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# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Economic Development Office of Business Development Services

The Department of Economic Development, Office of Business Development Services, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to adopt the following rule relative to the Regional Economic Development Alliance program. The effective date of the rule is August 30, 1991.

This rule creates the Regional Economic Development Alliance program as authorized by Acts 1991, No. 490, Regular Session; R.S. 39:108(E). This emergency action is necessary for prompt processing of applications and timely contract negotiations.

### Title 13 ECONOMIC DEVELOPMENT

#### Part III. Business Development Services

#### Chapter 1. Regional Economic Development Alliance

##### §101. Purpose of Rule

The purpose of this rule is to create the Regional Economic Development Alliances (REDA) program within the Department of Economic Development (DED), Office of Business Development Services, as authorized by Acts 1991, No. 490, Regular Session; R.S. 39:108(E).

##### §103. Definition of REDA

A REDA is a coalition of existing economic development organizations which join together for the purpose of jointly determining the economic development needs of a multi-parish geographic area and providing certain economic development services through a funding contract provided by DED.

A. A REDA is not a single existing organization or a newly formed organization.

B. A REDA will include economic development entities which may include, by way of example, chambers of commerce, utilities, port authorities, universities, colleges, community colleges, SBDCs, economic development foundations, parish and municipal governments, planning districts, etc., which have an interest in the geographical area served by the REDA.

##### §105. REDA Contracts

DED will enter into contracts with REDAs to provide certain specified services. The contracts will be formed as follows:

A. DED will distribute a solicitation of proposal or equivalent document each fiscal year which will outline the basic services DED will require and may outline examples of special services which may be solicited and detail the distribution of available funding.

B. REDAs throughout the state will respond to the solicitation by submitting a proposal for services in accordance with the solicitation of proposal document.

C. DED will review all REDA proposals received and will select proposals for awarding contracts in a manner that meets the needs and purposes of the program within the annual funding limitations of the program.

##### §107. Performance of Contracts

DED staff will closely monitor the performance of all REDA contracts to ensure full compliance with their terms. DED staff will provide technical assistance where necessary to advise the REDAs in the performance of their contract.

##### §109. Funding Formula

DED will devise a funding formula each year for the distribution of program funding. The formula will be based on various economic and demographic factors that are representative of the state's varied geographical areas.

Kirsten A. Nyrop  
Secretary

## DECLARATION OF EMERGENCY

### Department of Economic Development Racing Commission

### Title 35 HORSE RACING

#### Part XV. Off-Track Wagering

#### Chapter 123. General Rules

##### §12357. Other Reports

A.-C. ...

D. Whenever an off-track wagering licensee applies to a city, parish or other governing authority for any change whatsoever in license fees, that licensee shall notify in writing the commission of such application no less than 30 days prior to any public hearing for such application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988), amended by the Department of Economic Development, LR 17:

Claude P. Williams  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Economic Development Racing Commission

### Title 35 HORSE RACING Part XIII. Wagering

#### Chapter 129. Pick Seven

##### §12901. Pick Seven

A. The Pick Seven pari-mutuel pool is not a parlay and has no connection with or any relation to any other pari-mutuel pool conducted by the host association, nor to any

win, place and show pool shown on the totalizator, nor to the rules governing the distribution of such other pools.

B. The Pick Seven pari-mutuel pool consists of amounts contributed for a selection for win only in each of seven races designated by the host association with the approval of the host's state racing commission. Each person purchasing a Pick Seven ticket shall designate the winning horse in each of the seven races comprising the pick seven.

C. Those horses constituting an entry of coupled horses or those horses coupled to constitute the mutuel field in a race comprising the Pick Seven shall race as a single wagering interest for the purpose of the Pick Seven pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick Seven calculations and the selection shall not be deemed a scratch.

D. The Pick Seven pari-mutuel pool shall be calculated as follows:

1. The net amount of the Pick Seven pari-mutuel pool will be divided into the major share (75 percent) and the minor (consolation) share (25 percent).

a. The major share (75 percent) will be distributed among holders of the Pick Seven tickets which correctly designate the official winner in each of the seven races comprising the Pick Seven and calculated using the net pool pricing method.

b. The minor share (25 percent) will be distributed among holders of Pick Seven tickets which correctly designate the most official winners, but fewer than seven, of the seven races comprising the Pick Seven and calculated using the net pool pricing method.

2. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the seven races comprising the Pick Seven, then the entire net pool shall be distributed among holders of Pick Seven Tickets, which correctly designate the most official winners of the seven races comprising the Pick Seven and calculated using the net pool pricing method.

3. To determine the net pool, there shall be deduction from gross wages in each jurisdiction in an amount equal to the applicable takeout for that jurisdiction. The remaining amount of the wagers from all jurisdictions is combined to form the total net pool, on the basis of which a base payout price is determined. Each jurisdiction's winning payout price is determined by applying that jurisdiction's payout rate to the base price. Each jurisdiction's individual rules relating to breakage and uncashed winning tickets shall also apply. Any other questions that arise not specifically covered in these rules shall be covered by the rules of the host track's state racing commission.

E. In the event a Pick Seven pari-mutuel ticket designates a selection in any one or more of the races comprising the Pick Seven and that selection is scratched, excused or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the host track win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs. In the unlikely event that identical amounts of money have been wagered on two horses, the automatic substitute will be the horse with the lowest program number.

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

G. In the event one or more of the races comprising the Pick Seven is canceled for any reason, the distribution of the entire net pool subject to distribution in the Pick Seven pool shall be among the holders of pari-mutuel tickets which correctly designate the most official winners in all remaining races comprising the Pick Seven, except, that in the event there is officially canceled or declared as no contest three or more of the seven races comprising the Pick Seven, all pari-mutuel tickets on the Pick Seven for that day shall be refunded, and the Pick Seven shall be canceled.

H. No pari-mutuel ticket for the Pick Seven pool shall be sold, exchanged or canceled after the time of the closing of wagering in the first of the seven races comprising the Pick Seven, except for such refunds on Pick Seven tickets as required by this rule.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:

Claude P. Williams  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Economic Development Racing Commission

#### Title 35 HORSE RACING

#### Part III. Personnel, Registration and Licensing

#### Chapter 21. Stewards

#### §2101. Qualifications for Appointment

To qualify for commission appointment or approval as a steward an individual shall be required to:

A. document five years prior experience as a steward, racing secretary, assistant racing secretary, starter, placing judge, paddock judge, clerk of scales, jockey, trainer or equivalent experience in the racing industry;

B. satisfactorily pass a commission-approved "Stewards Training Program." This requirement may be waived for individuals who have served as a steward for at least two years in a recognized jurisdiction at an extended thoroughbred or quarter horse pari-mutuel race meeting, and who is otherwise qualified to serve as a steward;

C. satisfactorily pass an optical examination conducted not more than 90 days before the appointment, indicating 20-20 vision, corrected, and the ability to distinguish colors;

D. satisfactorily pass a criminal background check;

E. satisfactorily pass a written examination prescribed by the commission. A passing grade for the written exam is 85 on a scale of 100. Applicants must satisfactorily pass the written examination every three years;

F. participate in an oral interview conducted by the executive director or a designee of the executive director;

G. be physically fit to perform the duties of a steward.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), repromulgated LR 3:20 (January 1977), LR 4:271 (August 1978), amended LR 17:

Claude P. Williams  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Revisions to Bulletin 741, Louisiana Handbook for School Administrators - Vocational Education Standards

The Board of Elementary and Secondary Education, at its meeting of August 22, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and approved the following revisions to the Minimum Standards for State Approval in Reimbursed Programs of Vocational Education in Bulletin 741.

These revisions are being made because:

1. Some current policies and standards related primarily to funding processes which have been changed or eliminated with the new federal legislation (Carl Perkins);

2. Most program areas have adjusted program requirements to encourage sequence of courses to comply with new federal legislation;

3. Program areas have revised course offerings to make available more semester offerings rather than full year courses for scheduling conveniences and recruitment efforts; and

4. Course titles have been updated to reflect more current terminologies.

Emergency adoption is necessary for the continuing operation of secondary vocational programs for the 1991-92 school year. Effective date of Emergency Rule is August 22, 1991.

### AMENDMENTS TO BULLETIN 741 LOUISIANA HANDBOOK FOR ADMINISTRATORS VOCATIONAL EDUCATION PROGRAM

Delete Standard 1.175.00.

Delete Standard 1.176.00.

Amend Standard 1.176.01. to read: The local education governing authority shall provide appropriate physical environments for the instructional programs in vocational education and maintain conditions that ensure the safety and health of students. (Refer to Bulletin 1674 for safety and health requirements relative to Technology Education and Trade and Industry.)

Heavy equipment laboratories, such as woodworking, metal working, multipurpose, automotive, and most machine laboratories, should have minimum area of 75 square feet per student.

Light equipment laboratories, such as those used for teaching electricity, electronics, drafting, manufacturing, communications, etc., should have a minimum area of 50 square feet per student.

Amend Standard 1.176.02. to read: The local educational governing authority shall provide and maintain modern equipment for vocational programs. An accurate inventory of equipment purchased with state and federal vocational funds shall be maintained, and the use of this equipment shall be limited to appropriate vocational program. (Machines and tools should be organized, guarded, color-coded, and ventilated in accordance with regulations and codes found in state and federal guidelines.)

Delete Standard 1.176.04.

Delete Standard 1.176.07.

Amend Standard 1.176.08. to read: Vocational teachers and guidance counselors shall actively participate in inservice programs contributing to professional improvement in their vocational area. The agriscience teacher will participate in inservice activities by attending and taking part in the annual summer inservice held in conjunction with the area FFA leadership camp, the annual vocational conference of the LVA/SDE, and any other inservice required for all agriscience teachers in the state.

Amend Standard 1.176.09. to read: Only one course shall be scheduled during a single class period under one vocational teacher.

Requests for exceptions to this standard shall be made in writing by the principal through the local superintendent to the Office of Vocational Education, State Department of Education (SDE). (Requests must be made prior to the submission of the Annual School Report. Permission to offer more than one course must be based on the presentation of convincing evidence of unusual or extenuating circumstances.)

Delete Standard 1.176.14.

Amend Standard 1.176.15. to read: Both male and female students as well as students with special needs shall be encouraged to participate in traditional and nontraditional vocational training to assist in eliminating bias and stereotyping in vocational programs.

Delete Standard 1.176.16.

Amend Standard 1.176.17. to read: Credit shall be awarded for successful completion of two- or three-hour blocks of vocational education courses. Credit for partial completion of two- or three-hour vocational education courses may be granted for unusual or extenuating circumstances.

Requests for partial credit because of unusual or extenuating circumstances shall be made in writing by the principal through the local superintendent to the Office of Vocational Education, State Department of Education (SDE). If granted, a copy of the written response shall accompany the student's transcript when it is sent to the Bureau of Secondary Education prior to graduation.

Amend Standard 1.176.18. to read: Any new course offering shall be approved for credit by the Office of Vocational Education's Bureau of Secondary Vocational Education and the Bureau of Secondary Education.

Amend Standard 1.176.20. to read: Any new instructional program in vocational education, including regular, adult, cooperative, pilot, or alternative, shall obtain approval from the Office of Vocational Education (SDE), before initiation.

