 IN COOPERATION WITH  
 LOUISIANA AGRICULTURAL EXPERIMENT STATION

Parish	General Soil Map		Modern Soil Surveys
	Date	Map No.	Date Published or Status
Acadia	July, 1972	4-R-14566-A	Sept., 1962 (series 1959#15)
Allen	Jan., 1970	4-R-28814-A	September, 1980
Ascension	Sept., 1972	4-R-16165-B	August, 1976
Assumption	July, 1970	4-R-15698-A	August, 1978
Avoyelles	Nov., 1970	4-R-15240-A	(Survey Complete - Being Published)
Beauregard	Nov., 1971	4-R-28744-A	
Bienville	Nov., 1971	4-R-16791-B	
Bossier	Nov., 1971	4-R-13994-B	August, 1962 (Series 1959#13)
Caddo	Nov., 1971	4-R-16024-A	September, 1980
Calcasieu	Aug., 1972	4-R-28741-B	(Survey Complete - Being Published)
Caldwell	Dec., 1970	4-R-15485-A	
Cameron	Nov., 1971	4-R-28743-A	(Survey Complete - Being Published)
Catahoula	June, 1971	4-R-16812-A	(Survey Complete - Being Published)
Claiborne	June, 1970	4-R-17132-A	(Survey Complete - Being Published)
Concordia	Dec., 1970	4-R-14761-A	(Survey Complete - Being Published)
DeSoto	Nov., 1971	4-R-29144-A	(Survey Complete - Being Published)
East Baton Rouge	May, 1972	4-R-25895-A	September, 1968
East Carroll	Jan., 1970	4-R-28748-A	(Survey Complete - Being Published)
East Feliciana	Nov., 1971	4-R-17441-A	
Evangeline	Nov., 1971	4-R-28936-A	August, 1974
Franklin	Sept., 1972	4-R-15069-B	August, 1981
Grant	Sept., 1972	4-R-16051-B	(Survey Complete - Being Published)
Iberia	Feb., 1974	4-R-15681-A	August, 1978
Iberville	Nov., 1971	4-R-16280-A	June, 1977
Jackson	Jan., 1971	4-R-16811-A	
Jefferson	Nov., 1971	4-R-17344-A	January, 1983
Jefferson Davis	Jan., 1970	4-R-28746-A	
Lafayette	Nov., 1970	4-R-15827-A	August, 1977
Lafourche	June, 1969	4-R-16329-A	(Survey Complete - Being Published)
LaSalle	Aug., 1970	4-R-16813-A	
Lincoln	Sept., 1972	4-R-17131-B	
Livingston	Feb., 1971	4-R-17440-A	
Madison	Mar., 1970	4-R-28745-A	May, 1982
Morehouse	Aug., 1972	4-R-15071-B	(Survey Complete - Being Published)
Natchitoches	Aug., 1972	4-R-16790-B	(Survey Complete - Being Published)
Orleans	July, 1970	4-R-3865-A	
Ouachita	June, 1971	4-R-15070-A	February, 1974
Plaquemines	Dec., 1969	4-R-28742-A	
Pointe Coupee	Oct., 1970	4-R-14739-A	March, 1982
Rapides	Sept., 1975	4-R-15239-A	June, 1980
Red River	Nov., 1971	4-R-16027-A	June, 1980

Map Index (Continued)

Parish	General Soil Map		Modern Soil Surveys
	Date	Map No.	Date Published or Status
Richland	Oct., 1971	4-R-14778-A	
Sabine	Apr., 1970	4-R-29238	
St. Bernard	Aug., 1970	4-R-17359-A	(Survey Complete - Being Published)
St. Charles	Nov., 1971	4-R-16166-A	
St. Helena	Mar., 1971	4-R-17438-A	
St. James	Nov., 1971	4-R-19476-A	August, 1973
St. John	Nov., 1971	4-R-19476-A	August, 1973
St. Landry	May, 1970	4-R-29386	(Survey Complete - Being Published)
St. Martin	Sept., 1970	4-R-15484-A	April, 1977
St. Mary	May, 1972	4-R-31670	March, 1959 (Series 1952#3)
St. Tammany	Aug., 1972	4-R-17443-B	(Survey Complete - Being Published)
Tangipahoa	Nov., 1971	4-R-17439-A	
Tensas	July, 1972	4-R-13919-A	October, 1968
Terrebonne	Aug., 1972	4-R-31732	February, 1960 (Series 1956#1)
Union	Nov., 1971	4-R-17133-A	
Vermilion	Jan., 1970	4-R-28747-A	
Vernon	June, 1971	4-R-16053-A	
Washington	Nov., 1971	4-R-17437-A	
Webster	Nov., 1971	4-R-27092-A	
West Baton Rouge	July, 1970	4-R-14740-A	March, 1982
West Carroll	Mar., 1976	4-R-14767-A	May, 1977
West Feliciana	Sept., 1975	4-R-29109-A	
Winn	Dec., 1970	4-R-16052-A	

\* \* \*

13. Documents and papers offered in evidence by the parties at a hearing before the Commission shall be marked as exhibit. Exhibits offered by a taxpayer shall be marked "Taxpayer's Exhibit Number \_\_\_\_" and shall be consecutively numbered. Exhibits offered by the assessor shall be marked "Assessor's Exhibit Number \_\_\_\_" and shall be consecutively numbered. Exhibits offered by the Commission or its representative shall be marked "Commission Exhibit Number \_\_\_\_" and shall be consecutively numbered.

14. At the close of evidence, five minutes will be allowed each side to argue its case.

15. Hearings may be conducted by a hearing officer selected and appointed by the Commission. The hearing officer shall have the authority to administer oaths, may examine witnesses and rule upon the admissibility of evidence and amendments to pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

16. The hearing officer will have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence and presenting a proposed order to the Commission. The proposed order shall be served upon the protesting party by certified mail, return receipt requested.

17. The word Commission as used herein refers to the chairman and the members, or is delegate appointed to conduct the hearings.

\* \* \*

... mail, return receipt requested.

12. The hearing officer shall direct all parties to enter their appearance on the record. In all proceedings, the protesting party shall open. After the protesting party has presented all its evidence, the Hearing Officer may call upon any party or the staff of

the Commission for further material or relevant evidence upon any issue.

13. The Commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and each protest and shall provide for such copies of the transcript as may be required for the purposes of the Commission.

14. Briefs shall be filed within seven days of receipt of the Hearing Officer's proposed order. The points involved shall be concisely stated, the evidence in support of each point shall be briefly summarized, and the argument and authorities shall be organized and directed to each point in a concise and logical manner.

15. Any evidence which would be admissible under the general statutes of the State of Louisiana, or under the rules of evidence governing proceedings in matters not involving a trial by jury in the courts of the State of Louisiana, shall be admissible before the Louisiana Tax Commission. Other evidence may be admitted by the Commission if it is at all probative and relevant provided the substantive rights of all parties are protected. The rules of evidence shall be applied liberally in any proceeding to the end that all needful and proper evidence shall be conveniently, inexpensively and speedily heard while preserving the substantive rights of the parties to the proceeding.

16. A protesting party, with leave of the hearing officer of the Commission, may present prepared testimony of a witness upon direct examination, either narrative or question and answer form, which shall be incorporated in the record as if read, upon the witnesses being sworn and identifying the same. Such witness shall be subject to cross-examination. One signed original and four reproduced copies of said signed original shall be filed. Only the original of a Deposition need be filed.

Jamar W. Adcock  
Chairman

## RULE

### Department of the Treasury State Bond Commission

#### RULE PURSUANT TO ACT 105 OF 1984 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

"Applications for preliminary approval for non-traditional purpose bonds (as previously defined by State Bond Commission rules) shall be assessed an application fee of \$1,000 which shall be submitted prior to the deadline for filing the application. In addition an amount equal to one-twentieth of one percent of the face amount of the bonds to be issued for the respective project must be remitted within five days of the closing of said bonds. However, this rule shall not apply to such applications where security for the indebtedness or evidence thereof consists of, in whole or in part, tax revenues or the full faith and credit of the state or any of its departments, agencies or any of its political subdivisions."

Thomas D. Burbank, Jr.  
Director and Secretary

## RULE

### Department of the Treasury State Bond Commission

#### RULE PURSUANT TO HOUSE RESOLUTION NO. 9 OF THE 1984 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

The Commission proposes to repeal Rule IV, adopted November 20, 1982, and amend its rules and regulations regarding non-traditional tax-exempt bond issues as adopted on November 12, 1979 by the Bond Commission and published in the *Louisiana Register* on November 20, 1979, by adding the following proposed rule:

"(13)" All prospective issuers of non-traditional purpose bonds (as previously defined herein) must provide at least five day's notice prior to their initial consideration of application for non-traditional purpose bonds to state legislators representing the geographical area in which the project is contemplated to be located. Thereafter, at least 24 hours notice of subsequent consideration(s) of non-traditional purpose bonds must be provided to the legislators.

The notice(s) will include the following information:

- (1) Name of issuer
- (2) Financing beneficiary: (a) proprietorship, partnership, publicly held corporation, closely held corporation, non-profit corporation, other (explain); (b) State of organization; (c) principals and addresses of beneficiary
- (3) Estimated amount of issue
- (4) Guarantor
- (5) Bond counsel
- (6) Legal authority to issue bonds
- (7) Location of project: street, city, parish: in lieu of tax payment?
- (8) Description of project
- (9) If historical building, age of building
- (10) Employment impact information:
  - (a) Temporary construction jobs
  - (b) New permanent jobs/annual payroll
  - (c) Present jobs retained or transferred/annual payroll
  - (d) Total jobs/annual payroll of 10(a) and 10(b)
- (11) Date, time, location and any other pertinent information

mation related to the meeting(s) at which the project will be considered.

Thomas D. Burbank, Jr.  
Director and Secretary

## RULE

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

The following rule was ratified at the regular monthly meeting of the Wildlife and Fisheries Commission held October 9, 1984 in Baton Rouge, LA.

WHEREAS, the Louisiana Wildlife and Fisheries Commission was requested to consider the issue of those lease applications which were cancelled for failure to comply with a commission rule requiring them to survey the application within the six month period after notification for which the applicant had executed a forfeiture agreement, and

WHEREAS, the following pertinent comments were pointed out at previous meetings of the Commission's Oyster and Shrimp Committee by memoranda and discussions and generally again today by Dr. Ford, Mr. Schafer, Mr. Ron Dugas, or Mr. James Anyon:

- (1) That the original purpose of the "Moratorium on Applications" for Oyster Leases was to permit the Survey Section to become reasonably current with many outstanding applications that were a number of years old,
- (2) That much progress has been made,
- (3) That achievement of a "current" operating basis was projected to be reached in the next 12 to 18 months provided field surveys continued to be completed at the current level or improved in quantity accomplished and could be executed,
- (4) That the original and primary purpose of the "Partial lifting of the moratorium" on applications was to permit and encourage younger fishermen to get in the oyster business as oyster farmers by obtaining their own leases,
- (5) That the original guidelines of six month's limitation was recommended and agreed upon by representatives of the oyster industry after much discussion,
- (6) That we felt the opportunities extended by the department were conducted fairly and reasonably in accordance with the provisions established by the Commission provided that there was no procrastination by the applicants,
- (7) That every reasonable courtesy and consideration was extended by the staff,
- (8) That any extension or reinstatement of this group of cancelled applications could have the very serious potential of setting the survey section back substantially in trying to achieve a current operating level since each private survey had to be examined and checked very carefully (some having been referred back to the private surveyors several times—up to six times in one case, at least, for making corrections) and, finally,
- (9) That these eight points and others constitute good and valid grounds for the staff recommending no further consideration without any prejudice towards any oyster farmers.

WHEREAS, hearing a proposal submitted by the Louisiana Oyster Dealers and Growers Association, the Plaquemine Oyster Association, and the Terrebonne Parish Oyster Association,

NOW, THEREFORE BE IT RESOLVED, that those persons that had applications cancelled because of the failure to meet the six month restriction would be allowed to reapply under the following rules:

- I. Only the applicants whose applications were cancelled

for failure to comply with the six month requirement could reapply.

A. The individual would have 15 days from receipt of a certified letter (return receipt) to re-apply. If no response, there shall be no further consideration for reinstatement of the application.

B. The reapplication would have to use the same description, in other words, the same area as the original application if still available and no more acreage but possibly encompassing less acreage; however, it would not supersede any existing applications or encompass leases which were surveyed after any prior cancellations.

C. The reapplication would have to be for not more than the acreage applied for in the cancelled application; however, it could be for less acreage.

D. The applicant would be required to pay an additional 20 percent of the basic application fee to cover the cost of administrative services, and this would be based on the acreage applied for.

E. The same applicant must apply; he or she can not change the name on the application, nor can the application be transferred to another person.

II. The applicant would then have six more months from the date of the application to complete this survey.

III. The department's survey section would use a different prefix to distinguish these applications from those cancelled.

IV. If the applicant fails to comply with any of the above rules, and the department's applicable rules and regulations for this program, the application will be cancelled and the application fee retained by the department.

J. Burton Angelle  
Secretary

## **RULE**

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

The following rule was ratified at the regular monthly meeting of the Wildlife and Fisheries Commission held October 9, 1984 in Baton Rouge, LA.

WHEREAS, the Commission biologists and the Chief of the Seafood Division have recommended the fishing of the oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork, and Oyster Bayou, and

WHEREAS, the Department of Health and Human Resources will examine the growing oysters of this aforementioned area approve the waters for fishing oysters if the health standards are met, and

NOW, THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake Oyster Season for 1984-85 be set in accordance with the following rules and regulations:

(1) That the oyster season in Calcasieu Lake be fixed to extend from one-half hour before sunrise on Monday, November 12, 1984 through one-half hour after sunset on Friday, March 15, 1985 with the right being reserved to close said season sooner if biologically justifiable.

(2) That oyster fishing be limited only to the use of tongs and to daylight hours.

(3) The open areas shall be confined to the area of Calcasieu Lake with the exception of Calcasieu River and Ship Channel, East Fork, West Fork, and Oyster Bayou which shall be closed.

(4) The three inch culling law shall be observed by all fishermen fishing the area and the culls shall be scattered around the

perimeter of the reefs to provide for expansion of future harvesting.

(5) The taking of oysters for commercial purposes shall be limited to ten sacks per boat per day by law.

(6) All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115.

(7) The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day).

(8) All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving the fishing vessel. All sacks entering into commerce shall be tagged.

J. Burton Angelle  
Secretary

## **RULE**

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

The following rule was ratified at the regular monthly meeting of the Wildlife and Fisheries Commission held October 9, 1984 in Baton Rouge, LA.

WHEREAS, the fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and

WHEREAS, this resource is a renewable natural one, which has proven under wise management to increase in importance in our state; and

WHEREAS, an annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management; and

WHEREAS, fur prices were depressed for a third year during the 1983-84 trapping season as a result of the world economic situation; and

WHEREAS, this depressed price level dramatically reduced trapping effort in upland and coastal areas resulting in a low harvest; and

WHEREAS, federal restrictions imposed by the CITES Scientific Authority concerning out-of-state shipment for otter and bobcat furs will again require placement of a possession tag by trappers or buyers to insure state origin; and

WHEREAS, the zonation concept has continued to be beneficial in reducing late caught unprime furs and has produced mainly favorable comments generated within the fur industry; and

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish the 1984-85 furbearers trapping season for the northern zone as being November 20, 1984 through February 15, 1985 and the southern zone as being December 1, 1984 through February 28, 1985, and sets a bag limit for daytime and nighttime raccoon and opossum hunting outside the trapping season of one raccoon and/or opossum per hunter per day or night; and

BE IT FURTHER RESOLVED, that the attached regulations governing the buying, tagging and shipment of bobcat and otter pelts are adopted for the 1984-85 trapping season.

This is to certify that the above and foregoing is a true copy of the excerpt of the minutes of the meeting of the Louisiana Wildlife and Fisheries Commission held in Baton Rouge, Louisiana on Tuesday, August 6, 1984.

J. Burton Angelle  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Commerce Real Estate Commission

Notice is hereby given that the Louisiana Real Estate Commission will conduct a public hearing on Thursday, November 29, 1984, 9:30 a.m. at the Baton Rouge Hilton Hotel, 5500 Hilton Avenue, Baton Rouge, LA, for the purpose of considering amendments to the following rules and regulations of the commission: LAC 11-15:2.2, 4.3, 5.1, 6.1, 8.3, 9.2, 9.6, 9.7, 9.8, and 34.4.4 (all of which pertain to submission of fees and would add the requirement for certified money upon submission of fees to the LREC), and LAC 11-15:7.7 (which would repeal the waiver of 100 hours of education credit based on out-of-state real estate experience).

This hearing will be conducted pursuant to the Louisiana Administrative Procedure Act R.S. 49:950, et. seq., and the authority vested in the commission by R.S. 37:1435, 1440 and 1460.

Copies of the proposed rules will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the office of the Louisiana Real Estate Commission, 9542 Brookline Avenue, Baton Rouge, LA 70809, and may be obtained by writing Anna-Kathryn Williams, Executive Director, Louisiana Real Estate Commission, Box 14785, Baton Rouge, La. 70808. Interested parties may direct inquiries and present their views, in writing, to Ms. Williams or may appear at the meeting on November 29.

Anna-Kathryn Williams  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Waivers

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Under the proposed rule, persons who wish to apply for a brokers license based on experience rather than education must delay their application until the appropriate number of classroom hours can be complete.

In addition to the delay, affected applicants must also pay course tuition for the classroom hours they must complete. The cost per applicant will depend on the number of hours required and the cost per hour charged by instructor or real estate school.

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

There is no anticipated impact on the real estate industry, but there will be a greater demand for the services of

real estate schools as potential broker applicants seek to meet the non-waivable education requirement.

Anna-Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: All rules pertaining to certified money

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Eliminates possibility of receipt of NSF checks submitted for license fees and eliminates possibility of loss of revenue through inability to collect fees and loss of time in collection of such fees.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No way to estimate. Charges for certified checks or money orders vary with the different institutions.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None

Ann-Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Commerce Used Motor Vehicle and Parts Commission

At its October 1984 regular meeting the Board of Commissioner adopted these proposed rules.

#### RULE 1

#### ORGANIZATION

#### MEETINGS OF THE COMMISSION

The Commission shall meet at its offices in Baton Rouge, Louisiana on the third Thursday in each month to transact such business as may properly come before it. The regular meetings will convene at the hour of 4:30 p.m. and shall continue at the pleasure of those present. Any change of monthly meetings will be in accordance with the Open Meeting Law RS 42:5.

#### SPECIAL MEETINGS

Special meetings shall be held upon call of the chairman by notice given to the members of the Commission at least 48 hours prior to the time the meeting is to be held; such notice to be given by telephone, telegraph or letter.

#### QUORUM OF THE COMMISSION

Five members of the Commission shall constitute a quorum for the transaction of official business. Fewer than a quorum may adjourn the meeting.

#### EXECUTIVE DIRECTOR

The executive director of the Louisiana Used Motor Vehicle and Parts Commission shall be in charge of the Commission's office and shall conduct and direct the activities thereof in the manner as directed by the Commission. The employees of the Commission shall report to the executive director.

#### RULE 2

#### CORRESPONDENCE WITH COMMISSION

All correspondence by letter with the Commission shall be addressed to the attention of the executive director.

Louisiana Used Motor Vehicle and Parts Commission forms,



applications and dealer aids are recognized as the Commission of-  
ficial forms for licensing and communication.

#### RULE 3

##### OFFICIAL SEAL

The official seal of the Louisiana Used Motor Vehicle and Parts Commission shall be as follows: The outline of the State of Louisiana with a small star denoting the approximate location of Baton Rouge, which name appears to the left of the star. It shall be bordered by the inscription, Louisiana Used Motor Vehicle and Parts Commission.