### Vocational Student Organizations

Amend Standard 1.176.22. to read: Activities of vocational student organizations should be offered as an integral

part of the vocational instruction and be under the supervision of the instructional staff. The vocational student organizations for the respective vocational program areas are as follows:

- Agriscience
  - Future Farmers of America (FFA)
- Business Education
  - Future Business Leaders of America (FBLA)
- Delete General Cooperative Education
  - General Cooperative Education Club (GCEC)
- Health Occupations
  - Health Occupations Students of America (HOSA)
- Home Economics
  - Future Homemakers of America/Home Economics Related Occupations (FHA/HERO)
- Marketing Education
  - Distributive Education Clubs of America (DECA)
- Technology Education
  - Technology Student Association
- Trade and Industrial Education
  - Vocational Industrial Clubs of America (VICA)

Add Standard 1.176.23.: The agriscience teacher will organize and maintain an active chapter of Future Farmers of America, serving as its advisor, and will attend with two or more members the state convention and area leadership camp. Dues and special fees and reports will be submitted by the deadline set by the Louisiana Association of FFA. Each FFA chapter will participate in a minimum of four contests at the area or state level and will submit applications for at least three chapter or individual FFA awards. All FFA members will achieve the greenhand degree and 80 percent or more of members enrolled in classes above the Agriscience I level will achieve the chapter FFA degree.

Add Standard 1.176.30.: The agriscience teacher will participate in inservice activities by attending and taking part in the annual summer inservice held in conjunction with the area FFA leadership camp, the annual vocational conference of the LVA/SDE, and any other inservice required of all agriscience teachers in the state.

Amend Standard 1.176.24. to read: Each local educational governing authority should establish and maintain a local advisory council of vocational education.

Amend Standard 1.176.25. to read: The membership of the local advisory council should be composed of representatives of the general public including at least a representative of (a) business, (b) industry, and (c) labor with appropriate representation of both sexes and racial and ethnic minorities found in the program areas, schools, community, or region that the local advisory council serves.

Amend Standard 1.176.26. to read: The duties of the local advisory council include advising the local education governing authority on (a) current job needs, and (b) the relevancy of programs (courses) being offered to meet the current job needs.

Amend Standard 1.176.27. to read: Local systems will develop procedures and policies for the approval of travel.

Amend Standard 1.176.28. to read: The local education governing authority shall provide information and prepare necessary reports for each vocational program as required by the Office of Vocational Education (SDE).

Amend Standard 1.176.29. to read: The local educa-

tion governing authority shall cooperate with the Office of Vocational Education, State Department of Education, in the evaluation of vocational education programs.

Amend Standard 1.180.00. to read: Cooperative education programs shall provide opportunities for vocational education students to receive on-the-job training and related classroom instruction in the areas of Cooperative Agriscience Education, Cooperative Office Education, General Cooperative Education, Health Occupations Cooperative Education, Cooperative Home Economics, Marketing Education, and Trade and Industrial Cooperative Education.

Amend Standard 1.180.02. to read: Cooperative education programs shall incorporate classroom instruction and on-the-job training. The classroom phase shall include a total of five hours each week (one regular period per day) of vocational related classroom instruction. The on-the-job training phase shall include a minimum of 15 hours of job training per week for the entire year. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision in accordance with the number of cooperative students enrolled. It is recommended that teacher-coordinators be scheduled as follows:

A. Classroom Instruction

1. one period per day for 10-33 students
2. two periods per day for 34-50 students

B. On-the-job Supervision

1. one period per day for 10-33 students
2. two periods per day for 34-50 students

Requests for exceptions to this standard shall be made in writing by the principal through the local superintendent to the Office of Vocational Education, State Department of Education. Permission to alter the recommended enrollment for classroom instruction and/or on-the-job supervision will be based on the presentation of convincing evidence of unusual or extenuating circumstances.

Add Standard 1.180.04.: The local educational governing authority shall provide use of a telephone for teacher-coordinators of cooperative education programs to use for placement/coordination/follow-up activities.

Add Standard 1.180.05.: The local educational governing authority should make available a private area for teacher-coordinators of cooperative education programs to use for student/parent/employer consultation.

Delete Standards 1.184.00. through 1.184.4.

Delete Standards 1.184.09. through 1.184.12.

Amend Standard 1.188.00. to read: Vocational Education classes may be offered in all vocational program areas for adults who wish to upgrade or improve their knowledge and skills. The local system will develop procedures and policies for the operation of adult vocational education classes.

Delete Standards 1.188.01. through 1.188.03.

Amend Standard 2.105.24 to read: Vocational Agriscience course offerings shall be as follows:

Course Title	Recommended		Bulletin
	Grade Level	Unit(s)	
Exploratory Agriscience	7-8	1	
Agriscience/Agribusiness I	9-12	1	1690
Agriscience/Agribusiness II	10-12	1	1690
Agriscience/Agribusiness III	11-12	1	1690
Agriscience/Agribusiness IV	12	1	1690
Ag-Lab III	11-12	1	1690
Ag-Lab IV	12	1	1690
Cooperative Agriscience Education (CAE)	11-12	2	

Ag-Lab III and Ag-Lab IV are offered only to students who are also enrolled in Agriscience/Agribusiness III or IV.

Three units of credit in Cooperative Agriscience/Agribusiness Education (CAE) are granted to students who successfully complete both the classroom phase of instruction and the on-the-job training phase. These courses are available only to students who have completed Agriscience/Agribusiness I and Agriscience/Agribusiness II.

The agriscience teacher will participate in inservice activities by attending and taking part in the annual summer inservice held in conjunction with the area FFA leadership camp, the annual vocational conference of the LVA/SDE, and any other inservice required of all agriscience teachers in the state.

The agriscience teacher will organize and maintain an active FFA chapter, serving as its advisor, and will attend with two or more members the state convention and area leadership camp. Dues and special fees and reports will be submitted by the deadline set by the Louisiana Association of FFA. Each FFA chapter will participate in a minimum of four contests at the area or state level and will submit applications for at least three chapter or individual FFA awards. All FFA members will achieve the greenhand degree and 80 percent or more of members enrolled in classes above the Agriscience I level will achieve the chapter FFA degree.

Amend Standard 2.105.27. to read: Health Occupations course offerings shall be as follows:

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Allied Health	9-12	1/2 or 3	1635
Dental Assistant I	10-12	1, 2 or 3	1635
Dental Assistant II	11-12	2 or 3	1635
Nursing Assistant and/Geriatric Aide	9-12	1, 2 or 3	1635
Pre-Nursing (Introduction to Nursing)	9-12	1, 2 or 3	1635
Medical Office Assistant (Physician's Office)	9-12	1, 2 or 3	1635
Home Health Aide	9-12	1, 2 or 3	1635
Hospital Ward Clerk	9-12	2 or 3	1635
Medical Terminology for the Health Professions	9-12	1 or 2	1635
Health Occupations (General Cooperative)	12	2 or 3	
Health Services I	10-12	1, 2 or 3	1635
Health Services II	11-12	1, 2 or 3	1635
Introduction to Health Occupations I	9-12	1, 2 or 3	1635
Introduction to Health Occupations II	10-12	1, 2 or 3	1635
Introduction to Health Science I	9-12	1, 2 or 3	1635
Introduction to Health Science II	10-12	1, 2 or 3	1635
Introduction to Health Science III (Respiratory Therapy Assisting, Occupational Therapy Assisting, Physical Therapy Assisting)	12	1, 2 or 3	1635
Introduction to Emergency Medical Technician (CPR)	9-12	1/2, 1	1635

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Introduction to Health Insurance			
As a Career	10-12	1/2, 1 or 2	1635
Psychiatric Aide	9-12	1/2, 1 or 2	1689
Medical Specialties	9-12	1/2 or 3	1635

Level I courses shall be prerequisite to Level II courses.

Amend Standard 2.105.32. to read: Trade and Industrial Education course offerings shall be as follows:

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Air Conditioning/Refrigeration (I-II)	11-12	2 or 3	
Auto Body Repair	11-12	2 or 3	
Automotive Technician (I-II)	11-12	2 or 3	1637
Masonry (I-II)	11-12	2 or 3	
Cabinetmaking (I-II)	11-12	2 or 3	
Carpentry (I-II)	11-12	2 or 3	
Culinary Occupations (I-II)	11-12	2 or 3	
Custom Sewing (I-II)	11-12	2 or 3	
Computer Electronics (I-II)	11-12	2 or 3	
Commercial Art (I-II)	11-12	2 or 3	
Trade and Industrial Cooperative Education (TICE) (I-II)	11-12	3	
Cosmetology (I-II)	11-12	2 or 3	
Diesel Mechanics (I-II)	11-12	2 or 3	
Drafting and Design Technology (I-II)	11-12	2 or 3	
Basic Electricity (I-II)	11-12	2 or 3	
Electronics (I-II)	11-12	2 or 3	
Industrial Electronics (I-II)	11-12	2 or 3	
Electrician (I-II)	11-12	2 or 3	
Graphic Arts (I-II)	11-12	2 or 3	
Horticulture (I-II)	11-12	2 or 3	
Industrial Engines (I-II)	11-12	2 or 3	
Laboratory Technology (I-II)	11-12	2 or 3	
Industrial Machine Shop (I-II)	11-12	2 or 3	
Marine Operations (I-II)	11-12	2 or 3	
Photography (I-II)	11-12	2 or 3	
Plumbing (I-II)	11-12	2 or 3	
Printing (I-II)	11-12	2 or 3	
Sheet Metal (I-II)	11-12	2 or 3	
Outdoor Power Equipment Technician (I-II)	11-12	2 or 3	
Television Production (I-II)	11-12	2 or 3	
Upholstery (I-II)	11-12	2 or 3	
Welding (I-II)	11-12	2 or 3	

All courses shall be taught in sequence.

Trade and Industrial Education programs may be offered in two consecutive class periods, five days per week, for 36 weeks each year for two units of credit, or may be offered with three consecutive class periods for three units of credit in the selected Trade and Industrial Education program.

School systems that operate a vocational career center or comprehensive high school may award one and one-half units of credit to students enrolled in a two-hour block for 36 weeks, or two and one-half units of credit to students enrolled in a three-hour block for 36 weeks in approved trade and industrial education programs. This allows students to be excused from class for one hour each day for one semester to take the required course in Free Enterprise at either the tenth, eleventh, or twelfth grade level.

Amend Standard 2.106.25. to read: Business Education course offerings shall be as follows:

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Accounting	10-12	1	
Computerized Accounting	11-12	1	
Administrative Support Occupations	11-12	1	1866
Business Mathematics	9-12	1	1814
Business English	11-12	1	1721
Business Law	11-12	1/2	
Cooperative Office Education	12	3	1246
Business Computer Applications I	10-12	1/2	1771
Business Computer Applications II	10-12	1/2	1771
Economics	11-12	1	
Exploratory Business	7-8	1	
Introduction to Business	9-12	1	1729
Keyboarding	9-12	1/2	1662
Keyboarding Applications	9-12	1/2	1662
Keyboarding Productions I	10-12	1/2	1662
Keyboarding Productions II	10-12	1/2	1662
Office Machines	10-12	1/2	
Recordkeeping	9-12	1	1729
Shorthand/Speedwriting	10-12	1 or 1/2	1662
Word Processing	11-12	1 or 1/2	1669

Keyboarding and Keyboarding Applications shall be a prerequisite to Administrative Support Occupations and Word Processing. Keyboarding shall be a prerequisite to Shorthand/Speedwriting. Level I courses shall be prerequisite to Level II courses.

Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding and have maintained an overall "C" average. The students' attendance records should also be considered. Other prerequisites may be required by the individual school system.

Amend Standard 2.105.28. to read: Course offerings for Consumer-Homemaking Education are as follows:

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Consumer Homemaking I	9-12	1	1810
Consumer Homemaking II	10-12	1	
Food Science	9-12	1	
Adult Responsibilities	10-12	1/2	1710
Child Development	10-12	1/2	1664
Clothing & Textiles	10-12	1/2	1700
Family Economics	10-12	1/2	
Family Life Education	10-12	1/2	1821
Housing	10-12	1/2	1680
Nutrition and Food	10-12	1/2	
Parenthood Education	10-12	1/2	1695
Advanced Child Development*	10-12	1/2	1775
Advanced Clothing & Textiles*	10-12	1/2	1700
Advanced Nutrition & Food*	10-12		

\*The related beginning semester course is prerequisite to the advanced semester course.

Amend Standard 2.105.29. to read:

Home Economics - Related Occupations (HERO)

Course offerings for home economics related occupations are as follows:

Course Title	Recommended Grade Level	Units	Bulletin
Child Care I-II	11-12	1 - 3	1775
Clothing & Textile Services I-II	11-12	1 - 3	
Food Services I-II	11-12	1 - 3	
Housing & Design Services	11-12	1 - 3	
Home/Institutional Support Services	11-12	1 - 3	
Cooperative Home Economics*	12	3	

The units of credit for HERO courses shall be determined by the number of class periods for which the students are scheduled per day for instruction in the service area.

\* Cooperative Home Economics shall be limited to seniors who meet one or more of the following prerequisites: (1) one unit in a service course; (2) two specialized semester courses in the same area; or (3) one specialized semester course and the teacher-coordinator's consent. Job placement shall be in the same area of training as the prerequisite.

Amend Standard 2.105.30. to read: Technology Education Course (formerly Industrial Arts) offerings shall be as follows:

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Exploratory Technology Education I, II, III	6,7,8, or 7,8		
General Technology Education	9-12	1	
Basic Wood Technology	9-12	1	1684, 1752
Advanced Wood Technology	10-12	1	1752
Communication Technology I**	9-12	1/2	1777
Communication Technology**	9-12	1/2	1777
Construction Technology	10-12	1	1856
Basic Electricity/ Electronics Technology	9-12	1	1724
Advanced Electricity/ Electronics Technology	10-12	1	1778, 1803
Basic Metal Technology	9-12	1	1685
Advanced Metal Technology	10-12	1	1750
Welding Technology	10-12	1	1859
Power & Energy*	9-12	1/2	1723
Transportation*	9-12	1/2	1723
Power Mechanics	9-12	1	1813
Manufacturing Technology	9-12	1	
Basic Technical Drafting I	9-12	1/2	1686
Basic Technical Drafting II	9-12	1/2	1686
Advanced Technical Drafting	10-12	1	1751
Architectural Drafting	10-12	1	1779
Principles of Technology	11-12	1	1812
Principles of Technology II	11-12	1	1878
Materials and Processes	10-12	1	

\* The Power and Energy course and the Transportation course may be combined into one course, Power, Energy, and Transportation for one unit of credit.

Note: Technology Education courses must follow the sequences as outlined in the Technology Education curriculum guides.

All courses shall be taught in sequence. Safety must be taught in all courses. Refer to Bulletin 1674 for safety information.



\*\*The Communication courses may be combined into one course for one unit of credit.

Amend Standard 2.105.31. to read: Marketing Education course offerings are as follows:

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Introduction to Marketing	9-10	1	
General Marketing Retailing & Merchandising	11-12	1/2, 1 or 3	
Advertising & Sales Promotion	11-12	1/2, 1 or 3	1740
Entrepreneurship	11-12	1/2, 1 or 3	1815
Marketing Management	11-12	1/2, 1 or 3	
Marketing Research	11-12	1/2, 1 or 3	
Insurance Marketing	11-12	1 or 3	
Tourism & Lodging	11-12	1/2, 1 or 3	
Specialty Marketing Education	11-12	1/2, 1 or 3	

Three units of credit are granted only to Cooperative Marketing Education students who successfully complete both classroom and on-the-job training. One unit of credit is granted to students enrolled in Marketing Education for the classroom phase only.

Students may receive a maximum of six Cooperative Marketing Education credits and three one-unit course credits.

Amend Standard 2.176.01. to read: The school shall provide appropriate physical environment for the instructional programs in vocational education and maintain conditions that ensure the safety and health of students. (Refer to Bulletin 1674 for safety and health requirements relative to Technology Education and Trade and Industrial Education.)

Heavy equipment laboratories, such as woodworking, metal working, multipurpose, automotive, and most machine laboratories, should have a minimum area of 75 square feet per student.

Light equipment laboratories, such as those used for teaching electricity, electronics, drafting, manufacturing, communications, etc., should have a minimum area of 50 square feet per student.

Amend Standard 2.176.02. to read: The school shall provide and maintain modern equipment for vocational programs. An accurate inventory of equipment purchased with state and federal vocational funds shall be maintained, and the use of this equipment shall be limited to the appropriate vocational program. Machines and tools shall be organized, guarded, color-coded, controlled, and ventilated in accordance with regulations and codes found in state and federal guidelines.

Delete Standard 2.176.04.

Delete Standard 2.176.07.

Amend Standard 2.176.08. to read: Vocational teachers and guidance counselors shall actively participate in inservice programs contributing to professional improvement in their vocational area. The agriscience teacher will participate in inservice activities by attending and taking part in the annual summer inservice held in conjunction with the area FFA leadership camp, the annual vocational conference of the LVA-SDE, and any other inservice required of all agriscience teachers in the state.

Amend Standard 2.176.09. to read: Only one course shall be scheduled during a single class period under one

vocational teacher.

Requests for exceptions to this standard shall be made in writing by the principal through the local superintendent to the Office of Vocational Education, State Department of Education (SDE). Requests must be made prior to the submission of the Annual School Report. Permission to offer more than one course must be based on the presentation of convincing evidence of unusual or extenuating circumstances.

Add New Standard 2.176.07: Vocational instruction shall integrate basic academic skills essential for students to achieve the desired vocational competencies and to continue to learn on the job or in a postsecondary educational setting.

Delete Current Standard 2.176.14.

Add New Standard 2.176.14: Junior high/middle (grades seven-eight) vocational programs shall meet the generic standards for senior high vocational programs, as well as specific standards for junior high approval in the vocational program area(s).

Amend Standard 2.176.15. to read: Both male and female students shall be encouraged to participate in traditional and nontraditional vocational training to assist in eliminating bias and stereotyping in vocational programs.

Amend Standard 2.176.17. to read: Credit shall be awarded for successful completion of one-, two- or three-hour vocational education courses. Credit for partial completion of two- or three-hour vocational education courses may be granted for unusual or extenuating circumstances.

Requests for partial credit because of unusual or extenuating circumstances shall be made in writing by the principal with the approval of the local superintendent to the Office of Vocational Education, State Department of Education (SDE). If granted, a copy of the written response shall accompany the student's transcript when it is sent to the Bureau of Secondary Education prior to graduation.

Amend Standard 2.176.20. to read: Any new instructional program in vocational education, including regular, adult, cooperative, pilot, or alternative, shall obtain approval from the Office of Vocational Education, State Department of Education (SDE), before their initiation.

Amend Standard 2.176.22. to read: Activities of vocational student organizations should be offered as an integral part of vocational instruction and be under the supervision of the instructional staff. The vocational student organizations for the respective vocational program areas are as follows:

- Agriscience/Agribusiness
    - Future Farmers of America (FFA)
  - Business Education
    - Future Business Leaders of America (FBLA)
  - Health Occupations
    - Health Occupations Students of America (HOSA)
  - Home Economics
    - Future Homemakers of America/Home Economics Related Occupations (FHA/HERO)
  - Marketing Education
    - Distributive Education Clubs of America (DECA)
  - Technology Education
    - Technology Student Association (TSA)
  - Trade and Industrial Education
    - Vocational Industrial Clubs of America (VICA)
- Add Standard 2.176.23.: The agriscience teacher will

organize and maintain an active chapter of Future Farmers of America, serving as its adviser, and will attend with two or more members the state convention and area leadership camp. Dues and special fees and reports will be submitted by the deadline set by the Louisiana Association of FFA. Each FFA chapter will participate in a minimum of four contests at the area or state level and will submit applications for at least three chapter or individual FFA awards. All FFA members will achieve the greenhand degree and 80 percent or more of members enrolled in classes above the Agriscience I level will achieve the chapter FFA degree.

Add Standard 2.176.30.: The agriscience teacher will participate in inservice activities by attending and taking part in the annual summer inservice held in conjunction with the area FFA leadership camp, the annual vocational conference of the LVA/SDE, and any other inservice required of all agriscience teachers in the state.

Amend Standard 2.176.27. to read: Local systems will develop procedures and policies for the approval of travel.

Amend Standard 2.180.00. to read: Cooperative education programs shall provide opportunities for vocational education students to receive on-the-job training and related classroom instruction in the areas of Cooperative Agriscience Education, Cooperative Office Education, General Cooperative Education, Health Occupations Cooperative Education, Cooperative Home Economics, Marketing Education, and Trade and Industrial Cooperative Education.

Amend Standard 2.180.02. to read: Cooperative education programs shall incorporate classroom instruction and on-the-job training. The classroom phase shall include a total of five hours each week (one regular period per day) of vocational related classroom instruction. The on-the-job training phase shall include a minimum of 15 hours of job training per week for the entire year. Teacher coordinators shall be scheduled for classroom instruction and on-the-job supervision as follows:

A. Class Instruction

1. one period per day for 10-33 students
2. two periods per day for 34-50 students

B. On-the-Job Supervision

1. one period per day for 10-33 students
2. two periods per day for 34-50 students

Requests for exceptions to this standard shall be made in writing by the principal through the local superintendent to the Office of Vocational Education, State Department of Education. Permission to alter the recommended enrollment for classroom instruction and/or on-the-job supervision will be based on the presentation of convincing evidence of unusual or extenuating circumstances.

Amend Standard 2.180.04. to read: The school shall provide use of a telephone for teacher-coordinators of cooperative education programs to use for placement/coordination/follow-up activities.

Amend Standard 2.180.05. to read: The school shall make available a private area of teacher-coordinators of cooperative education programs to use for student/parent/employer consultation.

Amend Standard 2.180.06. to read: Reimbursement of travel expenditures for placement, supervision, and coordination activities of the cooperative education program should be provided.

Amend Standard 2.180.07. to read: The teacher-coordinator and the employer shall cooperatively develop a

training memorandum for both the classroom phase and the on-the-job training phase. The training memorandum shall include (a) length of training, (b) skills and knowledge to be learned in the classroom, and (c) skills to be learned through on-the-job training.

Amend Standard 2.180.08. to read: Copies of the training memorandum shall be maintained in each cooperative education student's folder and provided to the training sponsor (employer). The cooperative training memorandum is required in lieu of the employment certificate for minors.

Amend Standard 2.180.09. to read: Each teacher-coordinator must submit class organization and end-of-the-year reports to the Office of Vocational Education, State Department of Education (SDE).

Amend Standard 2.180.10. to read: At least six times during the school year, the teacher-coordinator shall visit each student on the job to observe the student at work, to confer with the employer, and to obtain a written evaluation of the student's progress.