The executive director shall be the custodian of the official seal and shall affix the imprint or the facsimile thereof to all license certificates issued by the Louisiana Used Motor Vehicle and Parts Commission.

#### RULE 4

##### DEALERS TO BE LICENSED

Dealers in used motor vehicles and other types used vehicles subject to Certificate of Title Law under Title 32 and/or Vehicle Registration License Tax under Title 47.

Dealers in new and used motor homes, new and used semi-trailers, new and used motorcycles, and other types subject to Certificate of Title Law under Title 32 and/or Vehicle Registration Tax under Title 47. All new and unused vehicle dealers and other dealers licensed by the Louisiana Motor Vehicle Commission are excluded from licensing by the Louisiana Used Motor Vehicle and Parts Commission.

Dealers in used parts or used accessories of motor vehicles. Automotive dismantlers and parts recyclers.

Motor vehicle auctions and salvage pools are considered used motor vehicle dealers and must comply with licensing regulations contained herein.

#### RULE 5

##### LICENSE FOR USED MOTOR VEHICLE DEALER

Used dealer license will be issued in the legal name of the individual, proprietorship, partnership or corporation as identified on the application for dealer license.

##### QUALIFICATIONS AND ELIGIBILITY

The Commission, in determining the qualifications and eligibility of an applicant for a used motor vehicle dealer's license for used motor vehicles, will base its determinations upon the following factors:

(1) The ability of the applicant to establish an adequate place of business, properly zoned in the municipality, provide a suitable office, have a permanently affixed sign, clearly visible from the street or roadway in front of the establishment which denotes that vehicles are offered for sale at the location to which the sign is affixed. Applicant must have a useable telephone at the place of business, the number of which should be listed on the application for license. The Commission must be notified of any change in the telephone number.

(2) All motor vehicle dealers are required to furnish and keep in force the minimum required liability insurance coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

(3) The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, and whether such applicant will devote full or part time to the business.

A used motor vehicle dealer's license shall consist of a signed certificate bearing the official seal of the Commission and the name and address of the dealership and assigned a dealer number, which shall be posted in a conspicuous place in the dealer's place or places of business. The used motor vehicle dealer's license number will be prefixed with UD, followed by a four digit number and then the current year of license (UD-0000-85).

The valid used motor vehicle dealer's license permits the dealer to transfer and assign titles, purchase and sell used motor vehicles without paying Louisiana general sales tax.

\* A dealer who has multiple locations will be allowed from his salesman's license to sell at all locations owned by him.

Dealers in new and used motor homes, new and used semi-trailers and new and used motorcycles likewise must meet the above qualifications to be eligible and all these types license numbers will be prefixed by NM, followed by a four digit number then the current year of license (NM-0000-85). Semitrailers are described in the title law as every single vehicle without motive power designed for carrying property and passengers and so designed in conjunction and used with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle and having one or more load carrying axles. This includes, of course, recreational trailers and boat trailers, but excludes *mobile homes*. One license shall be due for new and used operators at the same location.

#### RULE 6

##### ESTABLISHED PLACE OF BUSINESS FOR THE USED MOTOR VEHICLE DEALER

An established place of business shall mean a permanently enclosed building or structure either owned in fee, leased or rented, which meets local zoning or the municipal requirements, and regularly occupied by a person, firm or corporation, easily accessible to the public at which a regular business of selling used motor vehicles will be carried on in good faith; and, at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business; and, shall not mean tents, temporary stands, lots, or other temporary quarters.

#### RULE 7

##### LICENSE FOR USED MOTOR VEHICLE SALESMAN QUALIFICATIONS AND ELIGIBILITY

The Commission, in determining the qualifications and eligibility of an applicant for a used motor vehicle salesman license, will base its determinations upon the following factors:

(1) The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, and whether such applicant will devote full or part time to the business.

(2) A license for a used motor vehicle salesman will not be issued, renewed or endorsed until the employing dealer is licensed and has certified that the applicant for said license is in his employ. It is not intended that the dealer pay for licenses for its salesmen. However, for convenience, the dealer may do so on a reimbursable basis or any other plan satisfactory to its organization. All salesman licenses will be sent to the dealer for distribution to the respective applicants, and the dealer will determine that all its personnel required to obtain licenses have done so.

A salesman's license shall consist of an identification card bearing the name, address, name of employer, date, signature of the executive director, salesman's license number, prefixed with SM, followed by the dealer's license number, then the single or double digit number of the salesman and then the current year of license (SM-0000-1-85). The card shall be carried upon his person at all times when acting as a used motor vehicle salesman at licensee location.

A certificate will be issued by the Commission to be retained by the employing dealer as evidence that its salesmen are properly licensed. Upon termination of employment, the certificate will be returned by the dealer to the office of the Louisiana Used Motor Vehicle and Parts Commission within 10 days.

A salesman may not hold more than one used motor vehicle salesman's license at any one time or be employed by or sell for, any dealer other than the dealer and at the address designated

on the salesman's license, with the exception that the licensed dealer has more than one location. The licensed dealer and licensed salesman may sell on each location properly licensed as additional locations, provided the additional locations are in the same name as the principal location.

#### RULE 8

##### LICENSE FOR AUTOMOTIVE DISMANTLER

Automotive dismantler license will be issued in the legal name of the individual, proprietorship, partnership or corporation as identified on the application for dismantler license.

##### QUALIFICATIONS AND ELIGIBILITY

The Commission, in determining the qualifications and eligibility of an applicant for an automotive dismantler's license, will base its determinations upon the following factors:

(1) The ability of the applicant to establish an adequate place of business, properly zoned in the municipality, provide a suitable office, have a permanently affixed sign, clearly visible from the street or roadway in front of the establishment. Applicant must have a usable telephone at the place of business, the number of which must be listed on the application for license. The Commission must be notified of any change in the telephone number.

(2) The applicant's business integrity, based upon the applicant's experience in the same or similar business, his business history, and whether such applicant will devote full or part time to the business.

An automotive dismantler's license shall consist of a signed certificate bearing the official seal of the Commission and the name and address of the business and assigned a dismantler number, which shall be posted in a conspicuous place in the dismantler's place or places of business. The automotive dismantler's license number will be prefixed with AD, followed by a four digit number, then the current license year (AD-0000-85).

Every automotive dismantler and recycler issued an automotive dismantler's license and number will be permitted to purchase and sell salvage vehicles and transfer motor vehicle titles for the purpose of dismantling and selling the parts thereof to include the salvaged vehicle with title.

An automotive dismantler and parts recycler may offer a rebuilt wrecked, abandoned or repairable motor vehicle at wholesale only. If such vehicle is offered for sale at retail, the dismantler will be operating as a used motor vehicle dealer and is subject to licensing requirements and used motor vehicle dealer rules and regulations thereof. However, an automotive dismantler and parts recycler, duly licensed by the Commission, shall have the authority to transfer the certificate of title as a dealer under the Louisiana certificate of title law, i.e., transfer to another dealer without payment of tax. In order to sell a vehicle at retail an automotive dismantler and parts recycler must be licensed hereunder as a used motor vehicle dealer providing a good and sufficient surety bond, executed by the applicant as principal by a surety company qualified to do business as surety in the sum of \$10,000. Only one bond is required for both operations.

#### RULE 9

##### PLACE OF BUSINESS OF AN AUTOMOTIVE DISMANTLER AND RECYCLER

Place of business means the place owned, leased or rented, which meets local zoning or the municipal requirements, and regularly occupied by a person, firm or corporation, licensed under the provisions of this act for the principal purpose of engaging in the business of an automotive dismantler and parts recycler, where the products for sale are displayed and offered for sale, and where the books and records required for the conduct of the business are maintained and kept.

#### RULE 10

##### BUYER IDENTIFICATION CARD

Sales at a salvage pool or salvage disposal sale shall be

opened only to persons possessing a buyer's identification card. Bids at salvage pools or salvage disposal sales shall be verified as licensed dismantler bids by imprinting the dismantler's buyer's identification card on each bid sheet accepted for sale of salvage vehicles.

#### QUALIFICATIONS AND ELIGIBILITY

The Commission, in determining the qualifications and eligibility of an applicant for a buyer's identification card, will base its determinations upon the following factors:

(1) The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, whether such applicant will devote full or part time to the business and whether such applicant is a resident of the state in which he is employed.

(2) A buyer's identification card will not be issued, renewed or endorsed until the employing automotive dismantler is licensed and has certified that the applicant for said permit is in his employ and a resident of the state of said employment.

All buyer's identification cards will be sent to the dismantler for distribution to the respective applicants. There shall be no more than three buyer's identification cards per business.

The buyer's identification card shall include the name, driver's license number, name and address of the employer of the applicant and signature of the applicant; and number prefixed with BID, followed by the dismantler's license number, then the number of the cardholder (1, 2, or 3), followed by the current year (BID-0000-1-85). Cards obtained for the buyers will be \$25 each.

The buyer's identification card shall be carried upon the cardholder's person and same displayed to owner, manager, or person in charge of any salvage pool or salvage disposal sale. Physical description and signature of cardholder must be compared with cardholder's driver's license for valid identification by owner, manager, or person in charge of any salvage pool or salvage disposal sale. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to refuse to sell to any person any wrecked or repairable motor vehicle if such person does not display a valid buyer's identification card.

A certificate will be issued by the Commission to be retained by the employing dismantler as evidence that its buyer's identification cardholder is properly licensed. Upon termination of employment, the certificate will be returned by the dismantler to the office of the Louisiana Used Motor Vehicle and Parts Commission within 10 days.

Dismantlers licensed in other states shall be permitted to buy at a salvage pool or salvage disposal sale provided that those out of the state dismantlers are licensed as dismantlers in states which have a dismantler license law that includes the inspection and control by the respective state of salvage disposal sale records, provided, that they obtain a buyer's identification card as required in this law.

#### RULE 11

##### CHANGES TO BE REPORTED TO COMMISSION

(1) Any changes of address, ownership or employment by the dealer shall be reported to the Commission within 10 days of the change. A picture of the new location must be sent with notification.

(2) The dealer will notify the Commission when a salesman's employment is terminated by returning the salesman's certificate as set out in Rule 7.

(3) Each salesman shall surrender his identification card to the Commission and obtain a new license for the new location before again engaging in the business as a salesman for another used motor vehicle dealer.

(4) Any change which renders no longer accurate any information contained in an application for a dismantler's license filed

with the Commission shall be amended within 30 days after the occurrence of the change on the form prescribed by the Commission, accompanied by the appropriate fee.

(5) The dismantler will notify the Commission when a buyer's identification cardholder's employment is terminated by returning the buyer's identification cardholder's certificate as set out in Rule 10.

#### RULE 12

##### REGISTER OF BUSINESS TRANSACTIONS

Every dealer and dismantler shall keep a register and/or records of all purchases and sales of motor vehicles for three years from the date of purchase or sale, showing the make, model, year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle; to include all titles, purchase agreements, implied and written warranties, disclaimers or service contracts and any other condition of sale or inventory and parts records.

Such registers and/or records shall be made available for inspection by the Used Motor Vehicle and Parts Commission representatives or identified law enforcement officers of the state, parish and municipality where the business of the dealer or dismantler is located, during reasonable business hours or business days.

#### RULE 13

##### CONDITION OF SALE OF A MOTOR VEHICLE

(1) Vehicle Service Contracts: The Vehicle Service Contract must be approved by the Commission in that the contract content and forms to be used will be filed 10 days prior to selling such contract and if not rejected in 10 days from the filing date, the service contract will be conditionally approved.

(2) Condition of Sale Contracts and Warranty Disclaimers: Condition of Sale Contracts and Warranty Disclaimers are considered approved if the language meets all other state and federal laws and conditions to constitute a bona fide represented sale. All conditions of sale and warranties to the consumer shall be in writing.

Dealers are required to keep on file copies of all Condition of Sale, Warranty Disclaimers and Service Contracts and any other related conditional forms which express the condition of sale for a period of three years from date of sale or as required by any other federal, state or local regulations.

#### RULE 14

##### PERIOD FOR RENEWALS

Applications should be submitted by November 1 of each year. If applications have not been made for renewal of existing licenses, such licenses shall expire December 31 and it shall be illegal for any person to represent himself as a dealer thereafter. The Commission shall issue all new licenses by January 10 of each year.

#### RULE 15

##### COMPLAINTS

All forms of complaints made to the Commission must be made on the complaint form provided by the Commission. A used car consumer action panel will hear complaints on a condition of sale, implied and written warranties and service complaints on those warranties, if complaints cannot be satisfied in any other manner.

Written comments may be addressed to Francis A. Landry, Box 66127, Baton Rouge, La., 70896-6127.

Francis A. Landry  
Executive Director

#### **Fiscal and Economic Impact Statement**

##### **For Administrative Rules**

##### **Rule Title: Implementation of Act 773**

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

These rules have no implementation cost other than

those associated with legislation establishing the Commission (Act 773 of the 1984 Regular Session). Funding for these expenses will be provided by fees collected from licensees as provided by law.

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

These rules establish more specific license granting and control procedures, thereby making it more difficult for non-licensed used car dealers to avoid payment of state and local sales taxes on the purchase of a motor vehicle for resale. As a result, state and local sales tax revenues should be increased. The amount of the increase cannot be quantified because the commission has no enforcement history in this area.

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

Non-licensed used car dealers would not be able to avoid paying sales tax due on the purchase of vehicles for ultimate resale. Thus, they would either have to become licensed or pay the additional tax.

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

The direct impact of the licensing procedure will have only a marginal impact on competition and employment unless unlicensed dealers choose to shut down rather than obtain the required license. The rules also implement a procedure for the Used Car Consumer Action Panel to hear complaints on conditions of sale, implied and written warranties, and service complaints. This should assist consumers who previously had little recourse on grievances against used car dealers.

Francis A. Landry  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

#### **NOTICE OF INTENT**

##### **Department of Culture, Recreation and Tourism Office of Cultural Development Division of the Arts**

In accordance with the provisions of LRS 49:950, et seq., the Administrative Procedure Act, and the authority given in Act 265 of 1977, notice is hereby given that the State Division of the Arts, an agency in the Office of Cultural Development, an office of the Louisiana Department of Culture, Recreation and Tourism, intends to amend the 1984-85 program guidelines for the funding and administration of the State's arts grants program.

Copies of the complete set of proposed changes in the program guidelines are available for public inspection at the offices of the Division of the Arts at 666 North Foster Drive, Baton Rouge, LA. The proposed revisions of the 1984-85 grant guidelines for 1985-86 consist of: Changing deadlines and requirements for submitting applications for grants-in-aid; adding an Arts in Education Program for parish and public libraries; adding a Local Arts Agency Program; renaming the Block Grant Program to Major Arts Institution Program, and in that program limiting requests for general programming to 15 percent of prior year operating income and adding challenge fund raising for up to an additional 15 percent; and other minor changes of a technical nature to clarify and/or improve narrative in current guidelines.

Interested persons may submit written comments to the proposed guideline changes to Al Head, Division of the Arts, Box 44247, Baton Rouge, LA 70804 before December 15, 1984.

Mrs. Noelle LeBlanc  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Arts Grants**

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

There will be neither additional costs nor savings to the agency to implement the proposed changes because existing staff can perform all related functions as required by the rule change. This rule change will not require additional costs or savings to local governmental units. Allocations will be based on budgetary appropriations.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no projected costs to affected groups; however, by adopting the proposed changes, potential applicants will be better equipped to determine their eligibility to apply and the conditions under which they may apply. This information will make the grants process more efficient for these groups, resulting in a saving of time and cost in programmatic and financial planning for arts activities in 1985-86.

This rule change may provide an economic benefit to teachers who participate in teacher training or teacher workshops in the arts. Additionally, public and parish libraries may also benefit economically. The teachers and libraries may benefit due to the fact that this is the first time that either group may apply for Arts Grants funds.

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

There will be no effect on employment; however, there will be more competition for the amount of dollars available (in certain grant programs) being that more groups will be eligible to apply.

Noelle LeBlanc  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

1. The Board changed scores required on the National Teacher Examinations Area Examinations for initial certification in Louisiana in four teaching areas and rounded all scores required on the Area Examinations to the nearest score reported by tests' publisher as recommended by the State Department of Education as follows:

Area Examination	Area Score
Agriculture	470
Biology and General Science	580
Business Education	540
Chemistry/Physics, General Science	530
Early Childhood Education	510
Education in Elementary School	550
English language/Literature	550
French	520
German	500
Home Economics	510
Mathematics	550
Media Specialist/Library/A-V	560

Music Education	530
Physical Education	550
Social Studies	550
Spanish	540
Mentally Retarded	540

2. Amend Bulletin 1191, *School Transportation Handbook* to delete the upper age limit for hiring regular school bus drivers.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., January 8, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: NTE AREA SCORES**

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

The only anticipated implementation cost to the state through the MFP and to local school systems would be related to a possible minimal increase in salary costs due to replacement of uncertified personnel, who currently do not receive step increases under the minimum salary schedule, by certified teachers who would be eligible for step increases.

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

If increased numbers of teachers are certified, an increase in teacher certification fee collections would result. The extent of this increase cannot be accurately determined, but is anticipated to be minimal.

A small increase in local revenue through the MFP would be possible, related to step increases for certified teachers addressed above.

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

Action should make larger numbers of persons eligible for teacher certification in Louisiana; exact numbers cannot be accurately estimated since they depend on the numbers seeking certification in various teaching areas.

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

Action should increase the supply of certified teachers in some teaching areas; particularly mathematics, business education, and social studies, and may reduce the number in English. This action will probably result in replacement of some personnel currently hired under Bulletin 665 and temporary certificates by certified teachers.

Joseph F. Kyle  
Deputy Superintendent for  
Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Bulletin 1191**

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

It will cost approximately \$25.00 to notify the 66 local school systems of the change and to update Bulletin 1191.

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

There will be no effect on revenue collections.

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

There will be no effect on revenue collections.

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

The approval of this change will provide the local school systems with a larger number of eligible school bus drivers.

Joseph F. Kyle  
Deputy Superintendent for  
Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Environmental Quality Office of the Secretary

Under the authority of the Louisiana Environmental Quality Act, L.R.S. 30:1061(d)(16) and 1094(B) et seq. and in accordance with Sections 106 and 303 of the Federal Clean Water Act, the secretary of the Department of Environmental Quality (DEQ) initiated rulemaking procedures on proposed rules and procedures for establishing priority ratings for Construction Grants projects within the Office of Water Resources, Water Pollution Control Division on September 9, 1984. The proposed rules were presented at a public hearing held in Baton Rouge on October 30, 1984 at which public comments were received. The secretary afforded all interested persons further opportunity to submit oral or written comments on the final proposed rules. Comments received by the agency in person or by mail prior to November 30, 1984 will be considered by the Department of Environmental Quality before a final decision is rendered by the secretary to adopt the proposed rule. All written comments should be submitted to J. Dale Givens, Assistant Secretary, Office of Water Resources, Box 44066, Baton Rouge, LA 70804-4066 or at (504) 342-6363.

Following approval of a fiscal impact statement by the Legislative fiscal office, the proposed rule will be forwarded to the Oversight Subcommittees of the Joint Committees of Natural Resources for their consideration and approval. Prior to the hearing conducted by the subcommittees, the Department will submit to the subcommittees a summary of all written or oral comments received. Upon approval by the Oversight Subcommittees of the Joint Committee on Natural Resources, the Department of Environmental Quality will consider the final adoption of this rule.

The primary purpose of the proposed rule is to revise the method of evaluating the need for sewage facilities in local communities based on environmental and public health consideration, and to establish priority ratings for these communities based on this evaluation. This rule is intended to comply with applicable provisions of the Federal Clean Water Act and federal regulations promulgated to implement the Act. The revision of the Priority System is mandatory to maintain the Construction Grants Program which provides federal funds to communities for construction of necessary sewage facilities.