Amend Standard 2.180.11. to read: The teacher-coordinator shall inform the employer of labor laws as they apply to minors in cooperative education.

Amend Standard 2.180.12. to read: Orientation and pre-employment training shall be provided for each student prior to the student's placement with a program training sponsor (employer). Funding for extended employment beyond the school year should be provided for each coordinator.

Add Standard 2.180.13. The cooperative program training sponsor (employer) shall complete a written evaluation of each student's on-the-job performance for each grading period.

Add Standard 2.180.14. The teacher-coordinator shall be responsible for determining the student's grade.

Add Standard 2.180.15. Students shall be placed in appropriate, paid training stations within three weeks of the opening of school. Students not placed shall be rescheduled into non-cooperative courses.

Add Standard 2.180.16. Students in Cooperative Office Education, Health Occupations Cooperative Education, and Cooperative Home Economics Education shall be seniors. Students in Cooperative Agriscience Education, General Cooperative Education, Marketing Education, and Trade and Industrial Cooperative Education (TICE) shall be juniors and seniors. Refer to Vocational Education Course Offerings for prerequisites and requirements for specific cooperative programs.

Add Standard 2.180.17. Students shall receive minimum wage or above for the hours spent in job training.

Add Standard 2.180.18. Students must successfully complete both the classroom phase and on-the-job training phase to receive any credit. Students may not begin a cooperative program at midterm.

Add Standard 2.180.19. Students shall be placed in training stations that offer learning activities reflective of the cooperative program's Classification of Instruction Program Codes (CIP).

Delete Standard 2.184.00.

Delete Standard 2.184.01.

Delete Standards 2.184.04. through 2.184.10.

Amend Standard 2.188.00. to read: Vocational Education classes may be offered in all vocational program areas for adults who wish to upgrade or improve their knowledge

and skills. The local system will develop procedures and policies for the operation of adult vocational classes.

Delete Standard 2.188.01.

Amend procedure as found on page 71 to read: Grades seven and eight (including grade six when grouped with grades seven and eight) may offer electives from the following:

Reading	Mathematics
Exploratory Agriscience	Writing
Exploratory Technology Education	Science
Construction	Social Studies
Manufacturing	
Communication	
Transportation	
Production	
Exploratory Homemaking	
Art	
Foreign Languages	
Instrumental or Vocal Music	
Keyboarding/Typing	
Speech	
Computer Literacy/Computer Science	

In Exploratory Technology Education the minimum time for any cluster is six weeks. Maximum time allowed in a cluster is 36 weeks. All areas in each cluster should be taught. Refer to Administrative Procedures for the operation of program areas in Vocational Education.

#### APPENDIX ONE - ADMINISTRATIVE PROCEDURES FOR THE OPERATION OF PROGRAM AREAS IN VOCATIONAL EDUCATION

Amend Procedures for Vocational Agriculture/Agribusiness to read:

##### Procedures for Program Approval in Agriscience/Agribusiness

Agriscience/Agribusiness programs shall offer opportunities for students to receive instruction that incorporates the increasing scientific and technological nature of the total agriculture complex, the continuing and expanding demand for food and fiber, and the increasing pressure on the renewable natural resources in the environment. Agriscience teachers shall meet the following criteria in administering a comprehensive, 12-month program at the local level in order to qualify for funding as an approved program:

1. The teacher will maintain certification as a vocational agriculture teacher and teach three or more agriculture classes grade seven or above.

2. The teacher will assist each student in planning and developing a Supervised Agriculture Experience program of one or more of the following types:

- ownership at the student's home, farm or business;
- placement at a farm or agribusiness other than that owned by the student; or
- directed laboratory at a school facility such as school farm, greenhouse, garden, shop, forestry plot, food preservation center, etc.

The teacher will supervise on a regular and periodic basis all SAE programs and will assist the students in maintaining accurate records of their SAE programs.

3. The teacher will participate in inservice activities by attending and taking part in the annual summer inservice held in conjunction with the area FFA leadership camp, the annual vocational conference of the LVA/SDE, and any other

inservice required of all agriculture teachers in the state.

4. The teacher will organize and maintain an active FFA chapter, serving as its advisor, and will attend with two or more members the state convention and area leadership camp. Dues and special fees and reports will be submitted by the deadline set by the Louisiana Association of FFA. Each FFA chapter will participate in a minimum of four contests at the area or state level and will submit applications for at least three chapter or individual FFA awards. All FFA members will achieve the greenhand degree and 80 percent or more of members enrolled in classes above the Agriculture I level will achieve the chapter FFA degree.

5. The teacher will plan and submit a summer work schedule to his principal and local supervisor and will be responsible to the principal and/or supervisor for carrying out the schedule. Weekly summer activity reports documenting daily activities will be submitted to the principal and local vocational supervisor.

6. The teacher will submit an annual report documenting the completion of all required activities. The principal and supervisor will sign the report attesting to the fact that all requirements have been met.

Amend Procedures for Health Occupations to read:

##### Procedures for Program Approval in Health Occupations

Health Occupations programs shall first meet requirements of appropriate licensing or recognized accrediting agencies prior to their submission to the Office of Vocational Education for approval.

The 10 units of instruction outlined in the Health Occupations Curriculum Guide (Bulletin 1635) may be combined or offered singly for one-half to three units of credit by local teachers and shall meet minimum standards for state approval. Students in the ninth, tenth, eleventh, and twelfth grades may schedule Health Occupations courses.

Amend Procedures for Home Economics to read:

The goal of vocational home economics education is to enable individuals to function effectively as consumers, homemakers, parents and employees or employers and to balance these roles successfully.

To achieve this goal, home economics education includes instruction in child development, family life, parenthood education, nutrition and food, housing, home and resource management, consumer education, and clothing and textiles.

Instruction in home economics also strengthens basic academic skills in communication, mathematics, science and social studies and develops critical thinking skills through practical applications in real life situations.

Teachers shall be certified in Vocational Home Economics to teach the courses listed under Home Economics Consumer-Homemaking Education.

Programs in home economics related occupations prepare students for gainful employment in child care; clothing and textile services; food services; housing and design services, and home/institutional support services. The teacher shall be certified in Home Economics (Occupational Programs).

Requirements for Program Approval

Junior High School/Middle School: An approved vocational program shall include a minimum of three classes in Exploratory Home Economics (grades 7-8) and/or Consumer Homemaking I (grades 9-10), and the program shall be coordinated with the home economics program at the senior high school.

Senior High School: An approved vocational program shall include a minimum of three units in Home Economics, and the following courses must be taught each year:

*Consumer Homemaking I	1 unit
Adult Responsibilities	1/2 unit
Parenthood Education or Child Development	1/2 unit

\*Consumer Home Economics I may be waived in senior high schools with grades 10-12, if the course is offered in the ninth grade at the feeder school(s).

Amend Procedures for Marketing and Distributive Education to read:

Procedures for Program Approval in Marketing Education

Marketing occupations are those followed by proprietors, managers, or employers engaged in marketing and distribution of goods and services. Entrepreneurship is an integral part of each course.

Core content for marketing includes selling, promotion, buying, operations, research, management, and entrepreneurship. Product knowledge, service skills, communications, and occupational objectives shall be included in the instructional program. The core content shall be followed in all course offerings.

Marketing Education shall be offered for one unit of credit for students choosing the noncooperative education option and three units of credit for students choosing both the classroom and on-the-job training option. The teacher shall be available throughout the year to train, place, supervise, and coordinate the job placement of the Cooperative Marketing Education student. The purpose of Cooperative Marketing Education is to allow students to be ready for advanced education and training upon completion of the course.

General courses in Marketing Education are General Marketing and Retailing and Merchandising. Other courses are specialized courses and are offered to students with an interest in the specific career. Schools with a two-year program in Marketing Education should offer different course offerings every other year to meet the student and community needs.

The organization of the program is such that special courses in Marketing Education may be developed to meet occupational needs. These specialty courses shall meet the guidelines for Marketing Education programs and be listed as Specialty Marketing Education.

Amend Procedures for Business Education to read:

Business Education programs shall provide opportunities for business education students to receive instruction in one or more occupational clusters. In order for a business education department to have an approved program, a high school must offer a curriculum in one or more occupational clusters. High schools with two or less full-time business teachers may offer required courses on an alternating basis in order to meet the requirements for program approval. A minimum of four units is required for each cluster. An approved vocational program at the junior high level (grades 7-8) shall include a minimum of three classes in Business Education or Exploratory Business.

Occupational clusters include the following:

Accounting — this program generally prepares individuals to systematize information about transactions and activities into accounts and quantitative records, verify accuracy of data by applying principles of auditing, prepare budgets and

financial reports, and pay and receive money. The microcomputer is used as a primary instructional tool in advanced level coursework. Courses and units required in this cluster include:

Keyboarding	1/2 unit
Office Machines	1/2 unit
Accounting	1 unit
Computerized Accounting	1 unit
Business Elective	1 unit

Administrative Support — this instructional program prepares individuals to function within a high-tech office environment as support personnel. Options concentrating on administrative support and general office duties or document preparation and processing may be pursued. Courses and units required in the two options of this cluster include:

Option I

Keyboarding	1/2 unit
Keyboarding Applications	1/2 unit
Shorthand/Speedwriting	1 unit
Administrative Support Occupations	1 unit
Business Elective	1 unit

Option II

Keyboarding	1/2 unit
Keyboarding Applications	1/2 unit
Word Processing	1 unit
Administrative Support Occupations	1 unit
Business Elective	1 unit

Business Administration and Management — this program is designed to provide background in a variety of areas relating to operation of a business, including skills in organizing and managing a business. This program also provides background for those wishing to continue the study of business administration, economics, finance, accounting, etc., at the university level. Courses and units required in this cluster include:

Keyboarding	1/2 unit
Entrepreneurship	1/2 unit
Business Law	1/2 unit
Business Computer Applications I	1/2 unit
Accounting	1 unit
Business Elective	1 unit

Business for Consumers — this program is designed to provide a basic background of business for the general consumer. Courses and units required in this cluster include:

Keyboarding	1/2 unit
Recordkeeping	1/2 unit
Business Math	1 unit
Introduction to Business	1 unit
Business Elective	1 unit

Computer Information System — this program generally prepares individuals to operate and care for equipment and media, use business application software, and function within a high-tech environment through a background of data/information processing concepts and principles and programming language techniques. Courses and units required in this cluster include:

Keyboarding	1/2 unit
Business Computer Applications I	1/2 unit
Business Computer Applications II	1/2 unit
Office Machines	1/2 unit
Accounting I	1 unit
Business Elective	1 unit

General Office — this program generally prepares in-

dividuals to record, duplicate, and retrieve data, including classifying, sorting, and filing correspondence, records, and other data, and operating office equipment. Courses and units required in this cluster include:

Keyboarding	1/2 unit
Keyboarding Applications	1/2 unit
Administrative Support Occupations	1 unit
Accounting I or	
Keyboarding Production I and II	1 unit
Business Elective	1 unit

Amend Procedures for Industrial Arts to read:

Technology Education (formerly Industrial Arts) is an instructional program that provides students (grades 6-12) with hands-on exploratory experiences and insights into technology and career opportunities so that they can make meaningful occupational and educational choices.

It is a program which can help the student to become technologically literate, develop an understanding of economic development, and adjust to the changing environment.

Technology Education (TE) is an articulated, integral part of the total academic and vocational education program with emphasis in safety and the use of tools, equipment and materials. Technology Education programs in Louisiana follow the standards for Technology Education programs as developed by United States Department of Education.