The agency contact responsible for responding to inquiries concerning the proposed rule is J. Dale Givens, Assistant Secretary, Office of Water Resources, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-6363.

Copies of the proposed rule may be obtained by writing to: Ms. Coral Johnston, Department of Environmental Quality, Water Pollution Control Division, Box 44066, Baton Rouge, LA 70804-

4066, or phone (504) 342-6363. In addition, copies of the proposed rule are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Louisiana Department of  
Environmental Quality  
Water Pollution Control Division  
State Land and Natural  
Resources Building  
Ninth Floor  
625 North Fourth Street  
Baton Rouge, LA

Louisiana Department of  
Environmental Quality  
Northwest Regional Office  
1525 Fairfield Ave., Room II  
Monroe, LA

Louisiana Department of  
Environmental Quality  
Southwest Regional Office  
1155 Ryan Street  
Second Floor  
Lake Charles, LA

Louisiana Department of  
Environmental Quality  
Lafourche Regional Office  
302 Barataria St.  
Lockport, LA

Louisiana Department of  
Environmental Quality  
Northeast Regional Office  
804 Thirty-First Street  
Shreveport, LA

Louisiana Department of  
Environmental Quality  
Southeast Regional Office  
3945 North I-10 Service Road  
Metairie, LA

Louisiana Department of  
Environmental Quality  
Acadiana Regional Office  
100 Eppler Road  
Lafayette, LA

Patricia L. Norton  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: State of Louisiana Construction Grants Priority System

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

There will be no additional implementation costs or savings to state or local governmental units because the necessary staff and federal funds are already provided; however, state and local governmental units may use a portion of the total federal fund allocation for administrative cost associated with the implementation of this rule (i.e. approximately 3 to 4 percent).

Presently, there are approximately 23 positions with an associated operating budget of approximately \$850,000 to administer the \$27 million Louisiana Construction Grants Priority System for sewerage facilities.

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

Adoption of these proposed rules will have no additional effect on revenue collections of state and local governmental units being that methods (e.g. bonds, user fees, sales tax, etc.) already exist in order to generate the necessary matching funds, when applicable.

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

The adoption of these rules will have no direct effect on economic costs or benefits; however, because changes have been made at the federal level, certain communities will have to provide all or a portion of their own funds (i.e. additional costs) for projects that heretofore were eligible for federal/Construction Grant funds. Consequently, some communities will receive economic benefits due to the fact that the existing

allocated funds (\$27 million) will be distributed to more eligible communities.

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

The Construction Grants program provides some \$25 to \$27 million in funds to local communities each year for construction of sewage treatment facilities. Construction contracts are competitively bid and provide employment for many construction workers; however, the adoption of these rules will have no additional effect on competition and employment being that the rules are simply initiated to conform with federal regulations.

Patricia L. Norton  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Office of the Governor Commission on Law Enforcement

In accordance with the applicable provisions of the Administrative Procedure Act, Louisiana Revised Statutes 49:950, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement intends to adopt State Grant-In-Aid Procedures and Guidelines which will apply to the utilization of State Grant-In-Aid funds issued by the Louisiana Commission on Law Enforcement to local criminal justice agencies.

#### State Grant-in-Aid Program Procedures

1. All State Grant-In-Aid juvenile projects must be reviewed first by the Juvenile Justice and Delinquency Prevention (JJDP) Advisory Board prior to review by the Louisiana Commission on Law Enforcement (LCLE).

2. Applications received at the Louisiana Commission on Law Enforcement on or before the 15th of the month shall be presented to the Commission at the meeting in the following month.

3. Funding for equipment grants will be made on the basis of a signed purchase order or dated invoice submitted by the grantee.

4. Payment from the region for training shall be on a reimbursement basis subject to State Travel Regulations. All other subgrants shall be made on a quarterly draw-down basis.

5. All funds unawarded by the February Commission meeting shall be reviewed by the Louisiana Commission on Law Enforcement for redistribution.

6. Local councils may permit local block training funds to be used to reimburse meals and travel expenses incurred while attending basic training.

7. Any subgrant to a single agency in excess of \$3,000 made from regional block training funds, excluding basic training, must be approved by the Louisiana Commission on Law Enforcement.

#### 8. Appeals Procedure

When an application for funding is rejected by the Commission, or when an approved subgrant is discontinued, the applicant or subgrantees may appeal the decision of the Commission by filing a notice of appeal with the Louisiana Commission on Law Enforcement at the recognized business address (1885 Wooddale Boulevard, Room 610, Baton Rouge, LA 70806). The notice of appeal must be by certified mail and must be filed no later than 15

business days after receipt of the notice of denial by the applicant or subgrantee.

Upon receipt of the notice of appeal by the LCLE, the Executive Director will notify the Commission that an appeal hearing will be held on the date of the next regularly scheduled Commission meeting. The Priorities Committee will hear the appeal and make recommendations to the Commission. The Executive Director shall designate the time and place of the meeting, and a copy of the notice shall be sent to the applicant or subgrantee.

On the date of the next regularly scheduled Commission meeting, the Priorities Committee shall meet and hear evidence by the applicant or subgrantee relative to reasons the appeal should be granted. The applicant or subgrantee may present as many witnesses as may be necessary to support his appeal, except that the Committee Chairman may limit the number or time allotted to the witnesses where necessary. The Secretary to the Commission shall take minutes of the appeal hearing and the entire hearing shall be recorded. The Committee may also request other evidence relating to the application or project.

At the conclusion of the hearing, the Committee shall present its findings and make recommendations to the Commission.

A vote shall then be taken on the appeal.

In the event the appeal is denied, the applicant or subgrantee may, within 15 days of the date of denial, file with the Office of the Governor and the Louisiana Commission on Law Enforcement, a notice of appeal to the Governor. The notice of appeal must be by certified mail.

Upon receipt of the notice of appeal to the Governor, the Louisiana Commission on Law Enforcement shall have 15 days to provide the applicant or subgrantee and the Governor with the minutes of the appeal hearing and a copy of the vote of the Commission. The recorded tapes shall also be made available to the Governor at his request.

The results of the appeal to the Governor shall be communicated to the Louisiana Commission on Law Enforcement within 20 days.

Nothing herein shall preclude the resubmission of an application through the use of regular Louisiana Commission on Law Enforcement procedures.

#### State Grant-in-Aid Program Guidelines

1. All grants must be approved by the Louisiana Commission on Law Enforcement (LCLE).

2. No traffic-related grants will be eligible, with the exception of Driving While Intoxicated (DWI) and substance abuse related projects.

3. Local criminal justice agencies are the only eligible grantees (including private non-profit agencies involved in juvenile delinquency prevention or other specific crime problems). State agencies are ineligible for participation.

4. Personnel costs are limited to full-time personnel. Supplementing of personnel is prohibited.

5. Indirect costs are ineligible expenditures.

6. No state grant-in-aid funds may be used for project evaluation or for the expenses of Regional Planning Units (RPU's) or Criminal Justice Coordinating Councils (CJCC's).

7. There is a general restriction prohibiting the funding of the following items:

(a) All mobile vehicles (automobiles, vans, airplanes, boats, etc.), gasoline, tires, automobile repair and maintenance, insurance, uniforms, leather and accessories, maintenance of aforementioned equipment and uniforms, firearms and ammunition.



(Wadcutter ammunition for training purposes will be considered on a case-by-case basis.)

(b) No automobile accessories will be allowed except radio equipment.

(c) All office equipment and furniture: desks, typewriters, file cabinets, chairs, tables, credenzas, lamps, etc.

(d) Solely recreation programs and recreational equipment are ineligible for funding in the juvenile area.

8. Renovation will be limited to a maximum of \$25,000 in grant funds. Renovation will be allowable only on agency-owned or long-term lease (minimum five years) facilities. Funds may not be used to purchase real property.

9. Private, non-profit agencies, with the exception of RPU's, will be required to have a current surety bond equal to the amount of the grant.

10. Consultants and contracts will be limited to research/development and training programs. Consultants may not be used to perform services ordinarily accomplished by existing personnel. Consultant contracts and agreements must receive approval from LCLE, prior to release of funds.

11. Consultant services which are available as no-cost technical assistance will not be eligible for funding.

12. Use of confidential funds are subject to rules and regulations established by the Louisiana Commission on Law Enforcement.

13. State reimbursement for basic training tuition shall not exceed \$400 per person certified by Peace Officer Standards and Training (POST). (Requires successful completion) Reimbursement shall be limited to tuition cost only. (No travel, lodging and meals)

14. No university (or any certified academy) receiving direct state appropriations for law enforcement training shall be eligible for training funds under this program, with the exception of jailer training.

15. No agency on official notice by the Louisiana POST Council of non-compliance with state basic training mandates shall be eligible for participation in the State Grant-In-Aid (GIA) Program, except basic training reimbursement.

16. To be eligible for participation in the State GIA Program, local criminal justice agencies will be required to comply with requests for information mandated by the Louisiana Commission on Law Enforcement.

17. All travel expenses will be based on State Travel Regulations.

18. Grant funds shall not be used for lobbying activities.

19. Politically oriented material (brochures, leaflets, films, etc.) are prohibited for payment from grant funds.

20. Child abuse and/or child neglect projects or components thereof are ineligible for funding except for criminal justice agencies.

21. Need for computer purchase must be documented and receive prior approval of the LCLE.

22. A "requirement analysis" documenting the need for computer software and/or hardware, must accompany the application and receive prior approval.

The proposed procedures and guidelines will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after November 21, 1984, at the offices of the Louisiana Commission on Law Enforcement, 1885 Wooddale Boulevard, Room 610, Baton Rouge, LA. Comments may be submitted in writing through December 31, 1984, to the Louisiana Commission on Law Enforcement, 1885 Wooddale Boulevard, Room 610, Baton Rouge, LA 70806.

Michael A. Ranatza  
Executive Director

## Fiscal and Economic Impact Statement For Administrative Rules

### Rule Title: State Grant-In-Aid Guidelines and Procedures

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation of this regulation will cause state or local governmental units to incur no additional costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation of this regulation will cause no effect on revenue collections of the state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Implementation of this regulation will produce no additional economic costs or benefits to affected persons and non-governmental units.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Implementation of this regulation will have no effect on competition and employment.

Michael A. Ranatza  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Office of the Governor Department of Veterans Affairs

The Louisiana Department of Veterans Affairs intends to publish revisions and an addition to rules previously published pertaining to the War Veterans Home Eligibility Requirements and Residents, Care and Maintenance Fees. These would repeal (upon publishing) those rules published in the *Louisiana Register*, Volume 9, Number 8, dated August 20, 1983, and Volume 10, Number 2, dated February 20, 1984.

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, LA, 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, LA, 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 for 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.

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. When computing Care and Maintenance fees the following Rule will apply. For a domiciliary resident he/she may retain the first \$180 per month of his/her income provided income is \$300 or more per month. Any remaining income will be applied to Care and Maintenance fees until maximum care cost is reached. If the income is less than \$300 per month resident retains the first \$60 per month and the remainder will be divided equally, half going to the veteran and the other half going toward Care and Maintenance. The veteran is expected to handle personal expenses out of his retained funds.

SECTION B. If a veteran has a dependent he/she may be allowed a deduction from total income of up to \$300/month for a spouse and up to \$150/month for a dependent child before the Care and Maintenance fee is figured. The exact amount of deduction will be computed based on dependent's monthly income. This Rule also applies to nursing care residents.

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. SECTION A. For Nursing Care I and II (PEA) residents, the following Rule will apply when computing Care and Maintenance fees. Residents will retain the first \$60 per month, to be used for personal expenses. The remaining income will be applied to Care and Maintenance fee until maximum care cost is reached.

SECTION B. For Nursing Care III, intermediate level care residents, the following rule will apply when computing Care and Maintenance fees. Residents will retain the first \$100 per month, to be used for personal expenses. The remaining income will be applied to Care and Maintenance fee until maximum cost is reached.

9. Residents must apply for all monetary benefits for which they may be entitled from both the State and Federal Government.

10. Care and Maintenance fees are payable one month in advance. These fees are due before the tenth of each month. A portion of a month will be prorated 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 unless they desire that a bed be held until their return. For periods of leave from the Home, maintenance fees are payable as arranged with the Administrator or his designee. Note: Residents that are unable to pay charges in advance will be allowed to prorate the advance month fee over a twelve month period.

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). The Home also reserves the right to establish retroactive charges effective to the date a change in income occurs.

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 \$500 if single, and \$5,000 if married, the resident will 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 residents' in-house accounts in excess of \$2,500.

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

14. The Home Administrator when given incorrect income information will avail himself of all state laws to recoup all monies that should have been available to the Home for Care and Maintenance Fees, retroactive to the time that these monies became available for the resident's use while he/she was staying at the Louisiana War Veterans Home.

15. All residents of the Louisiana War Veterans Home who feel that they have unusual circumstances can request relief and consideration of reduction of Care and Maintenance Fees. The resident must apply for this consideration through the War Veterans Home Administrator for recommendation to the Director of Veterans Affairs for approval or disapproval. In the event this request is denied, an appeal may be submitted to the Veterans Affairs Commission for their consideration. The Veterans Affairs Commission's decision shall be rendered final.

Interested persons may submit written comments to the following address: Cleo C. Yarbrough, Director, Louisiana Department of Veterans Affairs, Fourth Floor, Old State Capitol, Baton Rouge, LA 70801.

Cleo C. Yarbrough  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Collecting & Handling of Fees,  
Eligibility Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No cost of implementation as this will be done with present staffing levels.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The implementation of the rules as attached should favorably affect self-generated funds at the War Veterans Home. The amount of the increase is not precisely quantifiable due to variance in ability to pay by individual residents.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Benefits to the veteran resident will not be altered.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None.

Cleo C. Yarbrough  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Governor's Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs intends to amend the policies governing the statewide Long Term Care Ombudsman Program to provide clarification about personnel requirements.

Subsection 708 of the Governor's Office of Elderly Affairs Policy Manual is being revised to require each area agency on ag-

ing Ombudsman Program to have an ombudsman program coordinator; to suggest a personnel ratio of one ombudsman per nursing home; to allow ombudsmen to take leave of absence without jeopardizing their certification; and to provide credit toward certification for someone who has served as a nursing home ombudsman in another state.

Information concerning the proposed changes in the ombudsman program rules can be obtained by writing: Mrs. Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, 4528 Bennington Avenue, Box 80374, Baton Rouge, La. 70898-0374. The effective date of the proposed rule change is January 10, 1985.

*From: State of Louisiana, Office of the Governor, Office of Elderly Affairs Policy Manual (Adopted June 20, 1984).*

708 LONG TERM CARE OMBUDSMAN PROGRAM (45 CFR 21151 §1321.43)

A. Purpose—The long term care ombudsman program has been established in Louisiana to ensure that residents of long term care facilities in each parish receive the quality of care and quality of life to which they are entitled.

B. Definitions—For purpose of this section, "long term care facility" means:

- a skilled nursing facility (SNF) as defined in Section 1861 (j) of the Social Security Act;
- an intermediate care facility (ICF) as defined in Section 1905 (c) of the Social Security Act;
- a nursing home as defined in Section 1098(3) of the Social Security Act; or
- any other similar adult care home as defined by the Governor's Office of Elderly Affairs in the state plan.

"Administrative action" means any action or decision made by an owner, employee, or agent of a long term care facility, or by a government agency, which affects the provision of services to residents covered by this Section.

C. Functions of the Ombudsman Program—There are four primary functions of the long term care ombudsman program (LTCOP):

- investigate and resolve complaints made by or on behalf of individuals who are residents of long term care facilities concerning administrative actions that may adversely affect such residents' health, safety or rights;
- monitor the development and implementation of federal, state and local laws, regulations and policies that relate to long term care facilities in Louisiana.
- provide information to public agencies about the problems of persons in long term care facilities; and
- train volunteers and program personnel and assist in the development of citizen organizations to participate in the ombudsman program.

#### D. Program Structure

The LTCOP operates on two levels: state and planning and service area (PSA).

1. State Level—The Governor's Office of Elderly Affairs has, and shall maintain, a full-time long term care ombudsman. Other staff may be added as necessary to implement the program. Specific program functions may be contracted.

2. Planning and Service Area Level—Every area agency on aging which has a nursing home within its boundaries shall establish and operate a LTCOP. The service may be operated directly by the area agency or may be contracted to a qualified provider or providers. At a minimum, such programs shall:

- investigate, record, and resolve complaints;
- record and report complaint information;
- advertise the existence and function of the area agency and state LTCOP, and

-advise the public about, or arrange for the availability of, current state, local and federal inspection reports, statements of deficiency, and plans for correction for individual long term care facilities in the service area.

The LTCOP must be free from any conflicts of interest with long term care providers which might compromise the program's efforts to impartially investigate and resolve complaints. The minimum amount of funds to be allocated for the ombudsman program in each PSA shall be determined by the Governor's Office of Elderly Affairs.

a. Program Personnel—Program personnel at the area agency level are defined as follows:

(1) Ombudsman Program Coordinator—Every LTCOP shall have a paid staff person who serves as an ombudsman program coordinator on at least a part-time basis. This person shall be certified as an ombudsman.

(2) Ombudsman—This person must be certified as an ombudsman and cannot serve as the ombudsman program coordinator unless there is only one nursing home in the PSA. The suggested personnel ratio is one ombudsman per nursing home.

(3) Ombudsman Program Participant—This person attends ombudsman training and routinely visits individual nursing home residents. The suggested personnel ratio is one ombudsman program participant for every 40 nursing home residents. No person shall use the title Ombudsman unless they have completed and maintained certification.

#### E. Personnel Qualifications and Responsibilities

##### 1. State Long Term Care Ombudsman

a. Qualifications—This person must meet the Civil Service requirements for the position and possess the following qualifications:

- demonstrated experience with long term care system or professional experience with long term care services and institutions;
- program development background and skills;
- administrative, arbitration, conciliation and/or negotiation experience and skills; and
- experience or education in gerontology and/or aging programs.

b. Responsibilities—The state long term care ombudsman shall:

- coordinate and monitor the development of the state-wide program;
- investigate and resolve complaints;
- train volunteers and program personnel;
- monitor development and implementation of laws and policies pertinent to long term care facilities; and
- provide information to public agencies about problems of long term care residents.

##### 2. Ombudsman Program Coordinator

a. Qualifications—The ombudsman program coordinator must have:

- a bachelor's degree;
- two years of experience in working with people;
- public relations skills;
- supervisory skills; and
- successful completion of ombudsman certification training program.

Comparable experience may be substituted for the first four qualifications at the discretion of the state long term care ombudsman, with the approval of the director of the Governor's Office of Elderly Affairs.

b. Responsibilities—It is the responsibility of the ombudsman program coordinator to:

- establish a focal point for receiving and processing complaints;
- investigate and resolve complaints;
- recruit, train and supervise ombudsmen and ombudsman program participants;
- explain the program to the community, including long term care facilities;
- visit in each nursing home within the PSA at least once a quarter and in at least one nursing home each month;
- coordinate the program with agencies serving nursing homes;
- encourage residents in self-advocacy;
- promote community involvement with long term care facilities;
- attend ombudsman training;
- report to the state LTCOP as required by the Governor's Office of Elderly Affairs; and
- adhere to the policies and procedures of the LTCOP.

### 3. Ombudsman

a. Qualifications—An ombudsman must have the following qualifications:

- graduation from high school or equivalency;
- two years of experience in working with people; and
- successful completion of ombudsman certification training program.

Comparable experience may be substituted for the first two qualifications at the discretion of the state long term care ombudsman, with the approval of the director of the Governor's Office of Elderly Affairs.

b. Responsibilities—It is the responsibility of the ombudsman to:

- visit in assigned nursing home at least two hours each week;
- serve as a liaison between residents, their families, and facility personnel and facility administration;
- encourage residents in self-advocacy;
- investigate and resolve complaints;
- refer problems that are not resolved to the ombudsman coordinator;
- record visits and complaints on the appropriate reporting forms;
- promote community involvement with long term care facilities;
- adhere to the policies and procedures of the LTCOP; and
- maintain ombudsman certification.

The assigned nursing home will be a facility where no relative (parent, grandparent, sister, brother) of the ombudsman resides.

### 4. Ombudsman Program Participants

a. Qualifications—The following qualifications are needed by ombudsman program participants:

- experience in working with people;
- ability to be observant;
- ability to be impartial; and
- completion of LTCOP orientation training.

b. Responsibilities—It is the responsibility of the ombudsman program participant to:

- visit in each assigned nursing home at least two hours per week;
- provide appropriate service to the residents;
- inform the residents of the LTCOP;
- observe the care in long term care facilities;
- refer problems to the ombudsman or ombudsman program coordinator; and
- attend at least three ombudsman training programs a year.

F. Ombudsman Certification—Individuals will be certified

as ombudsmen upon the successful completion of the ombudsman certification training program. The training program consists of three components: a 30 hour training program, an examination, and an internship in a long term care facility. State ombudsman personnel or their designees shall conduct the certification program. Trainees must meet the minimum personnel qualifications specified in the preceding section.

Individuals certified by nursing home ombudsman programs in other states can request the state ombudsman to consider their previous experience. The individual must submit a letter from the state ombudsman which describes the training program and verifies that the individual left the program in good standing. The individual will need to attend certification training on the following topics: regulatory system; rights of nursing home residents; Medicaid; complaint investigation and resolution; ombudsman policies and procedures. To complete Louisiana's certification requirements, the individual must pass the examination.

1. Training—Required training includes, but is not limited to the following topics:

- long term care ombudsman program;
- the process of aging;
- the institutionalized elderly;
- nursing homes;
- state and federal regulatory system;
- rights of nursing home residents;
- community resources;
- Medicaid and Medicare;
- complaint resolution; and
- ombudsman policies and procedures.

2. Examination—A written examination will be administered to assess the trainee's knowledge of the long term care system, of institutionalized residents, and of the problem-solving process. The examination will be evaluated on a "pass/conditional pass/fail" basis.

If a trainee receives a "conditional pass," the state ombudsman personnel, in conjunction with the trainee, will identify additional activities or training which must be successfully completed to obtain a "pass" rating.

If a trainee fails the examination, the state ombudsman personnel, in conjunction with the trainee, will identify additional training and activities to prepare the trainee for successful completion of the next written examination. Each trainee may take the examination no more than three times.

3. Internship—A passing score on the written examination must be attained prior to the internship. In conjunction with the training program, each trainee will be required to spend 12 hours visiting in a nursing home. Previous experience may not be substituted.

a. Purpose—The purpose of the internship is to:

- familiarize the trainee with a nursing home;
- provide an opportunity for the trainee to develop and/or refine skills in relating to residents and nursing home staff; and
- provide friendly visiting for nursing home residents.

b. Introduction—A prerequisite to visiting with the residents is an initial meeting with the nursing home administration. That meeting is to discuss the purpose of the internship and the facility's policies.

c. Evaluation—From two to four hours of the internship will be supervised by state ombudsman personnel. Evaluation forms to assess the internship will be completed by the nursing home administrator and state ombudsman personnel. The internship will be evaluated on a "pass/conditional pass/fail" basis. If a trainee receives a "conditional pass," the state ombudsman personnel, in conjunction with trainee, will identify additional activi-

ties which must be successfully completed to attain a “pass” rating. The internship may be evaluated only twice.

4. **Certification**—Certification is the mechanism whereby the state long term care ombudsman delegates the functions and responsibilities stated in Louisiana R.S. 40:2010.0 through 40:2010.5 to regional and local program personnel. Upon a trainee’s successful completion of the certification program, the person will become a certified ombudsman. The state ombudsman shall notify the trainee in writing of the certification designation and shall issue an identification card. A copy of the letter shall be sent to the local AAA and COA. The administrator of the long term care facility where the ombudsman will visit will be informed of the individual’s completion of the certification requirements. The state long term care ombudsman shall be responsible for notifying the administrator. Certification must be renewed annually by attending at least three days of in-service training conducted by state personnel and by adherence to ombudsman policies and procedures.

5. **Leave of Absence**—Individuals who are unable to fulfill their program responsibilities due to extended illness, family problems, or other unforeseen circumstances may request a leave of absence. A letter of request must be submitted to the state ombudsman with a specified time period for the leave. If granted, Ombudsman Program responsibilities will be suspended until the leave is concluded.

6. **Revocation**—Certification may be revoked by the state long term care ombudsman if ombudsman policies and procedures are violated. An ombudsman shall receive written notification that certification is to be revoked ten working days before revocation. The ombudsman may appeal the decision to the director of the Governor’s Office of Elderly Affairs prior to the date of revocation. If certification is revoked, the appropriate nursing home administrator shall be so informed in writing.

G. **Complaints**—The ombudsman is responsible for receiving complaints relating to residents of long term care facilities and taking necessary action to investigate and resolve those complaints.

1. **Complaint Receiving**—The ombudsman may receive complaints by phone or through written or in-person contact with complainant(s).

2. **Complaint Records**—Each complaint case will be assigned a number and be documented on the complaint log sheet developed by the Governor’s Office of Elderly Affairs.

3. **Complaint Investigation**—The ombudsman shall contact pertinent parties to the complaint either by phone, mail, or in person in order to gain details of the complaint. The investigation shall be initiated within five working days of receipt of the complaint to determine the validity of the complaint.

4. **Complaint Resolution**—In the process of resolving complaints, the ombudsman shall encourage residents to resolve complaints themselves. If the ombudsman is asked to act on behalf of a resident, the ombudsman shall seek to resolve the problem within the long term care facility by contacting the administrator or staff of the facility. If a referral to another agency is appropriate, the ombudsman shall make such a referral with the permission of the complainant. Follow-up shall be provided on referrals by the ombudsman. The complainant will always be kept informed by the ombudsman of the status of the complaint and may choose to stop the investigation or resolution process at any time.

H. **Access**—The ombudsman has access to the residents of long term care facilities and to residents’ records in accordance with Louisiana R.S. 40:2010.4.

1. **Facilities**—Access is granted to nursing homes which receive federal or state funds. Access to visit is allowed from 8 a.m. to 8 p.m. except in a case of bona fide emergency. The ombuds-

man shall notify the administrator or the person in charge upon entry into the facility. The ombudsman shall respect a resident’s desire for privacy.

2. **Records**—The ombudsman may review those portions of a resident’s records which are applicable to resolving a specific problem. Records may be reviewed only with the written consent of the resident or of the resident’s legal representative.

I. **Confidentiality**—All investigatory files, complaints, responses to complaints and all other information related to any complaint or investigation maintained by the ombudsman program shall be considered confidential information in accordance with Louisiana R.S. 40:2010.5. All complaint files maintained by the Governor’s Office of Elderly Affairs shall be secured in a locked file cabinet. All information retained by or developed by the ombudsman pertaining to complaints shall be considered confidential.

Information or records maintained by the ombudsman may be disclosed only if the ombudsman authorizes the disclosure, and the ombudsman does not disclose the identity of any complainant or resident unless:

- the complainant or resident, or a legal representative of either, consents in writing to the disclosure and specifies to whom the identity may be disclosed; or
- a court orders the disclosure.

The confidentiality and disclosure procedures do not preclude the ombudsman’s use of otherwise confidential information in the files for preparation and disclosure of statistical, case study, and other data, provided the ombudsman does not disclose the identity of persons otherwise protected in this section.

J. **Reporting**—The Governor’s Office of Elderly Affairs has established a statewide uniform reporting system to collect and analyze information on complaints and conditions in long term care facilities for the purpose of identifying and resolving significant problems.

I. **State Reports**—The ombudsman will submit this information to the director of the Governor’s Office of Elderly Affairs for recommendations to the governor and to the Department of Health and Human Resources, Office of Licensing and Certification.

2. **Local Program Reports**—All area agency long-term care ombudsman programs shall utilize the report forms developed by the Governor’s Office of Elderly Affairs to record their activities. Such reports are to be submitted monthly to the Governor’s Office of Elderly Affairs with information reported by parish.

Sandra C. Adams  
Director

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

### **Rule Title: Ombudsman Program Rule Change**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**  
There will be no implementation costs to state or local Governmental Units.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**  
Revenue collections will not be affected by this revision.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**  
There will be no costs and/or economic benefits to the ombudsman program of the area agencies on aging.

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

There will be no effect on competition and employment resulting from this revision.

Sandra C. Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Human Resources Cancer and Lung Trust Fund Board

The Louisiana Cancer and Lung Trust Fund Board proposes to adopt the following rule pursuant to LSA-R.S. 40:1299.80 et seq. effective January 20, 1985.

#### Procedural Regulations of the Board of the Louisiana Cancer and Lung Trust Fund

##### I. PURPOSE

The purpose of the Louisiana Cancer and Lung Trust Fund Board is to annually receive monies appropriated by the Legislature and other sources to be used solely for research on cancer and cardio-pulmonary diseases and clinical investigations and training in the fields of cancer and cardio-pulmonary diseases. The Board is to direct the disbursement of these monies to those persons/institutions whose proposed grant applications have been reviewed and approved by Peer Review Committees and reaffirmed by a majority vote of the Board. The Board is also responsible for other activities as provided under R.S. 40:1299.80 through 1299.90 including developing policies for the operation of a Louisiana State Tumor Registry and establishing rules and regulations for accumulation and distribution of data collected.

##### II. MEMBERSHIP

A. Membership of the Board is determined by R.S. 40:1299.88(D) and consists of members appointed and reappointed by the Governor, to serve at his pleasure, upon recommendation of each institution and organization represented: 1) a representative from Tulane University School of Medicine, 2) a representative from the Louisiana State University School of Medicine, New Orleans, 3) a representative from the Louisiana State University School of Medicine, Shreveport, 4) a representative from the Alton Ochsner Medical Foundation, 5) a representative of the American Cancer Society, Louisiana Division, 6) a representative of the American Lung Association of Louisiana, Inc., 7) a representative of the Leukemia Society of America, Inc., Louisiana Chapter, 8) a representative of the Mary Byrd Perkins Cancer, Radiation and Research Foundation, Inc., 9) a representative of the Flint Goodridge Hospital, and 10) a representative of the Louisiana State Medical Society.

B. A member will serve on the Board for an unlimited term, subject to R.S. 1299.88(D).

C. A member of the Board may send a substitute to a Board meeting, but that substitute is not entitled to a vote, nor entitled to any authorized reimbursement of expenses to which the member is entitled under R.S. 1299.88(E)3. A substitute member shall not be counted towards a quorum.

D. If any member of the Board misses three consecutive meetings the member's sponsoring institution or organization will be requested to recommend a replacement for that member to the Governor. The only exception to this section will be for circumstances uncontrolled by the absentee member explained in writing and accepted by a majority vote of the Board.

##### III. OFFICERS

A. There shall be a chairman, vice-chairman, secretary, and treasurer of the Board, with duties provided under R.S. 1299.88(E). Any member may hold two of these positions.

B. Officers shall serve one-year terms, beginning on the first day of October. No officer shall hold the same office more than two consecutive years.

C. At the first meeting after January 1, the chairman shall appoint a two-person Nominating Committee for the purpose of soliciting candidates for office. The Nominating Committee shall submit either a single or double slate of recommendations to the chairman at the regular meeting immediately prior to October 1. Election of officers will be by voice vote at that meeting and the new officers will begin their terms on October 1.

##### IV. MEETINGS

A. The Board will meet at least three times per calendar year, with notices being mailed 30 days prior to the meeting. Emergency meetings may be held upon 24 hours actual notice and business may be transacted, provided that not less than a majority of the full Board concurs in the proposed action.

B. Six members shall constitute a quorum for the transaction of business; however, no Board action shall be taken by a vote of less than a majority of the full Board. The chairman shall vote only when it would affect the outcome.

C. The Board shall meet at a convenient place selected by the chairman.

##### V. COMMITTEES

A. Peer Review Committees shall be appointed by a vote of the Board as provided under R.S. 1299.88D(1). Reimbursement for expenses, including travel expenses, incurred in the discharge of their duties will be provided to members of the Peer Review committees. The Board may elect to provide honorariums to members of these committees within the budget and statutory provisions of the Trust Fund Act and the State. Board members or Advisory Committee members are not entitled to honorariums should they serve on Peer Review Committees.

B. The Board may establish advisory committees as provided under R.S. 1299.88E(8).

C. The chairman may appoint ad hoc committees as determined by the needs of the Board. Members of these committees, if not regular members of the Board, are not entitled to any reimbursements for expenses.

##### VI. DISBURSEMENT OF GRANT FUNDS

A. All applications for funding will undergo evaluation and priority rating by a Peer Review Committee. The applications shall be submitted by the Peer Review Committee to the Board, who will elect to award funds to the applications. Decisions of the Board are final.

B. Grant applications will be handled in the following manner: Advertisement of monies available and where to obtain grant applications shall be made in the *Louisiana Register* and directly to all appropriate institutions, organizations, and individuals. Grant applications will be forwarded to the appropriate Peer Review Committees within twenty days of receipt.

The Board shall review the Peer Review Committees' recommendations and notify all applicants of the funding decisions. The Chairman of the Board shall be responsible for notifying all grant applicants via mail of the decisions of the Board within ten days of the Board meeting.

##### VII. RULES OF OPERATION AND REVISIONS

A. The operation of the Board and all committees will be guided by *Robert's Rules of Order Revised*, 1979 Edition, in all instances not covered by these procedures.

B. Any revisions to R.S. 40:1299.80 through 1299.90, the Louisiana Cancer and Lung Trust Fund statutes, by the Legislature will automatically affect these procedures. Subsequent additions and amendments are to be proposed by a member of the Board in writing, and approved by a three-fourths vote of the full Board.

A public hearing on this proposed rule has been scheduled for December 14, 1984 at 10:30 a.m. in Suite 500, 333 St. Charles Avenue, New Orleans, Louisiana.

Interested persons may submit written comments on the proposed changes to the attention of Pelayo Correa, M.D., Room 305, Box 60630, New Orleans, LA 70160.

Pelayo Correa, M.D.  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Procedural Regulations of the Board  
of the La. Cancer & Lung Trust Fund**

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

There are no estimated costs nor savings associated with this rule.

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

There are no estimated effects on revenue collection as a result of this rule.

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

There are no new costs nor benefits to individuals or groups. The rule is primarily concerned with the internal procedures of the Board's operation.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-  
MENT - (Summary)**

There are no estimated effects on competition or employment.

Pelayo Correa, M.D.  
Chairman

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 (DHHR), Office of Family Security (OFS), proposes to implement the following policy.

**PROPOSED RULE**

Effective February 1, 1985, the Medical Assistance Program shall elect the option to allow small rural hospitals to provide long term care services under certain conditions. This action is in accordance with federal regulations published in the *Federal Register* dated July 20, 1982, Volume 47, No. 139, pages 31518 through 31533.

**Swing-Bed Provision**

A swing-bed hospital is a small rural hospital that has been approved by the Health Care Financing Administration (HCFA) to use its beds interchangeably to furnish Skilled Nursing Facility (SNF) type services to Medicaid and Medicare beneficiaries. In such hospitals, a certain number of beds may be utilized as either long term care beds or acute care beds. The level of care for an individual occupying a long term care swing bed is determined using established criteria for routine SNF care. The requirements for swing bed hospitals are the same as for SNF facilities, except for those requirements which are also hospital requirements. SNF standards for payment are used to monitor the services provided.

Other than the exceptions listed in the following sections, nursing home services in swing bed facilities are the same as in

free standing SNF facilities. Physician certification, plan of care, social service designee, patient activities, patient funds, patient rights, complaint investigation, record keeping, etc. are required as stated in the *Standards for Payment*.

**Certification for Participation**

Small rural hospitals may be certified to provide SNF services if all of the following conditions are met:

1. The hospital has a valid agreement as a Title XVIII provider of swing bed services;
2. The hospital has fewer than 50 hospital beds, excluding beds for newborns and beds in intensive care type inpatient units. Beds in a separately certified "distinct part" of the hospital are also excluded in determining bed count;
3. The hospital is located in an area not designated as "urban" in the most recent census;
4. A determination has been made under Section 1122. A determination of "not subject to review" shall be considered the same as approval;
5. The hospital is not operating under a waiver of the hospital requirement for 24 hour nursing services;
6. The hospital has a valid Title XIX agreement as a provider of acute care hospital services;
7. The hospital has not had a swing bed Title XVIII or XIX approval terminated within the two years previous to application.

**Conditions of Participation**

Swing bed hospitals must comply with the standards for SNF participation except for those SNF requirements which overlap with hospital certification requirements. These are:

1. State and local laws;
2. Governing body and management (except patients' rights);
3. Medical direction;
4. Dietary services;
5. Specialized rehabilitative services - outpatient physical therapy services;
6. Pharmaceutical services;
7. Laboratory and radiological services;
8. Medical records;
9. Physical environment;
10. Infection control;
11. Transfer agreement;
12. Disaster preparedness.

A provider of swing bed services must comply with conditions for Title XIX participation as both an acute care hospital and a SNF facility; however, lack of compliance with SNF requirements does not affect participation as a provider of acute care hospital services.

**Provider Enrollment**

DHHR will enter into a separate enrollment agreement with hospitals electing to become swing bed providers. A separate provider number will be assigned for reimbursement of swing bed services.

**Change in Type of Care Within a Swing Bed Facility**

Under the swingbed reimbursement method, a recipient patient may be admitted to a swingbed hospital as an inpatient requiring a hospital level of care and subsequently require a reduced level of care at a (SNF). When a recipient's level of care is reduced to the SNF level, the situation is treated as a discharge from the hospital and an admission to a SNF bed, even though the change in level of care may not involve a physical move of the patient. The day on which a recipient begins to receive SNF - type services is considered to be the day of discharge from the hospital and the day of admission to a SNF bed. Admissions and discharges of the recipients are handled exactly like SNF following the same guidelines. Reimbursement is filed individually for each patient accord-



ing to the assigned provider number. The swing bed program will be administered by the hospital staff and the Hospital Administrator.

#### *Reimbursement*

Swing bed hospitals will be paid for SNF services at the statewide rate paid under the State Plan. Ancillary services will be reimbursable at the rates currently in effect for those services.

Reimbursement for the acute care services provided in swing bed hospitals must be determined after the total reimbursement for long term care services is subtracted from total facility costs (the carve out method).

#### *Claims Processing*

SNF routine services will be billed using the same claims processing procedures used by other long term care facilities. Ancillary services will be billed using the hospital claim form. Acute care services will be billed in the usual manner.

#### *Admissions Review*

Admissions review for all applications for swing bed services is the responsibility of the OFS Regional Office. All procedures and policies governing admissions review will be used.

#### *Eligibility Determination*

Applications for swing bed vendor payment are handled the same as an application for routine SNF vendor payment. All procedures and policies, applicable to Skilled Nursing Facilities, including first full month of institutionalization, will be applicable to swing bed vendor payment grants. There will be no reimbursement for hospital leave days since the client is in a hospital bed. Home Leave Days are allowable in accordance with policy.

#### *Utilization Review (UR)*

UR is conducted by the OFS Regional Office using all policies and procedures applicable to SNF facilities. Changes in level of care are handled in the usual manner.

#### *Professional Medical Review*

Professional medical reviews are conducted using the standards for payment for SNFs. Review reports are handled as for any long term care facility.