The instructional content of Technology Education is drawn from the areas of communication; construction; manufacturing; and power, energy, and transportation. The program assists students in developing understanding and application of academic and technological concepts, processes, and systems; applying tools, materials, machines, processes, and technical concepts safely and efficiently; developing technological skills in technology and simulated laboratory instruction.

A Technology Education program shall be from the job cluster areas of construction; power, energy and transportation; manufacturing; and communication. A minimum of four units is required for each cluster as follows: The first course in each cluster shall be General Technology Education or Basic Technology Drafting. It is recommended that the first course be General Technology Education. The second and third courses shall be a Basic Technology Education course followed by an Advanced Technology Education course listed in the course options of the cluster. The fourth course shall be an elective from any of the Technology Education offerings.

It is the responsibility of the local school system to select the appropriate cluster(s) to be implemented.

Technology Education shall be integrated at the most appropriate grade level to best serve the needs of the school. Schools with two or less full time Industrial Arts/Technology Education teachers may offer required courses on an alternating basis in order to meet the requirements for the program approval.

An approved Technology Education program may consist of a combination of two Technology Education courses and one or two Trade and Industrial Education courses. Technology Education courses would articulate with Trade and Industrial Education courses to create this program and would lead to entry-level skill training. The Technology Education program would lend itself to Trade and Technical career clusters such as: Air Conditioning and Refrigeration,

Automotive Technology, Construction, Communications, Computer Technology, Drafting and Design Technology, etc.

Program options for the Trade and Technical career clusters in Technology Education cannot be listed because of the vast range of possibilities within a local system. However, any local education governing agency desiring to offer a combined Technology Education/Trade and Industrial program shall first have the program approved by the Office of Vocational Education, State Department of Education (SDE).

#### Exploring Communication Technology

Communication Technology is designed to provide students with the opportunity to explore the fundamentals of message design, production, and transmission using audio, visual, and audiovisual methods. Included in the activities are career exploration in Manual and Computer-aided Drafting, drafting, graphic arts, photography, electronic communications, and computer utilization.

Course Option I	Units
Basic Technical Drafting	1
Advanced Technical Drafting	1
Architectural Drafting	1
Technology Education Elective	1
Course Option II	Units
General Technology Education or Basic Technical Drafting	1
Communication Technology	1
Principles of Technology	1
Technology Education Elective	1
Course Option III	Units
General Technology Education or Basic Technical Drafting	1
Basic Electricity/Electronics	1
Advanced Electricity/Electronics	1
Technology Education Elective	1

#### Exploring Manufacturing Technology

Manufacturing Technology is designed to provide students with information and skills concerning manufacturing processes, organizations, and occupations. It utilizes a variety of materials, computers, robots, tools, and processes needed to simulate the manufacturing industry. It further provides learning and leadership experiences that give the students a current look at the important industrial and technical concepts of today and tomorrow.

Course Option I	Units
General Technology Education or Basic Technical Drafting	1
Basic Metal Technology	1
Advanced Metal Technology or Materials & Processes	1
Technology Education Elective	1
Course Option II	Units
General Technology Education or Basic Technical Drafting	1
Basic Metal Technology	1
Welding Technology	1
Technology Education Elective	1
Course Option III	Units
General Technology Education or Basic Technical Drafting	1

Basic Metal Technology	1
Manufacturing Technology	1
Technology Education Elective	1

#### Exploring Construction Technology

Construction Technology is designed to provide the student with the opportunity to gain a more in-depth understanding of the construction industry and explores construction occupations. It provides construction concepts and activities that simulate management and production practices as they currently relate to the construction industry and the other technology areas.

Course Option I	Units
General Technology Education or Basic Technical Drafting	1
Basic Wood Technology	1
Advanced Wood Technology or Materials & Processes	1
Technology Education Elective	1
Course Option II	Units
General Technology Education or Basic Technical Drafting	1
Architectural Drafting	1
Construction Technology	1
Technology Education Elective	1
Course Option III	Units
General Technology Education or Basic Technical Drafting	1
Basic Wood Technology	1
Construction Technology	1
Technology Education Elective	1

#### Exploring Energy, Power, and Transportation Technology

Energy, Power, and Transportation Technology is an overview of the exciting field of the transportation industry. It emphasizes the utilization of power and energy and how these systems are related to transportation technology. The student will have experience with power trainers and small engines and will research the future trends and environmental impact of laser, nuclear, and solar energy.

Course Option I	Units
General Technology Education or Basic Technical Drafting	1
Power Mechanics	1
Principles of Technology	1
Technology Education Elective	1
Course Option II	Units
General Technology Education or Basic Technical Drafting	1
Power Mechanics	1
Power, Energy, and Transportation	1
Technology Education Elective	1
Course Option III	Units
General Technology Education or Basic Technical Drafting	1
Power, Energy, and Transportation	1
Principles of Technology	1
Technology Education Elective	1

#### Exploratory Technology Education (formerly Exploratory Industrial Arts)

Procedures for Exploratory Technology Education Programs and Curriculum Overview, Grades 6-8.

The technology systems (clusters) of Production, Communication, Construction, Manufacturing, and Transportation make up the curriculum direction for the Exploratory Technology Education program. Each school will integrate the Technology Education program at the most appropriate grade level to best serve the needs of the local school body, school, and community.

#### Exploratory Technology Education I

The first Exploratory Technology Education course in which a student participates is identified as the Exploratory Technology Education I course. This course may be offered as a nine-week, 18-week, or 36-week course and is recommended for grade six.

##### System Options

- Production
- Construction
- Manufacturing
- Communication
- Transportation

#### Exploratory Technology Education II

Two of the four technology systems are to be implemented for a period of 18 weeks each. It is the responsibility of the local school/program to select which two systems to implement for grade seven.

##### System Options

- Production
- Construction
- Manufacturing
- Communication
- Transportation

#### Exploratory Technology Education III

Each school/program will implement the remaining two technology systems not implemented in the previous Technology Education course. This level is optional as some schools may not have appropriate time periods for implementation for grade eight.

##### System Options

- Production
- Construction
- Manufacturing
- Communication
- Transportation

All Exploratory Technology Education course are taught in a one-period block of time, with each of the four Technology systems being designed to articulate with courses offered in comprehensive high schools (e.g., math, science, agriculture, and home economics). Interdisciplinary education is vital to the success of Technology Education programs.

Amend Procedures for Trade and Industrial Education to read:

Trade and Industrial Education courses may be offered in two consecutive class periods, five days per week for 36 weeks each year for two units of credit, or three consecutive class periods for three units of credit in the selected Trade and Industrial Education program. Instructors must be VTIE certified through the Bureau of Postsecondary Vocational Education.

With annual, written permission in advance from the Office of Vocational Education, a parish or city school system may offer a one-hour trade and industrial education program for one unit of credit at the ninth or tenth grade level as a prerequisite to enrollment in a related trade and industrial program at either the tenth, eleventh, or twelfth grade level. The course shall be in the programmatic area that the trade and industrial education instructor is certified to teach.

#### Secondary Students Attending a Postsecondary Technical Institute

Secondary students attending a post secondary technical institute may receive two units of credit in Trade and Industrial Education for 360 hours of instruction or three units of credit in trade and industrial education for 540 hours of instruction per year in any program area offered in technical institutes.

Any local educational governing authority offering a new Trade and Industrial Education program shall first have the individual program approved by the Office of Vocational Education. Teachers in Trade and Industrial Education programs shall use approved curriculum guides or outlines.

#### Trade and Industrial Cooperative Education

A Trade and Industrial Cooperative Education program may be offered as a cooperative program if prior approval has been received from the Office of Vocational Education and the following documentation has been provided to substantiate the need for such a program:

1. Teacher certification
2. List of prospective training stations
3. List of students and individual job placements.

Trade and Industrial Cooperative Education shall not supplant an established specialized vocational education program.

Carole Wallin  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

##### Amendment to Classes of Certification and Certificate Types

The State Board of Elementary and Secondary Education, at its meeting of August 22, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and discontinued the certificate types adopted as a result of the Children First Legislation, (Provisional, Provisional-In-Remediation, and Renewable Professional), and reinstated the certificate types issued prior to Children First Legislation, (Types C, B, and A) as stated below.

This action supersedes a rule adopted in October, 1990 and printed in full in the June, 1990 issue of the *Louisiana Register*. as an emergency rule.

Emergency adoption is necessary in order that the applicants can be properly certified and to prevent re-issuance of certificates. Effective date of emergency rule is August 22, 1991.

Certificates  
Standard Certificates  
Notations will be placed on each certificate of Type C,

B, or A to show specific authorization of the level(s) and the field(s) in which employment is authorized. A certificate authorizes employment only at the level(s) and in the field(s) shown by endorsement thereon. Only those authorizations listed in this bulletin may be placed on a valid Louisiana certificate.

A Type C certificate is based upon a baccalaureate degree including completion of a teacher education program approved by the State Board of Elementary and Secondary Education, with credits distributed as hereinafter provided, including general, professional, and specialized academic education. This certificate authorizes employment for a period of not more than three years for services endorsed thereon.

A Type B certificate is based upon a baccalaureate or higher degree including completion of a teacher education program, approved by the State Board of Elementary and Secondary Education, with credits distributed as hereinafter provided, including general, professional, and specialized academic education, and requires that the applicant show three years of successful teaching experience in his properly certified field. The experience must be validated by the employing authority. This certificate is valid for life for continuous service for services endorsed thereon.

A Type A certificate is based upon a baccalaureate degree including completion of a teacher education program approved by the State Board of Elementary and Secondary Education, with credits distributed as hereinafter provided, including general, professional, and specialized academic education, a master's or higher degree from an approved institution, and five years of successful teaching experience in the properly certified field. The experience must be validated by the employing authority. This certificate is valid for life for continuous service for services endorsed thereon.

Carole Wallin  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

##### Amendments to the Louisiana Annual Special Education Program Plan for FY 91-93

The State Board of Elementary and Secondary Education, at its meeting of August 22, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and approved the following amendments to page 21 of the Louisiana Annual Special Education Program Plan for FY 91-93.

Emergency adoption is required by the Office of Special Education Programs within the United States Department of Education to proceed with granting full approval of our FY 1992 State Plan and to release the funds attached to that approval. Effective date of emergency rule is August 22, 1991.

Louisiana Annual Special Education  
Program Plan for FY 91-93  
Formal parental approval for the release of the educational record must be given by a parent who understands

and agrees, in writing, to the list of persons or agencies to whom the records will be released.

#### Independent Individual Evaluation

For the purposes of this part: *Independent education evaluation* means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

*Public expense* means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

The parents of an exceptional child have the right to obtain an independent individual evaluation of the child, in accordance with the following:

*Independent individual evaluation* means an evaluation conducted according to the criteria in Bulletin 1508 and Bulletin 1706. Each public agency shall provide to parents upon request information about where an individual evaluation may be obtained. An independent evaluation is not necessarily a private evaluation.

A parent has the right to an independent individual evaluation that meets the requirements of Bulletin 1508. This individual evaluation shall be at public expense (without charge) in the following instances.

1. If the parent gives written notice of disagreement with the evaluation provided by the school system and the school system disagrees with the parent, the school system initiates a hearing within 10 operational days of the written notice, and the hearing officer decides that the parent was correct.