#### *Program Monitoring/Abuse*

At the end of each quarter, provider and recipient profiles will be pulled for all recipients who have received swing bed services for that quarter. The Surveillance Utilization Review System (SURS) of OFS will analyze these reports to determine if a pattern of abuse related to acute care hospital utilization has occurred. It may be necessary to perform on-site reviews of the swing bed hospitals records to determine if a pattern of abuse exists. It may also be necessary to review the records of other hospitals utilized by the swing bed recipients.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on December 5, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

## **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: MAP - Swing Bed Provision**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
FY 84-85 - \$95,675.00, including \$36,835 in state funds  
FY 85-86 - \$1,180,125.00, including \$454,348 in state funds  
FY 86-87 - \$1,549,368.00, including \$596,507 in state funds  
This cost is based on research that shows 33 hospitals with a total bed capacity of 1,132 beds could possibly qualify to participate. This research indicates swing bed utilization rate will not exceed 25% or an average of 8.5 beds per facility. It is anticipated that providers will enroll gradually over a two year period so that 70% of all providers will be enrolled.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Federal Revenues are expected to increase \$58,840 in FY 84-85; \$725,777 in FY 85-86; and \$952,861 in FY 86-87.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
By implementing this proposed rule, both the agency and recipients would benefit in the following ways:
  - (1) More SNF beds would be available to provide services for Medicare and Medicaid SNF patients, thus helping to alleviate a long-standing problem with availability of SNF beds in rural areas.
  - (2) The need for granting additional hospital days because of unavailability of SNF beds could be reduced, and therefore the proposal could be cost-effective for the Medical Assistance Program.
  - (3) SNF services could become available in closer proximity to a recipient's home.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
We do not anticipate any effect on competition and employment at this time.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to provide for penalties for violating nursing home standards. Act 730 of the 1984 Regular Session of the Louisiana Legislature authorizes these changes.

#### **PROPOSED RULE**

Effective February 1, 1985, Attachment 4.19-D, Section I.A(1), pages 7a and 7b will be included in the Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Program (Title XIX) to read as follows:

##### **A. (1) Penalties for Violations**

1. The facility shall comply with La. R.S. 40:2009.1 through 40:2009.11, which provide that any facility violating any state or federal regulation or Departmental rule where such violation poses a serious threat to the health, safety, rights, or welfare of a nursing home resident shall be liable to civil fines of one hundred dollars per day for first violation and one thousand dollars per day for

confirmed repeat violations for each day that such violations continue. These civil fines shall be in addition to any criminal action which may be brought under other applicable laws.

2. Where the Department has reasonable cause to believe that there has been a serious violation, the Secretary shall give written notice by certified mail to the operator of the facility in question. The written notice shall specify the alleged violations, cite the legal authority which establishes such violations, and advise the operator that he has three (3) days from receipt of the notice to request an appeal hearing. If no appeal is requested, the Department shall determine whether such alleged violations did occur, and if so, shall assess civil fines as provided in paragraph 1. The Department shall forward its findings to the facility by certified mail, and any fines imposed shall commence as of the date such determination is received by the alleged violator.

3. If an appeal is requested on a timely basis, the Department shall conduct an administrative hearing in accordance with the provisions of the Administrative Procedure Act. Such hearing must be held within one (1) week of receipt of the request. The Department shall review all relevant evidence and make its final written determination in the matter no later than three days after the administrative hearing is begun, provided that the hearing officials may continue the matter for good cause shown where such continuance will not jeopardize the health, safety, rights, or welfare of the facility's residents.

4. At the conclusion of an administrative hearing, the Department shall make specific written findings as to each alleged violation. The Agency's findings shall be mailed to the facility at the last known address by certified mail. Any fines imposed shall commence as of the date such Agency findings are received by the alleged violator.

5. If the Department's findings are adverse to the facility, it may request judicial review of such matter to the Nineteenth Judicial District Court within 15 days of receipt of such findings. Such appeal shall be suspensive.

The facility shall furnish, with the appeal, bond in the minimum amount of one and one-half times the amount of the fine imposed by the Department. The bond furnished shall provide in substance, that it is furnished as security that the facility will prosecute its appeal, that any judgment against it will be paid or satisfied from the amount furnished or that otherwise the surety is liable for the amount assessed against the facility. The appeal shall be heard in a summary proceeding which shall be given precedence over other pending matters.

6. At the conclusion of the judicial review, the court shall enter an appropriate order either reversing or modifying the Agency's findings or upholding the agency's findings. If the Agency's findings are upheld, the court shall order the payments of all fines imposed.

7. The Department is empowered to institute all necessary civil court action to collect fines imposed and not timely appealed. No nursing home may claim imposed fines as reimbursable costs, nor increase charges to residents as a result of such fines.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on De-

cember 5, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

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

### **Rule Title: Penalties for Violating Nursing Home Standards**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No fiscal impact is anticipated as the small number of facilities which do not adhere to established standards of care would either come into compliance or would withdraw from the Title XIX Program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No effect on revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No costs and/or economic benefits are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition and employment is anticipated.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## **NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement the following changes in the Food Stamp Program as mandated by federal regulations as published in the Federal Register, Volume 49, No. 193, Wednesday, October 3, 1984, pg. 39035-39038. Section 12-229 of the Food Stamp Operating Guidelines will be revised to reflect these changes.

#### **PROPOSED RULE**

Effective January 2, 1985, the rule entitled "Voluntary Quit in the Food Stamp Program" published in the *Louisiana Register* Vol. 5, Number 8, August 20, 1979, pp. 245-246, shall be amended to read as follows:

**VOLUNTARY QUIT.** No household whose primary wage earner voluntarily quit his or her most recent job without good cause shall be eligible for participation in the Program as specified below. At the time of application, the state agency shall explain to the applicant the consequences of the household's primary wage earner quitting his or her job without good cause.

Determining Whether a Voluntary Quit Occurred and Application Processing

1. When a household files an application for participation, or when a participating household reports the loss of a source of income, the Office of Family Security (OFS) shall determine whether any household member voluntarily quit his or her job. Benefits shall not be delayed beyond the normal processing times pending the outcome of this determination. This provision applies only if the employment involved 20 hours or more per week or



provided weekly earnings equivalent to the Federal minimum wage multiplied by 20 hours; the quit occurred within 60 days prior to the date of application or anytime thereafter; and the quit was without good cause. Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer will not be considered a voluntary quit for purposes of this Section. An employee of the Federal Government, or of a state or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, shall be considered to have voluntarily quit his job without good cause.

2. In the case of an applicant household, the OFS shall determine whether any currently unemployed (i.e. employed less than 20 hours per week or receiving less than weekly earnings equivalent to the Federal minimum wage multiplied by 20 hours) household member who is required to register for work has voluntarily quit his or her most recent job within the last 90 days. If the OFS learns that a household has lost a source of income after the date of application but before the household is certified, the OFS shall determine whether a voluntarily quit occurred.

3. In the case of a participating household, the OFS shall determine whether any household member voluntarily quit his or her job while participating in the Program.

4. If an application for participation is filed in the third month of disqualification, the eligibility worker shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met.

5. Upon a determination that the primary wage earner voluntarily quit employment, the OFS shall determine if the voluntary quit was with good cause. In the case of an applicant household, if the voluntary quit was without good cause, the household's application for participation shall be denied and sanction imposed for 90 days, starting from the date of application. The OFS shall provide the applicant household with a notice of denial. The notice shall inform the household of the proposed period of disqualification; its right to reapply at the end of the 90 day period; and of its right to a fair hearing. In the case of participating households, benefits shall be terminated for a period of 90 days.

6. If the OFS determines that the primary wage earner of a participating household voluntarily quit his or her job, while participating in the Program, the OFS shall provide the household with a notice of adverse action within 10 days after the determination of a voluntary quit is made. Such notification shall contain the proposed period of disqualification and shall specify that the household may reapply at the end of the disqualification period. Except as otherwise specified in this paragraph, the disqualification period shall be for three months or 90 days beginning with the first of the month after all normal procedures for taking adverse action have been followed. The 90 day disqualification period may be converted to a three calendar month period only for participating households. For those households which leave the Program before the sanction can be levied, the sanction shall not be imposed until the household returns to the Program. Each household has a right to a fair hearing to appeal a reduction or termination of benefits due to a determination that the household's primary wage earner voluntarily quit his or her job without good cause. If the participating household requests a fair hearing and the OFS's determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

"Exemptions from Voluntary Quit" remain unchanged by this amendment.

Emergency rulemaking was invoked to implement this policy effective January 2, 1985. The Emergency Rule was published

in the November 20, 1984 *Louisiana Register* (Volume 10, Number 11).

Interested persons may submit comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, La. 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on December 5, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, La. beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

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

#### **Rule Title: Voluntary Quit in the Food Stamp Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The cost is \$25 state and \$50 federal funds. (Food Stamp Coupons are 100% federally funded.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Households who are disqualified will not receive food stamp coupons which average \$136 per month. The administrative burden would increase.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement the following changes in the Food Stamp Program as mandated by federal regulations as published in the *Federal Register*, Volume 49, No. 193, Wednesday, October 3, 1984, pg. 39035-39038. Section 12-229 of the Food Stamp Operating Guidelines will be revised to reflect these changes.

#### **PROPOSED RULE**

Effective January 2, 1985, each household member who is not exempt from work registration shall be registered for employment at the time of application and once every 12 months after initial registration, as condition of eligibility.

#### **Failure to Comply with a Comparable Work Incentive (WIN) or Unemployment Compensation Work Requirement.**

A household containing a member who was exempt from work registration because he or she was registered for work under WIN or unemployment compensation and who fails to comply with a WIN or unemployment compensation requirement comparable

to a food stamp work registration requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.

1. If the Office of Family Security (OFS) learns that a household member has refused or failed without good cause to comply with a WIN or unemployment compensation requirement, the OFS shall determine whether the requirement was comparable. Similarly, if the household reports the loss or denial of AFDC or unemployment compensation or if the OFS otherwise learns of such loss or denial, the OFS will determine whether the loss or denial was caused by a determination by the administering agency that a household member refused or failed without good cause to comply with the work requirement and, if so, whether the requirement was comparable to the work registration requirement. The WIN or unemployment compensation requirement shall not be considered comparable if it places responsibilities on the household which exceed those imposed by the food stamp work registration requirements.

2. If the OFS determines that the requirement is comparable, the entire household shall be disqualified in accordance with the following provisions. The OFS shall provide the household with a notice of adverse action within 10 days after learning of the household member's noncompliance with the unemployment compensation or WIN requirement. A household shall not be disqualified from participation if the noncomplying member meets one of the work registration exemptions. Household members who fail to comply with a noncomparable WIN or unemployment compensation requirement shall lose their exemption.

3. If the state agency determination of noncompliance with a comparable WIN or unemployment compensation work requirement leads to a denial or termination of the household's food stamp benefits, the household has a right to appeal the decision.

4. A disqualified household may resume participation in the Program in accordance with 12-229 I.

#### **Exemptions From Work Registration**

Section 12-229 B.(1)(b) was revised to exempt from work registration a parent or other household member who is responsible for the care of a dependent child under the age of six. Section 12-229 B.(1)(c) was omitted to delete the exemption from work registration for a parent or caretaker of a child under 18 in a household where another able bodied person is subject to the work registration requirement.

#### **Determining Good Cause**

The Office of Family Security shall be responsible for determining good cause in those instances where the work registrant has failed to comply with the work registration and voluntary quit requirements. In determining whether or not good cause exists, the Office of Family Security shall consider the facts and circumstances, including information submitted by the household member involved and the employer. Good Cause shall include circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12.

#### **Job Search**

The Office of Family Security has opted not to impose job search at the time of application.

Emergency rulemaking was invoked to implement this policy effective January 2, 1985. The Emergency Rule was published in the November 20, 1984, *Louisiana Register* (Volume 10, Number 11). Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, La. 70804. She is the person responsible for responding to inquiries regarding this

proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on December 5, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, La. beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

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

#### **Rule Title: Work Registration in the Food Stamp Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The cost is \$25 state and \$25 federal funds in FY 84-85.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collection of state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The administrative burden will be slightly lessened.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

#### **NOTICE OF INTENT**

#### **Department of Health and Human Resources Office of Hospitals**

The Department of Health and Human Resources, Office of Hospitals, Emergency Medical Services hereby proposes to adopt the following standards for Emergency Medical Technician training courses in the Emergency Medical Services Program. These standards are being proposed under the authority granted to the Secretary by R.S. 40:1231.

#### **PROPOSED RULE**

1. The Emergency Medical Technician programs, Basic, Intermediate and Paramedic must meet or exceed the current minimum course requirements of the United States Department of Transportation National Standard Curricula and the Department of Health and Human Resources-Office of Hospitals.
2. The Department of Health and Human Resources-Office of Hospitals adopts the program guidelines of the National Registry of Emergency Medical Technicians as the minimum standards for the EMT-Basic, EMT-Intermediate and EMT-Paramedic training programs. The guidelines of the National Registry of Emergency Medical Technicians may be obtained from the Emergency Medical Services Program Administrator, Office of Hospitals, P.O. Box 44215, Baton Rouge, La. 70804.
3. Certification for Emergency Medical Technician-Basic, Intermediate and Paramedic is contingent upon successful completion of the established criteria of the National Registry of Emergency Medical Technicians at the respective level. The Department of Health and Human Resources-Office of Hospitals will serve

as the certifying agency for the emergency Medical Technician-Basic and the Louisiana State Board of Medical Examiners shall serve as the certifying agency for the Intermediate and Paramedic.

4. The Emergency Medical Technician-Basic, Intermediate and Paramedic programs must incorporate medical involvement and supervision.

5. The Emergency Medical Technician-Basic, Intermediate and Paramedic training programs must have as its lead instructor/coordinator an individual who has been certified by the Department of Health and Human Resources-Office of Hospitals to teach the particular course level involved.

6. The Emergency Medical Technician training program must be sponsored by either the Department of Health and Human Resources-Office of Hospitals, or accredited academic institution (college or university), a vocational-technical training institution certified by the Accrediting Commission of the National Association of Trade and Technical Schools approved by the Proprietary School Commission, and approved and/or operated by the Board of Elementary and Secondary Education, or a Hospital accredited by the Joint Commission on Accreditation of Hospitals.

7. The Department of Health and Human Resources-Office of Hospitals will have the responsibility for the establishment of the student selection criteria which will be implemented by those agencies administering the Emergency Medical Technician-Basic, Intermediate and Paramedic programs. The student selection criteria is as follows:

1. Ambulance
2. Provisional Ambulance
3. Law Enforcement
4. Part Time/Volunteer Personnel
5. Fire Safety
6. Health Care
7. Industrial Safety
8. U.S. Military Applicants
9. U.S. Government
10. All Other Applicants

8. There must be a signed agreement of sponsorship between the authorized agents of the sponsoring institution i.e., hospital and those agencies administering the EMT-Basic, Intermediate and Paramedic programs

Interested persons may submit written comments to the address: Charles H. Olivier, Assistant Secretary, Office of Hospitals, Box 44215, Baton Rouge, La. 70804. He is the person responsible for responding to inquiries regarding this proposed rule.

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

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

#### **Rule Title: Standards for Emergency Medical Technician Training Programs in the Emergency Medical Services Program.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Recipients of these training programs will benefit through the achievement, of professional skills and knowl-

edge in their field. These service recipients will be more qualified to provide emergency medical services to the general public.

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

There may be an effect on competition and employment as EMT-Paramedics may qualify for higher salaries in urban areas.

Charles H. Olivier  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Natural Resources Division of State Lands**

The Louisiana Legislature, by Act 233 of the 1984 Regular Session, determined that the public and necessary purpose of the Bohemia Spillway, located in Plaquemines Parish, no longer exists, and mandated the return by the Board of Levee Commissioners of the Orleans Levee District of all land, which was either expropriated or purchased under the threat of expropriation for the purpose of constructing the spillway, to its former owners or their successors. The Act further directed the Department of Natural Resources to promulgate rules and regulations to implement the return of the said land to such owners or their successors, and to begin implementation of the process in January, 1985.

The Department of Natural Resources hereby gives notice in accordance with the Administrative Procedure Act (R.S. 49:950-970) that it intends to adopt rules and regulations to begin the implementation of Act 233 of 1984. The following proposed regulations establish procedures for the notification of applicants and receipt of applications, as necessary to initiate the implementation of the Act. The Department will issue subsequent Notices of Intent to adopt regulations to address the balance of the regulatory requirements of Act 233 of 1984.

#### **SECTION I - DEFINITIONS**

As used in these rules and regulations, the words and phrases defined shall have the following meanings:

1. "Applicant" shall mean a person submitting an application to the Department and claiming to be (1) the original owner of the property on the date of its expropriation by or sale under threat of expropriation to the Orleans Levee Board, or (2) the original owner's lawful heir, or legatee or their duly constituted succession representative. If the original owner was a corporation or association (other than a partnership or limited partnership or partnership in commendam) which has been merged or consolidated into another such corporation or association, "applicant" shall mean the corporation or association into which the owner has been merged. If the owner was a partnership or limited partnership or partnership in commendam which has changed its composition subsequent to the date of expropriation by or sale to the Orleans Levee Board, "applicant" shall mean those persons, firms or corporations who were partners on the said date. If individual partners are no longer living, "applicant" shall mean those surviving persons, firms or corporations who were partners on the said date, together with the succession representative of such partners who are deceased. The submission of an application creates no presumption as to the validity of the claims of ownership or heirship contained therein.

2. "Application" - that form furnished by the Department to be completed and returned by the applicant, together with any attachments, pursuant to these rules.

3. "Board" shall mean the Board of Levee Commissioners of the Orleans Levee District.

4. "Department" shall mean the Department of Natural Resources of the State of Louisiana, the secretary thereof or his designee.

5. "Property" shall mean the individual tracts of private property expropriated or purchased under threat of expropriation by the board, pursuant to Act 99 of the 1924 Regular Session of the Legislature, for purposes of establishing the Bohemia Spillway, located on the east bank of the Mississippi River in Plaquemines Parish. "Property" shall include the acreage, arpents or quantity in measurements existing at the time of acquisition by the Board except to the extent that the tract has been reduced by erosion or augmented by riverine accretion.

## SECTION II - NOTIFICATION, APPLICATION FORMS

A. The Department shall cause a notice to be published every third day for a period of 30 days in the *New Orleans Times Picayune*. Notice shall also be published once a week for four successive weeks in the *Plaquemines Gazette*, the official journal of Plaquemines Parish. The notice shall be entitled "Notice of Return of Bohemia Spillway Lands, Plaquemines Parish", and shall contain the following information:

1. A statement that Act 233 of the 1984 Louisiana Legislature directed the return of land expropriated or purchased under the threat of expropriation for the construction of the Bohemia Spillway to its former owners or their successors.

2. Persons claiming ownership pursuant to Act 233 of 1984 can obtain an application form and a copy of existing rules for the return of the land by sending a written request to the Department, or its designee, at the address and place specified in the notice.

3. No application for return of the land or property will be accepted after 180 days from the date of final publication of the notice.

4. Copies of the list of original owners of the property and other information will be available for public inspection and review at the Plaquemines Parish Library locations in Buras and Belle Chasse, the Plaquemines Parish Court House, the Board's Office, and any other public building specified in the notice.

B. The Department shall prepare and have available for distribution, application forms and appropriate attachments for individuals and for corporations, partnerships or associations seeking ownership of property, pursuant to Act 233 of 1984. Within 10 days of receipt of a request for an application, the Department shall forward the appropriate form and any attachments to the requestor, together with a copy of the existing regulations adopted pursuant to Act 233 of 1984. The Department will only consider and process apparently complete applications received on or before the one hundred eightieth day from the date of final publication of the notice, as specified hereinabove.

C. Prior to the first publication of notice, hereunder, the Department, or the Board upon direction of the secretary, shall provide the Plaquemines Parish Libraries and Clerk of Court's Office and any other custodian of a public building specified by the secretary, three copies, each, of the list of original owners of property on the date of acquisition by the Board, and such other information as required by the Department. Said lists and information shall be available for public review and inspection at the sites specified herein and the Board's offices, during regular business hours, from the date of first publication of notice, until 180 days after the last publication of notice.