2. If a hearing officer requests an independent evaluation as part of a hearing.

3. If the parent gives written notice of disagreement with the evaluation provided by the school system and the school system disagrees with the parent but does not request a hearing.

Failure of a parent to provide a school district with written notice of a disagreement with the school district evaluation does not relieve the school district of its responsibility to pay for an independent educational evaluation that meets the other requirements as stated above.

Parents have the right to obtain an individual evaluation at their own expense. It is advisable for parents to determine if Bulletin 1508 criteria will be met:

Carole Wallin  
Executive Director

fying scores on the revised NTE in three out of four modules and whose aggregate score is equal to or above the total score on all four modules required for standard certification. All other standard certification requirements must be met.

Emergency adoption of this policy will allow additional individuals to be eligible for employment during the 1991-92 school year. Effective date of emergency rule is August 22, 1991.

#### Temporary Employment Permits

A temporary employment permit, valid for one school year, will be granted to those candidates who meet the qualifying scores on the revised NTE in three out of four modules and whose aggregate score is equal to or above the total score on all four modules required for standard certification. All other standard certification requirements must be met.

When no area examination is required, a temporary employment permit will be granted to candidates who meet qualifying scores in two out of three modules of the Core Battery and whose aggregate score is equal to or above the total score on all three modules of the Core Battery required for certification. All other standard certification requirements must be met.

To employ an individual on a temporary employment permit, a local superintendent would be required to verify that no regularly certified teacher is available for employment. Names of the individuals employed on a temporary employment permit should be listed on the addendum to the annual school report with verification that no regularly certified teacher is available.

An individual can be reissued a permit under the board policy only if evidence is presented to the State Department of Education that the NTE has been retaken within one year from the date the permit was last issued, and the reissuance shall not occur but once.

Temporary employment permits will be issued at the request of individuals who meet all requirements for regular certification with the exception of the NTE scores. All application materials required for issuance of a regular certificate must be submitted to the Bureau of Higher Education and Teacher Certification with the application for issuance of a temporary employment permit.

This policy will remain in effect until July 1, 1993.

Carole Wallin  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

##### Temporary Employment Permits

The State Board of Elementary and Secondary Education, at its meeting of August 22, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and approved as an emergency rule, the following policy on *Temporary Employment Permits*, effective through the 1992-93 school year.

A temporary employment permit, valid for one school year, will be granted to those candidates who meet the quali-

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

##### Amendment to LAC 28:1523

The State Board of Elementary and Secondary Education, at its meeting of August 22, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and approved an amendment to the Administrative Code, Title 28, Chapter 15, Section 1523 (E);(15),(16),(20) as stated below. Changing the terminology from "shall" to "may" in (20) will allow each institute director flexibility in paying for planning time.



**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 15. Vocational and Vocational-Technical Education**

**§1523. Students**

\* \* \*

E. Fees for Louisiana Residents

\* \* \*

15. Tuition for extension classes for which the instructor's salary is paid by the institute shall not exceed \$2 per hour of classroom instruction with a minimum of \$10.

16. Tuition for extension classes may be above \$2 per instructional hour when approved by the State Board of Elementary and Secondary Education.

\* \* \*

20. Technical institute directors may allow a maximum of 10 minutes per instructional hour for instructional preparation/administrative purposes. Example: 30 hour course - the institute director may grant five hours (30 hours x 10 minutes = 300 minutes/5 hours) for instructional/administrative purposes.

Emergency adoption is necessary in order that the change will be applicable to classes beginning in September, 1991. Effective date of emergency rule is August 22, 1991.

Carole Wallin  
Executive Director

**DECLARATION OF EMERGENCY**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Louisiana Opportunity Loan Program (LA-OP)  
Lender Policies and Procedures  
for Academic Year 1991-92

The Student Financial Assistance Commission, Office of Student Financial Assistance has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rules to implement the Louisiana Opportunity Loan Program (LA-OP). This Louisiana Opportunity Loan Program Policy and Procedure Manual is being developed to govern the program.

I. LA-OP Lender Policies

A. Unless otherwise supplemented herein, the provisions of 34 CFR Parts 99, 600, 668, and 682 shall regulate this program.

B. Loan funds available to the program shall be allocated to qualifying public and private colleges and universities on the basis of their first-time freshman class enrollment in the Fall of 1990. Eligible institutions and their allocations are included as an Appendix.

C. Interest on loans will be billed to the student while the student is enrolled in school at least half time and must be paid by the student within 30 days of receipt. Failure of the student to pay accrued interest will result in the student being denied additional loans. Eligibility may be restored by the payment of past due interest.

D. An insurance fee of three percent shall be de-

ducted from each loan disbursement and paid to the Louisiana Student Financial Assistance Commission as the loan guarantor. There shall be no origination or application fees charged to the student.

E. The student must apply for a federal Pell Grant and Stafford Loan and, if eligible, accept the maximum amount offered under these programs before being considered for the LA-OP Loan. If the student is ineligible for a Pell Grant and has only partial eligibility for a Stafford Loan, the LA-OP Loan may substitute for the family contribution up to the maximum annual Stafford limit or the cost of education, whichever is less, provided that such amount is equal to or greater than the minimum loan limit of \$1,000.

F. Students who applied for a federal Stafford Loan to attend a specific institution but who have been denied such aid solely because of the amount of the expected family contribution, should be informed by that institution of the availability of this program and offered the opportunity to be considered for a LA-OP Loan. Beginning in academic year 1992-93, students must complete "OneApp," the state's combined application for federal and state aid, and specifically request a LA-OP Loan to be considered for this program.

II. LA-OP Program Procedures

A. Loan Limits

1. The minimum loan amount that may be certified and disbursed under this program shall be \$1,000.

2. The maximum annual loan amounts for this program shall be consistent with Stafford Loan Limits and are as follows:

Freshman	\$2,625
Sophomore	\$2,625
Junior	\$4,000
Senior	\$4,000
Graduate and Professional	\$7,500

3. The maximum aggregate loan amount for an undergraduate student shall be \$17,250.

4. The maximum aggregate loan amount for a graduate or professional student shall be \$37,500.

5. The maximum aggregate loan amount for an undergraduate and graduate or professional student shall be \$54,750.

6. A student cannot receive loans from both the Stafford and the Louisiana Opportunity Loan programs that, when combined, exceed the annual and aggregate limits listed above.

7. Loans may not exceed the cost of education minus financial aid, nor be more than the amount certified by the institution.

B. Eligible Borrowers

To be eligible under this program, a borrower must:

1. be a resident of Louisiana as defined herein:

Any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date of application and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated by compliance with all of the following:

a. if registered to vote, is registered to vote in Louisiana;

b. if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;

c. if owning a motor vehicle located within Louisiana,

is in possession of a Louisiana registration for that vehicle; and

d. if earning an income, has complied with state income tax laws and regulations.

2. be a United States citizen, national, or eligible permanent resident of the United States;

3. maintain full-time enrollment at any state public post-secondary institution or any institution that is a member of the Louisiana Association of Independent Colleges and Universities;

4. make satisfactory academic progress as defined by the institution;

5. not be in default on any other student loans nor owe a refund to any financial aid program;

6. apply for and be denied a federal Pell Grant;

7. not be receiving Title IV campus based aid, to include College Work-Study, Perkins Loan, and the Supplemental Educational Opportunity Grant (SEOG);

8. in addition to the requirements established herein, be otherwise eligible for a Stafford Loan as set forth in 34 CFR 682.201, except for qualifying for the payment of federal interest subsidy as set forth in 34 CFR 682.301.

C. Institutions Eligible to Participate. To participate, an institution must:

1. Be a state public post-secondary institution or a member institution of the Louisiana Association of Independent Colleges and Universities;

2. Have satisfied all the requirements for an eligible and participating institution under Title IV of the Higher Education Act of 1965, as amended; and

3. Be an eligible institution as evidenced by a concluded school participation agreement with the Louisiana Student Financial Assistance Commission.

See the Appendix for the listing of eligible institutions for academic year 1991-92.

D. Institutional Procedures

1. The institution must certify the student's eligibility to borrow under this program by completing the institutional portion of the Louisiana Opportunity Loan Application and Promissory Note.

Certifications may be performed either manually or electronically, depending upon the institution's processing capability.

2. The institution must certify the student's eligibility to borrow and enter the cost of attendance, any other financial aid to include any subsidized Stafford Loan, and the amount of LA-OP Loan eligibility. Expected family contribution (EFC) is not applicable and is therefore omitted.

3. Although the LA-OP Loan is considered in lieu of the EFC in testing for an overaward, a LA-OP Loan may not replace the EFC when determining the student's eligibility for other aid under Title IV of the Higher Education Act.

4. Considering the limited funds available for academic year 1991-92, institutional financial aid directors should apply professional judgment in awarding funds according to the following priorities.

a. Since the purpose of the program is to provide loan funds to students of middle income families, middle income may be interpreted by the aid director as an expected family contribution, computed according to congressional methodology, that is not greater than one and one-half times the institution's cost of education for that category of student.

b. Applicants who are not receiving funds under the

Stafford Loan Program and who have not previously borrowed for their education.

Directors may establish an institutional policy for selecting loan recipients that is based on random selection or any other criteria which ensures fairness to applicants.

APPENDIX  
LA-OP Lender Policies and Procedures

Eligible Colleges and Universities	First Time Enrollment, Fall 1990	% of Total First Time Enrollment	Funds Allocation* 1991-92 (% x \$2,900,000)
Bossier Parish	731	2.40	71,920
Centenary	187	0.64	18,560
Delgado	2,538	8.59	249,110
Dillard	526	1.79	51,910
Grambling	1,250	4.22	122,300
Louisiana College	241	0.82	23,780
LSU-Alexandria	429	1.46	42,340
LSU-Baton Rouge	3,467	11.72	339,800
LSU Sch of Vet Med (67)			
LSU Law Sch (297)			
LSU-Eunice	378	1.28	37,120
LSU-Shreveport	333	1.13	32,770
LSU Med Center-N.O.	560	1.90	55,100
LSU Med Center-Shreve	115	0.39	11,310
Louisiana Tech	1,791	6.05	175,450
Loyola	641	2.18	63,220
McNeese	1,295	4.37	126,730
Nicholls	1,171	3.95	114,550
Northeast	1,675	5.66	164,140
Northwestern	1,119	3.70	109,620
Our Lady of Holy Cross	136	0.46	13,140
Southeastern	2,086	7.05	204,450
Southern-Baton Rouge	1,765	5.96	172,840
Southern Law Sch (125)	375	1.27	36,830
Southern-New Orleans	154	0.52	15,080
Southern-Shreveport	154	0.52	15,080
Tulane	2,060	6.96	201,840
Tulane Med Sch (148)			
Tulane Sch of Pub Hlth (117)			
Tulane Law Sch (414)			
UNO	1,481	5.00	145,000
USL	2,519	8.51	246,790
Xavier	548	1.86	53,940
TOTAL	29,571	100.00	\$2,900,000

\*Allocations cannot be exceeded prior to January 1, 1992. Funds not committed in the form of certified loans by January 1, 1992 will be available for use by any institution. Upon commitment of the total funds allocated, loans will be rejected by the automated system and returned to the originating institution.

Jack L. Guinn  
Executive Director

DECLARATION OF EMERGENCY

Office of the Governor  
Rural Development Office

The Office of Rural Development, Office of the Governor, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:952(B) to adopt the following rule in order to implement without delay Section 320 of Act 396 of the 1991 Regular Session of the Louisiana Legislature.

Emergency rulemaking is necessary to immediately provide financial assistance to local units of government throughout the state to mitigate the effects of natural and economic emergency situations that exist and to allow units of local government in rural Louisiana to match federal funds and undertake projects essential to community well-being.

Major provisions of Act 396 include: 1) the creation of a Rural Development Fund; 2) providing relief from natural catastrophes, or for the matching of federal funds received

for such purposes; 3) capital improvements that benefit rural populations.

This rule is effective for the maximum period allowed under R.S. 49:954(B) et seq.

#### EMERGENCY RULE

Effective September 10, 1991, the Office of Rural Development, Office of the Governor will accept letters of intent from units of local government in designated rural areas on the intended use of up to \$5,000 in state funds. The program will be entitled the Rural Revitalization Grants Program. Municipalities with populations of less than 25,000 and parishes with populations of less than 100,000 will be considered "rural" for the purposes of this program.

The office shall apply the following guidelines to any project funded:

(a) All projects or activities funded must be related to the revitalization of a designated rural area, as defined in R.S. 3:313.

(b) All funds shall be used to mitigate the rapid deterioration of rural health, education, agri-business, transportation, public facilities, tourism, infrastructure, or other systems essential to the socio-economic well-being of the state's rural areas.

(c) All projects or activities should enhance and broaden rural employment opportunities and community services.

(d) All projects or activities should further the provisions of the Rural Development Law.

All letters of intent must be received by the Office of Rural Development, Office of the Governor, Box 94004, Baton Rouge, LA 70804-9440, by close of business October 15, 1991. Grant recipients will be required to maintain an audit trail verifying that any monies received under this grant program were in fact used to fulfill the above criteria for funding.

Buddy Roemer  
Governor

### DECLARATION OF EMERGENCY

#### Department of Health and Hospitals Office of Management and Finance Division of Policy and Program Development

The Department of Health and Hospitals, Office of Management and Finance, Division of Policy and Program Development, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in order to implement without delay Act 394 of the 1991 Regular Session of the Louisiana Legislature.

Emergency rulemaking is necessary to immediately provide financial assistance to small rural hospitals throughout the state and to expand access to community-based health care for low-income and rural populations now underserved in Louisiana.

Major provisions of Act 394 being implemented through this emergency rule include: (1) limited funds up to \$150,000 to establish, expand, or enhance, primary care health clinics to serve indigent and low-income persons; (2) physician salary subsidies up to \$50,000 to match local

funds to encourage primary care physicians to practice in local communities or rural areas; (3) matching funds for demonstration project(s) to establish new primary health services in local communities or rural areas, provided such projects shall be required to secure other local or federal funding; and (4) matching funds for federal grants to provide community-based health services to indigent or low-income persons.

A previously published emergency rule implemented another provision of Act 394, Section 2196(1): grants up to \$75,000 for rural hospitals to increase access to emergency health services.

This rule is effective for the maximum period allowed under R.S. 49:954(B) et seq.

#### EMERGENCY RULE

1. Effective September 23, 1991, the Department of Health and Hospitals' Division of Policy and Program Development will accept letters of intent from applicants who are interested in obtaining a primary care clinic grant application kit. Eligible applicants include existing federally funded community health centers or public or private organizations located in federally designated medically underserved areas. All interested applicants must submit a letter of intent prior to a completed application kit.

Primary care clinic grant application kits used by the Department of Health and Hospitals will include the following major sections: project description, project plan and project budget. Sample application kits for review and comment may be obtained by writing to the Department of Health and Hospitals' Division of Policy and Program Development, Box 1349, Baton Rouge, LA 70821-1349.

The Department of Health and Hospitals expects to award no more than four primary care clinic grants. All letters of intent are due by close of business November 1, 1991. Subsequent completed application kits must be received by the Division of Policy and Program Development, Box 1349, Baton Rouge, LA 70821-1349, by December 6, 1991, and awards will be issued by January 1, 1992.

Applications for primary care clinic grants will be competitive. The Department of Health and Hospitals will select from competing applications using the following evaluation criteria: justification/need for the project—degree of medical underservice in the proposed project service area (15 points); degree to which the project targets the medically underserved population identified in the needs assessment section of the proposal (15 points); description of delivering and networking quality primary health services, including services for patients without the ability to pay (15 points); verification and description of sound management and finance plans, including reasonable project budget (15 points); assurance(s) regarding project success—description of clinical performance and clinical outcome indicator (15 points); degree of community-based support for project (15 points); and the applicant's previous experience in the delivery of primary care services (15 points).

Primary care clinic grants awarded by the Department of Health and Hospitals may not exceed \$150,000 apiece.

2. Effective September 23, 1991, through March 1, 1992, the Department of Health and Hospitals will accept requests from local health agencies or communities for state matching funds for physician salary guarantees of \$100,000 annually in salary and benefits, to assist in recruiting or re-training primary care physicians in local communities and rural areas. State salary subsidies may not exceed \$50,000,

and the local agency/community must demonstrate its ability to at least match the state amount. The local agency/community match may include but is not limited to cash; fringe benefits; rent; clerical, medical records, and billing support; continuing education stipend(s); and medical malpractice coverage.

In implementing this provision of Act 394, the Department of Health and Hospitals will contract directly with local health agencies, who in turn contract with physicians. As such, local health agencies must submit with their request for assistance under this provision, a copy of a proposed contract with a physician. Such contract must address the \$100,000 guarantee.

It should be noted that the Department of Health and Hospitals anticipates that it will make no payments under this recruitment/retention incentive until the physician's actual received income and benefits are reconciled against his/her contract guarantees.

Should the number of requests under this provision exceed the available funds, the Department of Health and Hospitals reserves the right to prioritize requests based on the health professional shortage area's ratio of population to primary care physicians.

3. Effective September 23, 1991, the Department of Health and Hospitals will accept letters of intent from existing federally-funded community health centers or public or private organizations located in local communities or rural areas that are interested in obtaining a demonstration grant to fund a project designed to innovatively, efficiently, and effectively develop and provide needed primary health care.

The Department of Health and Hospitals anticipates awarding demonstration grant(s) to innovatively develop primary care services in rural areas and local communities, including but not limited to such projects as the establishment or acquisition of mobile health clinics. The amount of available funds for this purpose is limited, and the grantee will be required to provide a 25 percent match to the funds; i.e., \$300,000 State and \$100,000 Applicant.

All letters of intent are due by close of business November 1, 1991. Subsequent completed proposals must be received by the Division of Policy and Program Development, Box 1349, Baton Rouge, LA 70821-1349, by January 1, 1992, and awards will be issued by January 18, 1992. The proposal format should be determined by the applicant and should clearly describe the proposed project's goals and objectives and strategies to accomplish the goals and objectives. Additionally, the proposal should address a needs assessment, a management plan, a detailed budget, and budget justification. The proposal, including any appendices, may not exceed 50 typed double-spaced letter-size pages.

Should the number of requests under this provision exceed the available funds, the Department of Health and Hospitals reserves the right to prioritize requests based on project proposal's impact on the service area, as in the instance of new services for a contiguous, multi-parish rural medically underserved area.

4. The Department of Health and Hospitals will entertain requests for state matching funds for federal grants for projects to provide community-based health services to indigent or low-income persons, as proposed in a federal grant application proposal.

It should be noted that the provisions of this emergency rule are contingent upon the availability of funds.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medicaid Program. The rule was previously adopted as an emergency rule and published in the May 20, 1991 issue of the *Louisiana Register* (Volume 17, Number 5, pages 466-467.)

To avoid denial of community and group home placement to Medicaid eligible individuals due to difficulty in placement, the Bureau of Health Services Financing has adopted changes in the Facility Need Review Program to allow for issuance of requests for proposals to develop community and group home beds tied to dually diagnosed, hard to place residents. Some Medicaid eligible individuals, dually diagnosed with mental retardation and other functional limitations, have been on waiting lists for placement over 90 days because of difficulty in locating a facility which will accept them. The emergency rule allows for issuance of "Requests for Proposals" to provide facility beds for dually diagnosed persons who have been on the placement central registry for more than 90 days, as well as of these proposals based on methodology detailed in the policies and procedures for Facility Need Review.

#### EMERGENCY RULE

The policies and procedures for Facility Need Review dated February 8, 1991 are revised to reflect the following changes in Section 12502 - Determination of Bed Need, subsection A. Community and Group Home Beds for the Mentally Retarded:

The following Number 5. through 5.a. replaces the previous number 5. through 5.a. (page 7):

5. At the present time, the recommended bed to population ratio for community and group homes has been achieved; however, special needs and circumstances may arise which the department may consider as indicators of need for additional beds. Exceptions based on these special needs and circumstances are described as follows:

When the Division of Mental Retardation indicates a need for special beds for hard to place individuals, as indicated by having been on the division's Placement Central Registry for more than 90 days, the department may review waiting lists of clients in need of placements to determine if additional beds are needed. It is assumed the need is not being met by available beds/facilities since these recipients have not received placement for which they have been determined in need of. Beds for hard to place clients approved through this exception will be tied to hard to place recipients and must remain available for hard to place clients.

When average annual occupancy for the four most recent quarters (as reported in the MR-2) exceeds 93 percent in a parish, the department may review such factors as utilization trends, availability and accessibility of clients in need of placements, and patient origin studies to determine if additional beds are needed.

a. If the department determines that there is a need for beds because of special needs or circumstances, a Request for Proposal (RFP) to develop the needed beds will be issued. The RFP will indicate the region in need of beds, the number of beds needed, the date by which the beds are needed to be available to the target population (enrolled in Medicaid), and the factors which the department considers relevant in determining the need for the additional beds. In the case of need based on high occupancy in a parish, the RFP will specify the MR-2 which the determination of need is based.

David L. Ramsey  
Secretary

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule.

Public Law 101-508, Sections 4702-4703 (OBRA-90) provides for disproportionate share adjustments of rates paid to hospitals serving low income patients. Under the federal statutory provisions each state is allowed flexibility in the development of disproportionate share payment methodologies within the general guidelines set forth by the statute.

Medicaid of Louisiana is implementing an optional disproportionate share hospital reimbursement methodology for hospitals which serve a disproportionate share of Medicaid patients. Under this rule qualified hospitals enrolled in Medicaid will receive disproportionate share adjustments for the months of September, October, and November of 1991 upon certification by the director of Medicaid of Louisiana that sufficient state general funding is available for funding this optional reimbursement methodology. This rule is being adopted to maximize financing of Medicaid services as allowed under R.S. 49:953(B) and 46:53(D)-(F).

#### **EMERGENCY RULE**

An additional payment adjustment may be made, based upon the availability of funds, for hospitals serving a disproportionate share of Medicaid patients. Optional disproportionate share payments may be implemented at the discretion of the director of Medicaid of Louisiana as follows:

##### **1. Qualifying criteria:**

a. hospital has at least two obstetricians who have staff privileges and who have agreed to provide obstetric services to individuals who are Medicaid eligibles. In the case of a hospital located in a rural area (i.e., an area outside of a Metropolitan Statistical Area), the term "obstetrician" includes any physician with staff privileges at the

hospital to perform non-emergency obstetric procedures; or  
b. hospital treats inpatients who are predominantly individuals under 18 years of age; or

c. hospital which did not offer non-emergency obstetric services to the general population as of December 22, 1987; and

d. hospital has a Medicaid utilization rate in excess of 12.6 percent or provides in excess of 1,000 Medicaid patient days as documented by the initial cost report filed for the cost reporting prior ending in 1990.