Interested persons may submit their views on these proposed rules and regulations in writing within a reasonable amount of time to: Stephen Zerangue, Office of the Secretary, Division of State Lands, Box 44124, Baton Rouge, LA 70804.

William C. Huls  
Secretary

## Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Return of Bohemia Spillway Property

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

In this initial phase of rulemaking, the Department of Natural Resources will incur costs in the amount of \$70,000 to complete required advertisements and set up an office to receive, index and organize applications submitted on some 150 tracts originally expropriated or purchased under threat of expropriation. The Orleans Levee Board will be required to provide certain lists and information to DNR, including the names of original owners and property descriptions. This information is readily available and the cost to the Levee Board should be minimal, if any.

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

There will be no effect on revenue collections of state or local governmental units resulting from this phase of rulemaking being that no application fee is associated with this phase.

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

The notice to apply for ownership reinstatement of the subject property will be addressed to the numerous heirs and/or successors in title to those from which expropriation originally occurred. While there is no way to estimate such costs, these heirs and/or successors may incur some expense in the preparation and submission of applications (e.g. attorney fees, court fees, research fees, title research costs etc., where applicable).

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

The proposed rule will not impact either competition or employment.

F. Carl Rowan  
Undersecretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Public Safety and Corrections Corrections Services Office of the Secretary

The Department of Public Safety and Corrections, Corrections Services, Office of the Secretary, intends to amend Department Regulation 30-14 as follows:

1. Section 5 - Add: (C) When inmates are transferred from a work training facility or Louisiana Correctional and Industrial School (LCIS) to Adult Reception and Diagnostic Center (ARDC) for disciplinary reasons, their security class should be increased to no more than medium security unless the instant rule violation report, which resulted in the transfer, was so serious as to warrant a maximum security staffing.

2. Section 7(B)(1) - Will read as follows: Persons with a history of institutional behavior which reflects an assaultive personality are ineligible. A person's criminal history may also be considered in cases where a maximum security placement appears necessary and there is no institutional behavior to evaluate.

3. Section 7(D)(2) - Delete: (g), (h), and (j).

4. Section 11 - Change 1 January 1979 to January 20, 1984 on Line 2 and change January 20, 1984 to January 20, 1985.

5. Change signature line from John T. King to C. Paul Phelps.

Written comments of interested persons on the proposed amendments may be addressed to: Ms. Cynthia G. Eyre, Attorney, Department of Public Safety and Corrections, Box 94304, Capitol Station, Baton Rouge, LA 70804. Ms. Eyre will respond to all inquiries regarding this amended regulation through December 4, 1984.

C. Paul Phelps  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: DOC Reg. 30-14**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation of this regulation will cause state or local governmental units to incur no additional costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation of this regulation will cause no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Implementation of this regulation will produce no additional economic costs or benefits to affected persons and non-governmental units.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Implementation of this regulation will have no effect on competition and employment.

Griffin Rivers  
Deputy Secretary,  
Corrections Services

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
Interim Emergency Board**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Interim Emergency Board intends to adopt rules on Policies and Procedures to implement Article VII, Section 7 of the Louisiana State Constitution of 1974 and R.S. 39:461 et seq. relative to emergency appropriations and deficit spending.

Copies of the proposed rules may be obtained in Room R of the House subbasement at the state capitol.

A public hearing on the proposed rules will be held on November 27, 1984, at 2 p.m. in Senate Committee Room E at the state capitol.

Interested persons may comment on the proposed rules either by attendance at the public hearing on November 27 or by submitting written comments to the Board at Box 44500, Baton Rouge, LA 70804, for receipt no later than November 26, 1984.

Robert L. Freeman  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules of Operation**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no estimated implementation costs as a result of this action.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
This action will result in no estimated effect on revenue collections of state or other governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no estimated costs or benefits to persons or groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no estimated effect on competition or employment.

Robert L. Freeman  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The following resolution was presented to the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana, September 11, 1984.

WHEREAS, the existence of high populations of channel catfish in certain areas of Southeastern Louisiana is well documented, and

WHEREAS, fish population data from these areas show that the vast majority of channel catfish are less than 11" total length, and

WHEREAS, biological data indicate that channel catfish in these areas are stunted, relatively short for their age, and frequently found to be sexually mature well below 11" total length, and

WHEREAS, commercial fishermen in these areas have developed markets for "short" catfish and whose catch of channel catfish is largely dependent on channel catfish that are shorter than the 11" minimum total length, and

WHEREAS, the minimum length of 11" has been removed on channel catfish in these areas since 1981 and no detrimental effects have been observed, and

WHEREAS, Act 273 of the 1984 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to suspend or reduce by resolution the legal size limit on channel catfish in those areas of the state where biological data indicates that such a suspension or reduction in the size limit would not be detrimental to the resource.

THEREFORE, BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby suspends, for a five year period from January 1, 1985 to January 1, 1990, the minimum size length limit on channel catfish in that portion of Southeastern Louisiana, containing Lac des Allemands, Lake Salvador, Lake Cataouatche, Lake Maurepas, the western portion of Lake Pontchartrain and associated bayous and streams, excluding the Mississippi River and Bayou LaFourche, herein described as: west and south of the west descending bank of the Mississippi River from the Gulf of Mexico to the Huey P. Long bridge; north and west of Highway 90 from Huey P. Long bridge to Causeway Boulevard; west of the Lake Pontchartrain Causeway from U.S. Highway 90 to Louisiana Highway 22; south and east of Louisiana Highway 22 to U.S. Highway 61 at Sorrento; north of U.S. 61 from Sorrento to Louisiana Highway 20; east of Louisiana Highway 20 to the east descending bank of Bayou LaFourche at Thibodaux; east of the east descending bank of Bayou LaFourche to Louisiana Highway 1 at Leeville; east and north of Louisiana Highway 1 from

Leeville, to the Gulf of Mexico; north of the Gulf of Mexico from Grand Isle to the the west descending bank of the Mississippi River.

J. Burton Angelle  
Secretary

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

#### **Rule Title: Suspend the minimum size on channel catfish in certain portions of Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be estimated implementation costs as a result of this action.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
If this rule is not implemented the state will lose revenues from commercial fishing licenses sold to commercial channel catfishermen and sales taxes associated with this fishery in this special area. Estimated revenue losses if the rule is not adopted can not be calculated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
If this rule is not implemented the catch of commercial channel catfishermen will be severely restricted and will be a detriment to his livelihood. The loss of economic benefits can not be calculated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
If this rule is not implemented, serious unemployment of the numerous commercial fishermen who fish this particular area of southeastern Louisiana, will result.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

## **Committee Reports**

### **COMMITTEE REPORT House of Representatives House Committee on Commerce Oversight Review**

The House Committee on Commerce, Subcommittee on Executive Agency Oversight and Review met on October 30, 1984, to consider proposed Rule 34.5.6 (b) by the Louisiana Real Estate Commission. The subcommittee approved this rule to require renewal of instructor certificates by completion of certain specified conditions beginning in 1986.

John S. Jardell  
Analyst

### **COMMITTEE REPORT House Natural Resources Committee Oversight Review**

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Subcommittee on Oversight

met on October 24, 1984 and reviewed certain changes in State regulations proposed by the Louisiana Department of Natural Resources for which Notice of Intent was published in the September 20, 1984 *Louisiana Register* with the following results:

1) Proposal by the Louisiana Forestry Commission and Tax Commission to adopt timber stumpage values based on current average stumpage market values to be used for severance tax computation for 1985.

Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

## **Potpourri**

### **POTPOURRI Department of Commerce Board of Certified Public Accountants**

A public hearing will be held on the twenty-ninth floor, Executive Office Board Room, ITM Building, 2 Canal Street on Monday, January 28, 1985 at 9 a.m.

The purpose of the hearing is to hear views on the "Standards of Generally Accepted Tax Accounting Principles" adopted by the Tax Accounting Standards Committee of a national organization.

Harold W. Willem, Jr.,  
Secretary

### **POTPOURRI Department of Natural Resources Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that fifty-two (52) completed claims, amount to \$36,811.80, were received during the month of October, 1984. During the same month, fifty-nine (59) claims, amounting to \$67,121.13 were paid. The following is a list of the paid claims:

Claim No. 83-1160 Robert Kenney	Claim No. 83-1208 Robert Kenney	Claim No. 83-1283 Allen Gaudet, III
Claim No. 83-1291 Dudley Terrebonne	Claim No. 83-1292 Terry Barrilleaux	Claim No. 83-1349 Gordon Rojas
Claim No. 83-1353 John Mialjevich	Claim No. 83-1364 Clarence Guidry	Claim No. 84-1443 Gordon Rojas
Claim No. 84-1495 Miss Charlotte	Claim No. 84-1496 Miss Santrina	Claim No. 84-1508 Malcolm Despaux
Claim No. 84-1509 Malcolm Despaux	Claim No. 84-1523 Ronald Thomassie	Claim No. 84-1524 Jace Duet
Claim No. 84-1533 Noel Usannaz	Claim No. 84-1543 James Morgan, Jr.	Claim No. 84-1547 Calvin Cheramie

Claim No. 84-1553 Curtis Rojas, Sr.	Claim No. 84-1557 Webb Cheramie, Jr.	Claim No. 84-1561 Terry Perez
Claim No. 84-1568 Wildress Viator, Sr.	Claim No. 84-1572 Jimmie Touts	Claim No. 84-1582 Bob Bruce
Claim No. 84-1589 Ray A. Bourque, Sr.	Claim No. 84-1590 Timothy Schouest, Sr.	Claim No. 84-1591 Henry Fazende
Claim No. 84-1593 George France	Claim No. 84-1594 George France	Claim No. 84-1601 Peter Loverde, Sr.
Claim No. 84-1603 Louis Boullion	Claim No. 84-1605 John Zar, III	Claim No. 84-1616 Alfred Boudreaux
Claim No. 84-1622 Mervin Ledet, Jr.	Claim No. 84-1638 Wilfred Savoie	Claim No. 84-1643 Livia Crosby
Claim No. 84-1648 R L & D, Inc.	Claim No. 84-1654 Arnold Rodriguez	Claim No. 84-1674 Opeo Frey
Claim No. 84-1679 Derrell Belsome	Claim No. 84-1680 Derrell Belsome	Claim No. 84-1689 Danny Robin
Claim No. 84-1701 Lawrence Plaisance	Claim No. 84-1721 Malcolm Despaux	Claim No. 84-1738 Joey Latapie
Claim No. 84-1748 Mark & Darryl Eymard	Claim No. 84-1749 Mark & Darryl Eymard	Claim No. 84-1756 Ricardo Kraemer
Claim No. 84-1760 Lester Evans, Sr.	Claim No. 84-1766 Warren Thibodeaux	Claim No. 84-1777 John Domingo, Jr.
Claim No. 84-1780 Kenneth LeFebvre	Claim No. 84-1798 Dwayne Fails	Claim No. 84-1799 Dwayne Fails
Claim No. 84-1800 Dwayne Fails	Claim No. 84-1810 John S. Domingo	Claim No. 84-1814 Leon Seghers
Claim No. 84-1830 Gary Treuil	Claim No. 84-1840 Dwayne Fails	

A public hearing to consider the completed claims listed below has been scheduled for Monday, December 10, 1984, at 10:00 a.m. in the Conservation Auditorium, 625 North 4th Street, Baton Rouge, La.:  
CLAIM NO. 83-1148

Linton Gisclair, of Golden Meadow, LA, while trawling on the vessel, "Big Wade", in the Gulf of Mexico, south of South Point, at LORAN-C readings of 27,506.0 and 46,921.9, Iberia Parish, encountered an unidentified submerged obstruction, on September 1, 1983, at approximately 10:00 a.m, causing loss of his 50-foot trawl.

Amount of Claim: \$758.10

CLAIM NO. 83-1264

Calvin Cheramie, of Galliano, LA, while trawling on the vessel, "Mr. Fox", in Lake Borgne, one (1) mile south of the Pearl River, St. Bernard Parish, encountered a submerged log, on October 10, 1983, causing damage to his 50-foot trawl.

Amount of Claim: \$258.72

CLAIM NO. 83-1376 (RESCHEDULED)

Craig Arcement, of Lafitte, LA, while trawling on the vessel, "Captain Craig", in the Gulf of Mexico, southeast of the Empire Canal, at LORAN-C readings of 28,753.1 and 46,843.3, Plaquemines Parish, encountered an unidentified submerged obstruction, on December 10, 1983, at approximately 5:30 p.m., causing loss of his trawl.

Amount of Claim: \$779.23

CLAIM NO. 84-1463 (RESCHEDULED)

Philip A. Cantrelle, of Lake Arthur, LA and Allen Wiseman, of Harvey, LA, while trawling on the vessel, "Forty Love", in the Gulf of Mexico, at LORAN-C readings of 28,295.8 and 46,818.9, Lafourche Parish, encountered a submerged steel girder, on Feb-

ruary 19, 1984, at approximately 3:30 p.m., causing loss of his 47-foot trawl, bag and tickler chain.

Amount of Claim: \$1,402.62

CLAIM NO. 84-1482

Harold Dressendorfer, of New Iberia, LA, while trawling on the vessel, "Joyce Marie", in the Freshwater Bayou Canal, south of the locks, Vermilion Parish, encountered an unidentified submerged obstruction, on March 9, 1984, at approximately 8:00 a.m., causing damage to his vessel.

Amount of Claim: \$606.50

CLAIM NO. 84-1492 (RESCHEDULED)

Louis Michael Matherne, of Lafitte, LA, while trawling on the vessel, "Super Star", in the Barataria Waterway, near Bayou St. Denis, Jefferson Parish, encountered a submerged section of 3" rope, on February 3, 1984, causing damage to his vessel.

Amount of Claim: \$5,000.00

CLAIM NO. 84-1512

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "Shanna Baby", in Breton Sound, Plaquemines Parish, encountered an unidentified submerged obstruction, on April 12, 1984, at approximately 4:30 p.m., causing damage to his 45-foot trawl.

Amount of Claim: \$359.00

CLAIM NO. 84-1526

George E. Skinner, Jr., of Chalmette, LA, while traveling on the vessel, "Greaux Lightning", in the Intracoastal Waterway, between Bayou Thomas and Chef Menteur Pass, Orleans Parish, encountered a submerged piling, on May 8, 1984, at approximately 7:15 a.m., causing damage to his vessel.

Amount of Claim: \$235.85

CLAIM NO. 84-1537 (RESCHEDULED)

Benton Pitre, of Cut Off, LA, while trawling on the vessel, "Lady Linda", in the Gulf of Mexico, east of Southwest Pass, at LORAN-C readings of 27,375.0 and 46,936.3, Iberia Parish, encountered an unidentified submerged obstruction, on May 16, 1984, at approximately 12:10 p.m., causing loss of his 52-foot trawl and tickle chain.

Amount of Claim: \$822.55

CLAIM NO. 84-1544

James A. Prudhomme, Jr., of Galliano, LA, while trawling on the vessel, "Capt. Jim", in Vermilion Bay, between Mud Point and Redfish Point, Vermilion Parish, encountered an unidentified submerged obstruction, on May 24, 1984, at approximately 5:30 p.m., causing loss of his trawl boards.

Amount of Claim: \$554.98

CLAIM NO. 84-1554

Harold V. Dressendorfer, of New Iberia, LA, while trawling on the vessel, "Joyce Marie", in Vermilion Bay, out of the Vermilion River Cut Off, Vermilion Parish, encountered an unidentified submerged obstruction, on May 20, 1984, causing damage to his vessel.

Amount of Claim: \$1,999.24

CLAIM NO. 84-1558

Gary A. Perrin, of Lafitte, LA, while trawling on the vessel, "Lady Jan", in Round Lake, Jefferson Parish, encountered an unidentified submerged obstruction, on May 30, 1984, at approximately 2:30 p.m., causing damage to his vessel.

Amount of Claim: \$495.90

CLAIM NO. 84-1563

Scott Pete, of New Orleans, LA, while trawling on the vessel, "Honky Cat", in Lake Eloi, southwest of Bayou Eloi, St. Bernard Parish, encountered an unidentified submerged metal obstruction, on June 3, 1984, at approximately 10:30 a.m., causing loss of his 43-foot trawl.

Amount of Claim: \$605.00



**CLAIM NO. 84-1565 (RESCHEDULED)**

Farrel Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Farrel", in the Gulf of Mexico, southwest of Bayou Thunder Von Tranc, at LORAN-C readings of 28,408.9 and 46,836.7, Lafourche Parish, encountered an unidentified submerged obstruction, on May 29, 1984, at approximately 5:00 p.m., causing loss of his trawl.

Amount of Claim: \$913.13

**CLAIM NO. 84-1575 (RESCHEDULED)**

Raymond L. Hebert, of Houma, LA, while trawling on the vessel, "La Belle Cherie", in the Gulf of Mexico, southwest of Locust Bayou, at LORAN-C readings of 27,731.2 and 46,886.7, Terrebonne Parish, encountered a submerged pipe, on June 3, 1984, at approximately 10:00 a.m., causing loss of his 55-foot trawl.

Amount of Claim: \$732.50

**CLAIM NO. 84-1576**

Jimmy J. Dupre, of Erath, LA, while trawling on the vessel, "Miss Anna", in the Gulf of Mexico, west of Freshwater Bayou, at LORAN-C readings of 27,162.8 and 46,943.2, Vermilion Parish, encountered a submerged vessel, on May 28, 1984, at approximately 9:30 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$794.27

**CLAIM NO. 84-1577**

James B. King, of Vinton, LA, while trawling on the vessel, "LA-3461-BE", in Kelso Bayou, west of Hackberry, Cameron Parish, encountered a submerged butterfly frame, on June 5, 1984, at approximately 9:00 p.m., causing loss of his butterfly nets and frames.

Amount of Claim: \$500.00

**CLAIM NO. 84-1578**

Edwin J. LeBlanc, of Cameron, LA, while trawling on the vessel, "Porthos", in the Gulf of Mexico, east of Calcasieu Pass at approximately LORAN-C readings of 26,713.0 and 46,980.8, Cameron Parish, encountered an unidentified submerged obstruction, on June 5, 1984, at approximately 10:00 a.m., causing loss of his 50-foot trawl and tickler chain.

Amount of Claim: \$865.00

**CLAIM NO. 84-1598 (RESCHEDULED)**

Harry Cheramie, Sr., of Grand Isle, LA, while trawling on the vessel, "Ace of Trade", in the Gulf of Mexico, south of Grand Isle, at LORAN-C readings of 28,503.7 and 46,852.4, Jefferson Parish, encountered an unidentified submerged obstruction, on May 17, 1984, at approximately 10:00 a.m., causing loss of his trawl.

Amount of Claim: \$556.47

**CLAIM NO. 84-1599**

Mark Spears, of Erath, LA, while trawling on the vessel, "Markaren", in the Gulf of Mexico, south of Big Constance Lake, at LORAN-C readings of 27,025.3 and 46,949.5, Cameron Parish, encountered an unidentified submerged obstruction, on May 30, 1984, at approximately 11:00 a.m., causing damage to his 40-foot trawl.

Amount of Claim: \$172.72

**CLAIM NO. 84-1600**

Kenneth H. Hooks, Sr., of Slidell, LA, while trawling on the vessel, "LA-7556-BC", in Lake Borgne, northwest of Malheureux Point, at approximately LORAN-C readings of 29,038.0 and 47,039.0, St. Bernard Parish, encountered an unidentified submerged obstruction, on June 6, 1984, at approximately 7:00 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$495.00

**CLAIM NO. 84-1607**

Tony M. Billiot, of Houma, LA, while trawling on the vessel, "Trail Blazer", in Hackberry Bay, Terrebonne Parish, en-

countered a submerged section of 1¼" cable, on June 6, 1984, at approximately 9:00 a.m., causing damage to his vessel.

Amount of Claim: \$1,466.18

**CLAIM NO. 84-1609**

Henry Luwisch, of Cut Off, LA, while trawling on the vessel, "Miss Germaine", in East Bay, east of Burrwood, at LORAN-C readings of 28,847.0 and 46,773.9, Plaquemines Parish, encountered a submerged well head, on June 5, 1984, at approximately 10:30 a.m., causing damage to his vessel and loss of two 50-foot trawls, boards and related hardware.

Amount of Claim: \$5,000.00

**CLAIM NO. 84-1617**

Bernard J. Welb, of New Orleans, LA, while trawling on the vessel, "Miss Judy", in Lake Pontchartrain, in the Middle Ground, at approximately LORAN-C readings of 28,894.0 and 47,054.7, St. Tammany Parish, encountered an unidentified submerged obstruction, on June 8, 1984, at approximately 8:30 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$576.06

**CLAIM NO. 84-1621 (RESCHEDULED)**

Jules B. Kain, Sr., of Violet, LA, while trawling on the vessel, "Chris and Shane", in Breton Sound, southeast of Mozambique Point, at LORAN-C readings of 28,956.9 and 46,920.0, Plaquemines Parish, encountered a submerged section of 7" drill pipe, on June 8, 1984, at approximately 11:00 a.m., causing loss of his siamese trawls.

Amount of Claim: \$1,558.11

**CLAIM NO. 84-1623**

Michael E. Carinkas, of Surprise Inc., Mandeville, LA, while menhaden fishing on the vessel, "Surprise", in the Gulf of Mexico, south of Sabine Pass, at approximately LORAN-C readings of 26,371.0 and 46,965.5, Cameron Parish, encountered a submerged barge, on June 12, 1984, at approximately 4:45 p.m., causing damage to his menhaden net.

Amount of Claim: \$5,000.00

**CLAIM NO. 84-1627 (RESCHEDULED)**

Harry Cheramie, Sr., of Grand Isle, LA, while trawling on the vessel, "Ace of Trade", in the Gulf of Mexico, southeast of Caminada Pass, at LORAN-C readings of 28,498.2 and 46,848.0, Jefferson Parish, encountered an unidentified submerged obstruction, on June 13, 1984, at approximately 9:00 a.m., causing loss of his two 50-foot trawls.

Amount of Claim: \$1,159.15

**CLAIM NO. 84-1634**

Julius J. Moll, of Lafitte, LA, while trawling on the vessel, "Lady Danielle", in Turtle Bay, Jefferson Parish, encountered an unidentified submerged obstruction, on June 21, 1984, at approximately 9:30 a.m., causing damage to his 50-foot trawl.

Amount of Claim: \$150.00

**CLAIM NO. 84-1635**

Julius J. Moll, of Lafitte, LA, while trawling on the vessel, "Lady Danielle", in Little Lake, Lafourche Parish, encountered an unidentified submerged obstruction, on June 17, 1984, at approximately 4:00 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$500.00

**CLAIM NO. 84-1639**

Wilfred Nunez, of Meraux, LA, while trawling on the vessel, "April Marie", in Lake Coquille, north of Grand Coquille Point, St. Bernard Parish, encountered a submerged section of pipe, on June 21, 1984, at approximately 6:00 p.m., causing loss of his 35-foot trawl.

Amount of Claim: \$390.78

**CLAIM NO. 84-1642 (RESCHEDULED)**

Linton Charpentier, of Cut Off, LA, while trawling on the vessel, "Capt. Linton", in Breton Sound, between Baptiste Col-



lette Bayou and Main Pass, at LORAN-C readings of 29,020.0 and 46,882.2, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 14, 1984, at approximately 1:30 p.m., causing damage to his two 60-foot trawls.

Amount of Claim: \$822.86

CLAIM NO. 84-1645

Noel A. Usannaz, of New Orleans, LA, while trawling on the vessel, "Gros Comme Ca", in Lake Pontchartrain, southwest of Bayou Castine, at approximately LORAN-C readings of 28,745.0 and 47,081.2, St. Tammany Parish, encountered a submerged barge anchor, on June 25, 1984, at approximately 7:30 p.m., causing damage to his 50-foot trawl and loss of his 16-foot test trawl.

Amount of Claim: \$629.00

CLAIM NO. 84-1655

Philip Martinez, Jr., of Delacroix Island, LA, while trawling on the vessel, "LA-2905-AS", in Lake Fortuna, St. Bernard Parish, encountered a submerged pipe or piling, on June 25, 1984, at approximately 1:00 p.m., causing loss of his 45-foot trawl.

Amount of Claim: \$496.12

CLAIM NO. 84-1656

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Terrebonne Bay, southeast of Point Meshe, Terrebonne Parish, encountered a submerged section of pipe, on June 26, 1984, at approximately 8:00 a.m., causing loss of his trawl.

Amount of Claim: \$1,045.00

CLAIM NO. 84-1662

George D. Eckerle, of Lafitte, LA, while traveling on the vessel, "Lady Janet", in Wilkinson Bayou, northeast of St. Mary's Point, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 26, 1984, at approximately 4:00 p.m., causing damage to his vessel.

Amount of Claim: \$509.95

CLAIM NO. 84-1670

Howard Derouin, of Howard Boat Company, Inc., New Iberia, LA, while trawling on the vessel, "Sea Breeze", in the Gulf of Mexico, between the New Cut and Joseph Harbor, at LORAN-C readings of 26,908.0 and 46,966.7, Cameron Parish, encountered an unidentified submerged obstruction, on June 25, 1984, at approximately 10:45 a.m., causing damage to his 70-foot siamese trawl.

Amount of Claim: \$614.57

CLAIM NO. 84-1676

Rufus Deroche, of Cut Off, LA, while trawling on the vessel, "La Shouche", in Barataria Bay, south of Pelican Point, Jefferson Parish, encountered an unidentified submerged obstruction, on June 27, 1984, at approximately 10:30 a.m., causing loss of his 48-foot trawl and tickler chain.

Amount of Claim: \$719.46

CLAIM NO. 84-1677

Randy J. Adams, of Galliano, LA, while trawling on the vessel, "Sunshine Lady", in Timbalier Bay, 1 1/8 miles south of Philo Bruce Light, Lafourche Parish, encountered a submerged oil casing, on June 29, 1984, at approximately 7:00 a.m., causing loss of his 50-foot trawl and related hardware.

Amount of Claim: \$1,188.32

CLAIM NO. 84-1687

Ervin J. Hebert, of Westwego, LA, while trawling on the vessel, "Lady Marie", in Bayou St. Denis, near Mud Lake, Jefferson Parish, encountered a submerged section of steel tubing, on June 18, 1984, at approximately 9:30 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$450.00

CLAIM NO. 84-1688

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "Shanna Baby", in Lake Pontchartrain, 2 miles east of I-10 and 2 1/4 miles from Irish Bayou, Orleans Parish, encountered an unidentified submerged obstruction, on June 29, 1984, at approximately 3:30 p.m., causing loss of his 50-foot balloon trawl.

Amount of Claim: \$890.00

CLAIM NO. 84-1690

Danny Joseph Robin, of Marrero, LA, while trawling on the vessel, "Capt. Danny", in the area of the Lake Grande Ecaille Sulphur Mine, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 1, 1984, at approximately 7:00 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$495.00

CLAIM NO. 84-1697

Bruce Guerra, of St. Bernard, LA, while trawling on the vessel, "Mr. Fabriciano", in Bay Boudreaux, 1,000 feet east of Nine Mile Bayou, Plaquemines Parish, encountered a dynamite hole, on June 10, 1984, at approximately 2:00 p.m., causing loss of his trawl and doors.

Amount of Claim: \$1,173.47

CLAIM NO. 84-1698

Keith E. Trosclair, of Marrero, LA, while trawling on the vessel, "Lady Nellie", in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,561.1 and 46,862.7, Jefferson Parish, encountered an unidentified submerged obstruction, on June 28, 1984, at approximately 1:00 p.m., causing damage to his trawl.

Amount of Claim: \$200.00

CLAIM NO. 84-1699

Keith E. Trosclair, of Marrero, LA while trawling on the vessel, "Lady Nellie", in the Gulf of Mexico, south of Grand Isle, at LORAN-C readings of 28,515.8 and 46,855.9, Jefferson Parish, encountered an unidentified submerged obstruction, on July 1, 1984, at approximately 2:00 a.m., causing damage to his trawl.

Amount of Claim: \$300.00

CLAIM NO. 84-1702

Lawrence J. Plaisance, of Lafitte, LA, while trawling on the vessel, "Miss Lea", in Bay Batiste, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 16, 1984, at approximately 7:00 a.m., causing loss of his 47-foot trawl.

Amount of Claim: \$477.50

CLAIM NO. 84-1703

Henry Fazende, of Barataria, LA, while trawling on the vessel, "Typhoon #2", in Breton Sound, north of Baptiste Collette Bayou, at LORAN-C readings of 28,983.1 and 46,887.5, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 1, 1984, at approximately 10:30 a.m., causing loss of his 52-foot trawl and boards.

Amount of Claim: \$1,105.00

CLAIM NO. 84-1710

Loyde C. Duncan, of Boothville, LA, while trawling on the vessel, "D'Iberville", in Breton Sound, south of Point Lydia, at approximately LORAN-C readings of 29,098.0 and 46,967.3, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 8, 1984, at approximately 6:30 p.m., causing damage to his vessel.

Amount of Claim: \$5,000.00

CLAIM NO. 84-1713 (RESCHEDULED)

Alan Cheramie, of Lafitte, LA, while trawling on the vessel, "Alan-Michelle", in the Gulf of Mexico, west of the Grand Isle Sea Buoy, at approximately LORAN-C readings of 28,567.0 and 46,857.2, Jefferson Parish, encountered a submerged section of

drill pipe, on May 23, 1984, at approximately 2:00 p.m., causing loss of his 40-foot trawl.

Amount of Claim: \$524.30

CLAIM NO. 84-1717

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "Tee Jeff", in Breton Sound, southeast of Point Gardner, at approximately LORAN-C readings of 29,040.0 and 46,929.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 5, 1984, at approximately 9:00 a.m., causing damage to his 50-foot trawl.

Amount of Claim: \$159.39

CLAIM NO. 84-1718

Wilson Assavedo, of St. Bernard, LA, while trawling on the vessel, "Mitzi Lynne", in Lake Borgne, northeast of Bayou Bienvenue, at LORAN-C readings of 28,828.8 and 47,024.8, St. Bernard Parish, encountered a submerged tree trunk, on July 1, 1984, at approximately 6:00 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$800.00

CLAIM NO. 84-1725

Calvin J. Picou, Jr. of Schriever, LA, while trawling on the vessel, "Christie Lynn", in Terrebonne Bay, south of Lake St. Jean Baptiste, Terrebonne Parish, encountered a submerged block of concrete, on June 29, 1984, at approximately 3:00 p.m., causing loss of his 16-foot try net and boards.

Amount of Claim: \$252.60

CLAIM NO. 84-1737

Thomas Olander, of Jeanerette, LA, while trawling on the vessel, "Lady Michelle", in West Cote Blanche Bay, north of Lake Sand, St. Mary Parish, encountered a submerged piling, on July 13, 1984, at approximately 1:30 p.m., causing loss of his 48-foot trawl.

Amount of Claim: \$861.00

CLAIM NO. 84-1744

Ernest J. Campo, of St. Bernard, LA, while trawling on the vessel, "Jean Marie", in Scow Pass, at the entrance of Chandeleur Sound, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 4, 1984, at approximately 2:00 p.m., causing loss of his trawl and related hardware.

Amount of Claim: \$1,546.20

CLAIM NO. 84-1745

Daniel Duhon, of New Iberia, LA, while trawling on the vessel, "Helen of Troy", in the Gulf of Mexico, south of Beach Prong, at LORAN-C readings of 26,890.1 and 46,961.7, Cameron Parish, encountered an unidentified submerged obstruction, on June 29, 1984, at approximately 5:00 p.m., causing loss of his 36-foot trawl.

Amount of Claim: \$1,311.67

CLAIM NO. 84-1750

Mark & Darryl Eymard, of Buras, LA, while trawling on the vessel, "Capt. Darryl", in Breton Sound, 6 miles west of Breton Island, Plaquemines Parish, encountered a submerged vessel, on June 15, 1984, at approximately 2:30 p.m., causing damage to his trawl.

Amount of Claim: \$272.55

CLAIM NO. 84-1753

Terry Alario, of Grand Isle, LA, while trawling on the vessel, "Yvonne", in the Gulf of Mexico, out of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction, on July 15, 1984, at approximately 8:00 a.m., causing loss of his 25-foot trawl and boards.

Amount of Claim: \$772.25

CLAIM NO. 84-1757

Elton Brunet, of Cut Off, LA, while trawling on the vessel, "M. Gottesman", in Barataria Bay, north of Grand Terre Island, east of Barataria Pass, Jefferson Parish, encountered an uniden-

tified submerged obstruction, on July 12, 1984, at approximately 9:00 a.m., causing loss of his 52-foot trawl.

Amount of Claim: \$850.00

CLAIM NO. 84-1758

Carlton Styron, of Creole, LA, while trawling on the vessel, "Dragon Wagon", in the Calcasieu Ship Channel, north of West Pass, Cameron Parish, encountered an unidentified submerged obstruction, on July 13, 1984, at approximately 1:00 p.m., causing loss of his 50-foot trawl and tickler chain.

Amount of Claim: \$674.10

CLAIM NO. 84-1759

Carlton Styron, of Creole, LA, while trawling on the vessel, "Dragon Wagon", in Calcasieu Lake, east of Calcasieu Pass, Cameron Parish, encountered an unidentified submerged obstruction, on July 12, 1984, at approximately 4:00 p.m., causing damage to his 50-foot trawl.

Amount of Claim: \$75.00

CLAIM NO. 84-1768

Malcolm Assevado, of St. Bernard, LA, while trawling on the vessel, "Lady Cynthia", in Breton Sound, east of Curfew Point, at LORAN-C readings of 28,965.9 and 46,920.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 6, 1984, at approximately 11:00 p.m., causing loss of his two 46-foot semi-balloon trawls.

Amount of Claim: \$1,400.00

CLAIM NO. 84-1769

Malcolm Assevado, of St. Bernard, LA, while trawling on the vessel, "Lady Cynthia", in Breton Sound, 1 mile south of Deadman Point, at LORAN-C readings of 29,037.8 and 46,959.2, St. Bernard Parish, encountered an unidentified submerged obstruction, on June 19, 1984, at approximately 1:00 p.m., causing damage to his vessel and loss of his 45-foot trawl.

Amount of Claim: \$4,110.00

CLAIM NO. 84-1770

Malcolm Assevado, of St. Bernard, LA, while trawling on the vessel, "Lady Cynthia", in Breton Sound, south-southwest of Point Chicot, at LORAN-C readings of 29,055.8 and 46,947.4, St. Bernard Parish, encountered a submerged metal obstruction, on June 17, 1984, at approximately 7:00 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$610.00

CLAIM NO. 84-1775

Anthony George Toups, of Westwego, LA, while trawling on the vessel, "Grand Clothilde", in the Gulf of Mexico, out of Barataria Pass, at LORAN-C readings of 28,568.6 and 46,855.4, Jefferson Parish, encountered an unidentified submerged obstruction, on July 10, 1984, at approximately 3:30 p.m., causing damage to his trawl.

Amount of Claim: \$617.00

CLAIM NO. 84-1778

Edward Otero, Jr., of Lafitte, LA, while trawling on the vessel, "Mr. Bingle", in Bayou Rigolettes, southwest of the Barataria Waterway, Jefferson Parish, encountered an unidentified submerged obstruction, on July 2, 1984, at approximately 4:00 p.m., causing damage to his vessel.

Amount of Claim: \$416.00

CLAIM NO. 84-1779

Linwood Sponge, of Galliano, LA, while trawling on the vessel, "Marcel Jr.", in Lake Borgne, east of Proctor Point, at approximately LORAN-C readings of 28,907.5 and 47,011.7, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 7, 1984, at approximately 3:00 p.m., causing loss of his 52-foot trawl.

Amount of Claim: \$722.11

CLAIM NO. 84-1787

Ellis J. Schouest, Jr., of Franklin, LA, while trawling on the vessel, "Capt. Michael", in Chandeleur Sound, south of Deadman Island, St. Bernard Parish, encountered a submerged piling, on July 14, 1984, at approximately 6:00 a.m., causing damage to his vessel and trawl.

Amount of Claim: \$1,267.43

CLAIM NO. 84-1789

Antoine Chauvin, of Golden Meadow, LA, while trawling on the vessel, "Lady Rowena", in Breton Sound, northeast of Deepwater Point, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 13, 1984, at approximately 7:30 p.m., causing loss of his anchor and anchor rope.

Amount of Claim: \$785.96

CLAIM NO. 84-1791

James Terrio, Sr., of Lafitte, LA, while trawling on the vessel, "My Girl Shirl", in the Barataria Waterway, between Mendent Island and Beauregard Island, Jefferson Parish, encountered an unidentified submerged metal obstruction, on July 16, 1984, at approximately 4:30 p.m., causing damage to his propeller.

Amount of Claim: \$1,316.10

CLAIM NO. 84-1801

Randy J. Adams, of Galliano, LA, while trawling on the vessel, "Sunshine Lady", in Deepwater Pass, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 18, 1984, at approximately 5:00 p.m., causing loss of his trawl and related hardware.

Amount of Claim: \$1,004.72

CLAIM NO. 84-1803

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "Tee Jeff", in the Gulf of Mexico, east of North Pass, at LORAN-C readings of 29,134.8 and 46,828.7, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 20, 1984, at approximately 10:45 a.m., causing loss of his trawl.

Amount of Claim: \$621.11

CLAIM NO. 84-1804

James A. Prudhomme, Jr., of Galliano, LA, while trawling on the vessel, "Capt. Jim", in Drum Bay, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 6, 1984, at approximately 5:00 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$909.05

CLAIM NO. 84-1806

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "Shanna Baby", in Eloi Bay, ½ mile south of Deadman Point, St. Bernard Parish, encountered a submerged piling, on July 25, 1984, at approximately 3:30 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$915.00

CLAIM NO. 84-1808

Alfred Martin, of Braithwaite, LA, while trawling on the vessel, "Daddy's Girls", in Breton Sound, northeast of California Point, at LORAN-C readings of 28,965.2 and 46,920.0, Plaquemines Parish, encountered a submerged section of pipe, on July 26, 1984, at approximately 10:30 p.m., causing loss of his 65-foot trawl.

Amount of Claim: \$1,349.00

CLAIM NO. 84-1813

Louis Dusenbery, of Houma, LA, while trawling on the vessel, "Cajun Pride", in Terrebonne Bay, west of Caillou Island, Terrebonne Parish, encountered an unidentified submerged obstruction, on June 23, 1984, causing loss of his trawl.

Amount of Claim: \$798.84

CLAIM NO. 84-1815

Leon E. Seghers, of New Orleans, LA, while trawling on the vessel, "Sea Demon", in Lake Pontchartrain, west of Goose

Point, at LORAN-C readings of 28,765.4 and 47,069.4, St. Tammany Parish, encountered an unidentified submerged obstruction, on July 22, 1984, at approximately 10:00 p.m., causing loss of his 50-foot trawl and shark tail.

Amount of Claim: \$600.00

CLAIM NO. 84-1816

Timothy Schouest, Sr., of New Iberia, LA, while trawling on the vessel, "Master Timothy Jr.", in Breton Sound, north of Baptiste Collette Bayou, at LORAN-C readings of 28,988.6 and 46,907.3, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 9, 1984, at approximately 2:00 a.m., causing damage to his trawl.

Amount of Claim: \$399.00

CLAIM NO. 84-1818

Timothy Schouest, Sr., of New Iberia, LA, while trawling on the vessel, "Master Timothy Jr.", in Breton Sound, east of Curfew Point, at LORAN-C readings of 28,954.8 and 46,920.4, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 13, 1984, causing damage to his 80-foot trawl.

Amount of Claim: \$448.00

CLAIM NO. 84-1824

Joseph G. Verdin, of Dulac, LA, while trawling on the vessel, "Mathilda Lynn", in the Gulf of Mexico, at approximately LORAN-C readings of 28,558.0 and 46,863.8, Jefferson Parish, encountered an unidentified submerged obstruction, on June 6, 1984, at approximately 11:30 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$697.54

CLAIM NO. 84-1825

Joseph G. Verdin, of Dulac, LA, while trawling on the vessel, "Mathilda Lynn", in the Gulf of Mexico, east of Barataria Pass, at approximately LORAN-C readings of 28,564.0 and 46,865.2, Jefferson Parish, encountered an unidentified submerged obstruction, on June 8, 1984, at approximately 8:00 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$803.2

CLAIM NO. 84-1826

Joseph G. Verdin, of Dulac, LA, while trawling on the vessel, "Mathilda Lynn", in the Gulf of Mexico, east of Barataria Pass, at approximately LORAN-C readings of 28,565.0 and 46,864.4, Jefferson Parish, encountered an unidentified submerged obstruction, on June 12, 1984, at approximately 2:00 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$697.54

CLAIM NO. 84-1827

Joseph G. Verdin, of Dulac, LA, while trawling on the vessel, "Mathilda Lynn", in Barataria Bay, northwest of Martigan Point, Jefferson Parish, encountered an unidentified submerged obstruction, on June 20, 1984, at approximately 4:00 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$803.21

CLAIM NO. 84-1829

Cleo M. Billiot, of Gretna, LA, while trawling on the vessel, "Mauratina II", in Breton Sound, north of Bird Island, at LORAN-C readings of 28,976.8 and 46,905.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 24, 1984, at approximately 9:00 a.m., causing loss of his trawl and boards.

Amount of Claim: \$1,223.95

CLAIM NO. 84-1831

Wayne Cheramie, of Grand Isle, LA, while trawling on the vessel, "Master Wayne II", in the Gulf of Mexico, east of Bay Champagne, Lafourche Parish, encountered an unidentified submerged obstruction, on July 30, 1984, at approximately 2:00 p.m., causing loss of his 40-foot trawl.

Amount of Claim: \$896.33

CLAIM NO. 84-1834

George France, of Slidell, LA, while trawling on the vessel, "La Brina Jo", in Lake Pontchartrain, west of the Chef Menteur Bridge, Orleans Parish, encountered an unidentified submerged obstruction, on July 21, 1984, at approximately 8:00 a.m., causing loss of his test trawl and boards.

Amount of Claim: \$242.75

CLAIM NO. 84-1836

George C. Reno, of Venice, LA, while trawling on the vessel, "Tidewater Red", in the Gulf of Mexico, southeast of Main Pass, at LORAN-C readings of 29,067.4 and 46,855.9, Plaquemines Parish, encountered an unidentified submerged obstruction, on July 16, 1984, at approximately 5:00 a.m., causing damage to his trawl.

Amount of Claim: \$110.00

CLAIM NO. 84-1846

Leo Paul Pitre, of Golden Meadow, LA, while trawling on the vessel, "Capt. Leo", in Breton Sound, south of Deadman Island and east of Gardner Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 7, 1984, at approximately 5:00 p.m., causing loss to his 50-foot trawl.

Amount of Claim: \$758.31

CLAIM NO. 84-1847

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Steven", in the Gulf of Mexico, west of Caminada Pass, at LORAN-C readings of 28,458.1 and 46,842.6, Jefferson Parish, encountered an unidentified submerged obstruction, on August 4, 1984, at approximately 5:00 a.m., causing loss of his 57-foot trawl and related gear.

Amount of Claim: \$1,061.44

CLAIM NO. 84-1848

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Steven", in the Gulf of Mexico, between Bay Champagne and Caminada Pass, Lafourche Parish, encountered an unidentified submerged obstruction, on August 5, 1984, at approximately 9:00 a.m., causing loss of his 57-foot trawl and related gear.

Amount of Claim: \$1,061.44

CLAIM NO. 84-1851

Leo Toups, of Cut Off, LA, while trawling on the vessel, "Dixie Queen", in the Gulf of Mexico, south of Barataria Pass, at approximately LORAN-C readings of 28,565.5 and 46,863.0, Jefferson Parish, encountered a submerged vessel, on July 29, 1984, at approximately 12:30 p.m., causing damage to his vessel.

Amount of Claim: \$724.53

CLAIM NO. 84-1853

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Capt. Allen", in the Gulf of Mexico, south of Grand Isle, Jefferson Parish, encountered a submerged cable, on July 1, 1984, at approximately 5:00 a.m., causing damage to his trawl.

Amount of Claim: \$309.47

CLAIM NO. 84-1854

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Capt. Allen", in the Gulf of Mexico, south of Grand Isle, at approximately LORAN-C readings of 28,516.8 and 46,856.6, Jefferson Parish, encountered a submerged section of pipe, on August 2, 1984, at approximately 12:00 a.m., causing damage to his trawl.

Amount of Claim: \$252.68

CLAIM NO. 84-1855

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Capt. Allen", in the Gulf of Mexico, southeast of Caminada Pass, at approximately LORAN-C readings of 28,498.0 and 46,849.5, Jefferson Parish, encountered an unidentified sub-

merged obstruction, on July 27, 1984, at approximately 9:00 a.m., causing loss of his trawl.

Amount of Claim: \$1,103.08

CLAIM NO. 84-1857

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "Little Reo", in the Gulf of Mexico, south of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction, on July 30, 1984, at approximately 10:00 a.m., causing damage to his trawl.

Amount of Claim: \$243.25

CLAIM NO. 84-1869

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "Tee Jeff", in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,570.0 and 46,860.7, Jefferson Parish, encountered an unidentified submerged obstruction, on August 12, 1984, at approximately 11:15 a.m., causing damage to his 46-foot trawl.

Amount of Claim: \$186.43

CLAIM NO. 84-1870

Colin J. Barrilleaux, of Independence, LA, while trawling on the vessel, "Amy Cat", in Bayou St. Denis, north of Mud Lake, Jefferson Parish, encountered a submerged truck, on July 11, 1984, at approximately 11:00 a.m., causing loss of his 50-foot trawl, false tail and doors.

Amount of Claim: \$1,078.02

CLAIM NO. 84-1872

Frank Ray, of St. Bernard, LA, while trawling on the vessel, "Lori Lynn", in Lake Eloi, near Point Eloi, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 27, 1984, at approximately 3:00 a.m., causing damage to his vessel and loss of his trawl and boards.

Amount of Claim: \$1,800.94

CLAIM NO. 84-1873

Frank Ray, of St. Bernard, LA, while trawling on the vessel, "Lori Lynn", in Eloi Bay, between Deadman Island and Codfish Point, St. Bernard Parish, encountered a submerged stump or metal object, on July 11, 1984, at approximately 7:00 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$726.19

CLAIM NO. 84-1878

James D. Tisdale, of Slidell, LA, while trawling on the vessel, "Whiskey River", in the Rigolets, St. Tammany Parish, encountered a submerged tree, on July 19, 1984, at approximately 2:30 p.m., causing loss of his 45-foot trawl.

Amount of Claim: \$495.00

CLAIM NO. 84-1879

Ralph Sandras, of Harvey, LA, while trawling on the vessel, "Mr. Ralph", in the Gulf of Mexico, at the mouth of Barataria Pass, Jefferson Parish, encountered a submerged metal object, on August 3, 1984, at approximately 2:30 p.m., causing damage to his vessel, trawls and doors.

Amount of Claim: \$2,765.51

CLAIM NO. 84-1885

Frederick J. Baas, Sr., of Violet, LA, while trawling on the vessel, "Family Affair", in Lake Borgne, northeast of Martello Castle, St. Bernard Parish, encountered a submerged wharf, on August 20, 1984, at approximately 11:00 a.m., causing damage to his 45-foot trawl.

Amount of Claim: \$273.13

CLAIM NO. 84-1887

Ernest J. Wiseman, of Lafitte, LA, while trawling on the vessel, "Hal", in the Gulf of Mexico, south of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruc-

tion, on August 15, 1984, at approximately 7:00 a.m., causing loss of his 58-foot trawl and hardware.

Amount of Claim: \$936.58

CLAIM NO. 84-1891

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "Daddy's Pride", in the Gulf of Mexico, southeast of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction, on July 10, 1984, at approximately 3:00 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$697.54

CLAIM NO. 84-1892

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "Daddy's Pride", in the Gulf of Mexico, out of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction, on July 21, 1984, at approximately 1:30 p.m., causing loss of his 50-foot trawl & boards.

Amount of Claim: \$1,616.23

CLAIM NO. 84-1895

Raymond E. Plaisance, of Harvey, LA, while trawling on the vessel, "Capt. Menue", in the Gulf of Mexico, southwest of Racoon Point, at LORAN-C readings of 27,876.4 and 46,839.1, Terrebonne Parish, encountered an unidentified submerged obstruction, on August 16, 1984, at approximately 6:00 p.m., causing loss of his 9-foot by 40-inch boards.

Amount of Claim: \$901.94

CLAIM NO. 84-1906

Rodney Weiskoff, of Braithwaite, LA, while trawling on the vessel, "Kurt N Gene", in Breton Sound, south-southeast of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on August 27, 1984, at approximately 2:00 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$716.55

CLAIM NO. 84-1909

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "Capt. Steven", in the Gulf of Mexico, south of Barataria Pass, at LORAN-C readings of 28,564.3 and 46,861.8, Jefferson Parish, encountered an unidentified submerged obstruction, on August 19, 1984, at approximately 9:30 a.m., causing loss of his 57-foot ballerina trawl.

Amount of Claim: \$883.66

CLAIM NO. 84-1924

Wilbert Broussard, of Delcambre, LA, while trawling on the vessel, "Rickey", in Vermilion Bay, north of Southwest Pass, Iberia Parish, encountered a submerged crab cage, on August 25, 1984, at approximately 5:00 p.m., causing damage to his vessel.

Amount of Claim: \$1,003.28

CLAIM NO. 84-1929

Robert Graf, of St. Bernard, LA, while trawling on the vessel, "Trickie Nicki", in Lake Fortuna, west of Bayou Frenepiquant, St. Bernard Parish, encountered a submerged piling, on September 3, 1984, at approximately 8:30 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$867.00

CLAIM NO. 84-1931

James A. Danos, of Cut Off, LA, while trawling on the vessel, "Ruth", in Terrebonne Bay, between Point Meshe and Cat Island, Terrebonne Parish, encountered submerged rocks, on August 28, 1984, at approximately 9:30 a.m., causing loss of his trawl and tickler chain.

Amount of Claim: \$990.61

CLAIM NO. 84-1933

Herman Helmer, Jr., of Barataria, LA, while trawling on the vessel, "Lil Scott", in Barataria Bay, south of Pelican Point, Jefferson Parish, encountered a submerged tree or stump, on August

31, 1984, at approximately 9:00 a.m., causing damage to his 50-foot trawl.

Amount of Claim: \$90.00

CLAIM NO. 84-1934

Herman Helmer, Jr., of Barataria, LA, while trawling on the vessel, "Lil Scott", in East Champagne Bay, north of Mendican Island, Jefferson Parish, encountered an unidentified submerged obstruction, on September 1, 1984, at approximately 8:30 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$440.00

CLAIM NO. 84-1937

Gary J. Treuil, of Metairie, LA, while trawling on the vessel, "Dawn Mist", in Lake Pontchartrain, south of Howze Beach, St. Tammany Parish, encountered a submerged piling, on August 1, 1984, at approximately 5:00 p.m., causing damage to his propeller.

Amount of Claim: \$591.00

CLAIM NO. 84-1948

Dennis J. Terrebonne, of Galliano, LA, while trawling on the vessel, "Master D", in Bayou Lafourche, approximately 3 miles south of Golden Meadow, Lafourche Parish, encountered a submerged piling, on September 9, 1984, at approximately 11:05 a.m., causing damage to his vessel.

Amount of Claim: \$1,758.79

CLAIM NO. 84-1953

Lester B. Schellinger, Jr., of Chalmette, LA, while trawling on the vessel, "LA-854-ZY", in Lake Borgne south of Alligator Point, at LORAN-C readings of 28,880.0 and 47,020.0, St. Bernard Parish, encountered an unidentified submerged obstruction, on September 6, 1984, at approximately 9:00 a.m., causing loss of his trawl.

Amount of Claim: \$516.43

CLAIM NO. 84-1956

Norbert J. Guerra, of Violet, LA, while trawling on the vessel, "Capt. Bert", in Grand Point Bay, between Big Oyster Bayou and Bayou Dominique, Plaquemines Parish, encountered a submerged piling, on September 11, 1984, at approximately 1:30 p.m., causing loss of his 42-foot trawl.

Amount of Claim: \$523.19

CLAIM NO. 84-1958

James E. Daspit, of Pearl River, LA, while trawling on the vessel, "Country Girl", in Lake Borgne, near Redfish Bayou, St. Bernard Parish, encountered an unidentified submerged obstruction, on September 10, 1984, at approximately 1:00 p.m., causing loss of his propeller.

Amount of Claim: \$760.00

CLAIM NO. 84-1960

Lazarus Gonzales, of St. Bernard, LA, while trawling on the vessel, "Lucky Fella", in Island Bay, north of Fontanelle Bayou, Plaquemines Parish, encountered a submerged piling, on September 10, 1984, at approximately 10:00 a.m., causing damage to his vessel.

Amount of Claim: \$366.01

CLAIM NO. 84-1974

Gary J. Treuil, of Metairie, LA, while trawling on the vessel, "Dawn Mist", in Lake Pontchartrain, east of the Causeway, Jefferson Parish, encountered an unidentified submerged obstruction, on September 13, 1984, at approximately 9:00 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$650.00

CLAIM NO. 84-1975

Gary J. Treuil, of Metairie, LA, while trawling on the vessel, "Dawn Mist", in Lake Pontchartrain, southwest of Goose Point, St. Tammany Parish, encountered an unidentified submerged ob-

struction, on September 11, 1984, at approximately 10:30 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$725.00

CLAIM NO. 84-1979

Terry Fabre, of Dulac, LA, while trawling on the vessel, "Lady Dona", in the Gulf of Mexico, west of the Mermentau River, Cameron Parish, encountered an unidentified submerged obstruction, on September 17, 1984, at approximately 8:00 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$732.83

CLAIM NO. 84-1980

Terry Fabre, of Dulac, LA, while trawling on the vessel, "Lady Dona", in Calcasieu Lake, east of Calcasieu Pass, Cameron Parish, encountered an unidentified submerged obstruction, on August 28, 1984, at approximately 5:00 p.m., causing damage to his trawl.

Amount of Claim: \$326.96

CLAIM NO. 84-1991

Kevin Boudreaux, of Cameron, LA, while trawling on the vessel, "Wendy Lynn", in the Gulf of Mexico, southeast of Holly Beach, at LORAN-C readings of 26,621.8 and 46,979.4, Cameron Parish, encountered an unidentified submerged obstruction on September 14, 1984, at approximately 9:00 a.m., causing damage to his 50-foot trawl.

Amount of Claim: \$450.00

Any written objections to these claims must be received by the close of business on December 7, 1984. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: William C. Huls, Secretary; Department of Natural Resources, Box 44124, Capital Station, Baton Rouge, LA 70804.

William C. Huls  
Secretary

## POTPOURRI

### Department of Natural Resources Office of Conservation Injection and Mining Division

DOCKET NUMBER UIC 84-30

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Thursday, December 27, 1984 in the St. Mary Parish Police Jury Meeting Room of the Courthouse Building, Main Street, Franklin, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Marine Shale Processors, Inc., Box 1649, Slidell, LA 70459. The applicant intends to operate a commercial nonhazardous oilfield waste treatment facility in Section 44, Township 16 South, Range 13 East, St. Mary Parish, LA.

Prior to authorizing the use of this facility for treatment of nonhazardous oilfield waste, the Commissioner of Conservation must find that the applicant has met all the requirements of State-wide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 228 of the Natural Resources Building, 625 North Fourth St., Baton Rouge, LA. Verbal information may be received by calling Mr. Wascom at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the

hearing must be received no later than 4:45 p.m., January 3, 1984, at the Baton Rouge office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275, Re: Docket No. UIC 84-30 Commercial Treatment Facility St. Mary Parish

Herbert W. Thompson  
Commissioner

## POTPOURRI

### Department of Natural Resources Office of Conservation Injection and Mining Division

DOCKET NUMBER UIC 84-31

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Friday, December 28, 1984 in the Orleans Parish City Council Chambers, 1300 Perdido, New Orleans, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Sun Drilling Products Corporation, 503 Main Street, Belle Chasse, LA 70037. The applicant intends to operate a commercial nonhazardous oilfield waste treatment facility in Section 28, Township 14 South, Range 24 East, Orleans Parish, LA.

Prior to authorizing the use of this facility for treatment of nonhazardous oilfield waste, the Commissioner of Conservation must find that the applicant has met all the requirements of State-wide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Mr. Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 228 of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA. Verbal information may be received by calling Mr. Wascom at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:45 p.m., January 4, 1984, at the Baton Rouge office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275, Re: Docket No. UIC 84-31 Commercial Treatment Facility Orleans Parish

Herbert W. Thompson  
Commissioner

## POTPOURRI

### Department of Transportation and Development Office of Public Works

The Department of Transportation and Development (DOTD), Office of Public Works (OPW) will conduct public meetings on the proposed rules for determining priorities for funding of water resources projects as defined in L.R.S. 38:31(4). This program provides state matching funds for municipal, parish, and other local or regional water and sewerage projects under the Louisiana Water Resources Program pursuant to Act No. 625 of 1983.

The meetings will be conducted by OPW during the last week of November, and throughout the month of December, 1984, in the following locations: New Orleans, Baton Rouge, Thibodaux, Lafayette, Lake Charles, Alexandria, Shreveport and Mon-

roe at times and places to be announced by the respective regional planning commissions.

The purpose of the meetings is to present for public view and comment the proposed rules which establish procedures for nominating water supply and water pollution control projects and procedures by which OPW shall rank in priority order of funding the various projects nominated for said funding.

Regional Planning Commission, 333 St. Charles Avenue, Suite 900, New Orleans, Louisiana 70130, (504) 568-6611;

Capital Regional Planning Commission, Box 3355, Baton Rouge, Louisiana 70821, (504) 383-5203;

South Central Planning and Development Commission, Box 846, Thibodaux, Louisiana 70301, (504) 446-0514;

Evangeline Economic and Planning District Council, Inc., Box 90070, Lafayette, Louisiana 70509, (318) 233-3215;

Imperial Calcasieu Regional Planning and Development Commission, Box 3164, Lake Charles, Louisiana 70602, (318) 433-1771;

Kisatchie-Delta Regional Planning and Development District, Box 8076, Alexandria, Louisiana 71306, (318) 487-5454;

The Coordinating and Development Corporation, Box 37005, Shreveport, Louisiana 71133, (318) 226-7557;

North Delta Regional Planning and Development District, Inc., 2115 Justice Street, Monroe, Louisiana 71201, (318) 387-2572;

Arthur Theis, Office of Public Works, Box 92425, Baton Rouge, Louisiana 70804, (504) 342-7536.

Arthur Theis  
Deputy Chief Engineer

# Errata

## ERRATA

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

The following portion of the Declaration of Emergency published in the August 20, 1984 *Louisiana Register* was not included:

"Be it Further Resolved that the Bay Gardene Oyster Seed Reservation and the Bay Junop Oyster Seed Reservation will remain closed for the 1984-85 oyster season."

Mary Mitchell  
Chief Fiscal Officer

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