##### **2. Payment Adjustments**

For hospitals eligible under Paragraph 1, an additional payment adjustment will be made to each hospital for services provided in the months of September, October, and November of 1991. The additional payment will be determined as follows:

a. Medicaid inpatient days reported for cost reporting periods ending in 1990 on the initial cost report filed with Medicaid of Louisiana shall be utilized for determining the payment adjustment. No increase in Medicaid inpatient days shall be allowed based on amendment of the cost report.

b. Total Days Urban and Rural. Total inpatient days for urban and rural hospitals eligible for an additional disproportionate share payment under Paragraph 1 shall be calculated to determine total rural Medicaid days and total urban Medicaid days.

c. Each qualifying rural hospital's maximum adjustment shall be equal to the product of the ratio of the hospital's Medicaid inpatient days divided by total rural Medicaid days multiplied by an amount of funds to be determined by Medicaid of Louisiana not to exceed \$39,058,800.

d. Each qualifying urban hospital's maximum adjustment shall be equal to the product of the ratio of the hospital's Medicaid inpatient days divided by total urban Medicaid days multiplied by an amount of funds to be determined by Medicaid of Louisiana not to exceed \$100,763,520.

David L. Ramsey  
Secretary

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule.

Public Law 101-508, Section 4401(f) (OBRA-90) prohibits states from reducing limits for covered outpatient drugs or dispensing fees for such drugs. Section 1902(a)(30) of the Social Security Act mandates states establish and maintain reasonable reimbursement amounts sufficient to cover the costs which are incurred by efficient and economically operated providers. Louisiana's State Plan Agreement with the federal government requires establishment of dispensing fees in conjunction with the results of dispensing fee surveys conducted by the state.

Medicaid of Louisiana has completed its survey of pharmacy provider costs associated with provision of phar-

macy services. The result of the survey documents that the average pharmacy cost to dispense a prescription is \$4.84 while the 75th percentile of cost is \$5.14. In order to maintain reimbursement within the scope of Section 1902(a)(30) and OBRA 90 requirements the state must establish reimbursement at a reasonable amount above the average cost, not to exceed the 80th percentile of the costs of providers. To assure compliance with the mandatory provisions of federal law and assure continued compliance with the state's approved Medicaid plan, the maximum dispensing cost limit is being raised to \$5. This maximum limit is subject to "lower-of" limitations on prescription cost currently in effect.

This rule is being adopted to comply with mandatory federal statutory requirements and assure compliance with the state's approved plan for provision of Medicaid benefits.

#### EMERGENCY RULE

The maximum allowable dispensing cost reimbursable to a pharmacy shall not exceed \$5 per prescription.

David L. Ramsey  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Public Safety and Corrections Office of State Fire Marshal

In accordance with the emergency provisions of R.S. 49:953(B) of the Louisiana Administrative Procedure Act and R.S. 40:1563.2, and R.S. 46:1441.7, as affected by Act 1056 of 1991, and the provisions of 42 U. S. C. 1766 and the regulations promulgated thereunder, 7 C. F. R. 226 et seq., the Department of Public Safety and Corrections, Office of State Fire Marshal has determined that because of the imminent peril to the health, safety and welfare of the public it is necessary to amend LAC 55:2505 which regulates family day care homes registration and inspections, it is necessary to adopt this emergency rule effective September 9, 1991 to continue the registration of family day care homes.

#### Title 55 PUBLIC SAFETY

#### Part V. Emergency Rules Fire Protection

#### Chapter 25. Specifications for Inspections of Child Care Food Program Homes

#### §2505. Fees

For the purpose of complying with the provisions of R.S. 46:1441, et seq., relative to family and group child day care homes, and specifically with respect to the registration fee provisions of R.S. 46:1441.7, a \$5 registration fee shall be required to accompany each application for registration or licensure, or to accompany each application for renewal of registration or licensure. Each such application and registration fee shall be transmitted directly to the Department of Social Services.

V. J. Bella  
State Fire Marshal

### DECLARATION OF EMERGENCY

#### Department of Social Services Office of Community Services

The Department of Social Services, Office of Community Services has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Day Care Program. Emergency rulemaking is necessary so that appropriate sanctions can be employed by the department when a determination is made that a day care center is using or employing an individual with certain criminal records, thus preventing imminent peril to children in day care centers.

#### RULE

Effective immediately, any proposed action to revoke or deny a vendor day care agreement shall have prior review by the Department of Social Services' Office of the General Counsel before a final decision is made by the Office of Community Services.

Effective September 1, 1991, criminal record checks shall be completed by all vendor day care providers on all potential employees. All vendor day care programs, as a condition for participation, shall require that no individual employed or volunteering in the day care center or any other individual affiliated with the center who has or may have supervisory or disciplinary authority over the children in the center shall have been convicted of, or pled nolo contendere to, or convicted of attempt or conspiracy to commit the criminal offenses listed in R.S. 15:587.1(c) which are as follows:

R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:41 through R.S. 14:45, R.S. 14:74, R.S. 14:78, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:93, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A).

If a center fails to remove from its employ an individual who has been convicted of one of the above crimes or who has entered a plea of nolo contendere to one of the above, such failure to terminate employment shall constitute grounds for immediate revocation of the center's provider agreement.

The Office of Community Services may terminate a center's participation in the vendor day care program if a center violates state licensing standards applicable to the center and/or the center does not take prompt action to correct the licensing violation.

Effective September 1, 1991, any knowledge of the above types of situations received by OCS shall be reviewed and acted upon in accordance with these conditions for participation in the vendor day care program.

May Nelson  
Secretary

### DECLARATION OF EMERGENCY

#### Department of the Treasury Board of Trustees of the State Employees' Retirement System

The Board of Trustees of the State Employees' Retirement System hereby gives notice in accordance with law that

it intends to adopt the following rule concerning judicial retirement as mandated by Act 1063 of the 1991 Regular Session of the Louisiana Legislature. The effective date of the emergency rule is August 1, 1991.

Act 1063 of the 1991 Regular Session enacts special retirement provisions for certain judges whose judicial divisions were not precleared by the U.S. Justice Department, judges serving on a court restructured by federal court order, or judges serving on a court found to be in violation of the Voting Rights Act.

Any judge holding office on the effective date of this Act may retire at the end of his current term, regardless of age or years of service, provided that he does not seek reelection to the current office or seek election to another judicial office.

In order to be eligible for retirement under these provisions, the judge must make application on or before November 21, 1991. A judge who seeks reelection or election to another judicial office is not eligible to apply for retirement under this Act. The judicial administrator's office must certify that the office held by the judge is covered under the provisions of Act 1063. Once received in the office of LASERS, the retirement application is irrevocable.

Act 1063 establishes a special retirement benefit structure for certain judges. This benefit structure replaces the structure established in R.S. 42:575 and R.S. 13:15. The base benefit is defined as "that proportion of his annual judicial pay, as it exists on the date of his retirement, which his number of years served on a court of record bears to 25." Thus, the base benefit is equal to four percent of judicial pay instead of three and one-half percent of the average highest 36 months, and does not include a \$300 supplement. The judicial pay will be based on the base pay reported in the last monthly earnings report from the agency.

There is also a supplemental benefit for legislative, military, and prosecutorial service. The rules for recognizing, purchasing, or transferring such service are to be in accordance with the otherwise applicable laws of the system. Thus, prior state service with the attorney general, for example, where the contributions have been left with the system, would be credited at two and one-half percent. Service that is purchased on an actuarial basis, such as military service, will be credited at three and one-half percent. The formula for calculating the supplemental benefit for purchased service is three and one-half percent  $\times$  final average compensation  $\times$  number of years of purchased service. Existing service and transferred service will be calculated using the rate normally applicable to such service. Purchases of service not normally authorized may be made only for purposes of establishing a benefit under this Act.

The total retirement benefit is limited to 100 percent of the judicial pay as it exists on the date of his retirement.

Purchases of service credit may be made by paying the actuarial cost under the provisions of R.S. 42:697.16. Military service is defined as regular full-time active duty or full-time active duty in the national guard or reserve forces, and does not include periods of annual training. The judge must provide the appropriate documentation for military service (Form DD214) or must provide certification from the political subdivision detailing the dates of service and whether the service was full-time or part-time. If the service was covered by another retirement system and the judge previously received a refund for the service, the refund may be repaid to

the other retirement system in order to transfer the service to LASERS.

If he has service in another retirement system, the service may be transferred under the provisions of R.S. 42:697.1. Benefits based on transferred service will be calculated using the formula from the transferring system.

Reciprocal agreements with other retirement systems will be processed in accordance with the provisions of R.S. 42:697. The judge must qualify for retirement under the provisions of the reciprocating system in order to receive a benefit from that system.

Since this is not a regular retirement program, judges retiring under these provisions are not eligible for participation in the deferred retirement option plan.

#### EMERGENCY RULE

Act 1063 of 1991 provides special retirement options for certain judges affected by federal court orders. It provides for an enhanced benefit structure, special purchase of service credit provisions, and waives age and years of service requirements.

This proposed rule will establish the procedures for implementing the provisions of Act 1063.

Thomas D. Burbank, Jr.  
Executive Director

### DECLARATION OF EMERGENCY

#### Department of the Treasury Bond Commission

The State Bond Commission amended the commission's rules as originally adopted on November 20, 1976. The commission amended Rule No. 15 of the original commission rules and increased the maximum amount of authorized lines of credit as follows:

15. *LINE OF CREDIT* - a line of credit is an authorization to a state agency to proceed with a project and draw from the State Treasury funds for the project prior to the sale of bonds for that project. The maximum amount of lines of credit which may be authorized by the commission shall be \$200,000,000. Bonds shall be issued to replenish lines of credit granted in the fiscal year in which the line of credit was granted. No lines of credit may be granted for a project unless and until either the bonds have been sold, lines of credit have been granted, or a certificate of impossibility and impracticality has been issued for all projects of higher priority as stated in the comprehensive capital budget adopted by the Legislature. The maximum amount of lines of credit provided herein shall not apply in cases where the commission shall deem an item to be an emergency matter.

Monies advanced on a line of credit for any project shall be spent only in accordance with the description in the bond authorization act authorizing bonds to be issued for that project.

Prior to the execution of any contract or agreement obligating the expenditure of monies received by any state department or agency or any other entity from line of credit funds, the attorney general's office shall be requested to review such proposed contracts or agreements for the sole purpose of determining whether expenditure of funds

thereunder is for the purpose of furthering the applicable project adopted by the Legislature. If given, such prior approval by the attorney general's office shall be in writing to the appropriate state department, agency or other entity with a copy to be furnished to the State Bond Commission.

Should the attorney general's office determine that the proposed expenditure of line of credit funds not be in order, no funds may be used to pay obligations which may be incurred if such contracts are executed after an adverse conclusion by the attorney general's office.

All approvals of lines of credit shall be conditioned on compliance by the state department, agency or other entity with the aforementioned procedure, and it shall be their duty to request approval from the attorney general's office, stating to which bond act and to which project the contract or agreement in question pertains. Failure to comply with such procedure by any such department, agency or other entity shall result in the immediate revocation of the line of credit, and all information regarding the possible expenditure of line of credit funds for other than authorized purposes shall be forwarded immediately by the commission to the attorney general's office and the district attorney's office.

This emergency rule is necessary to ensure continued construction and funding of all projects heretofore begun and contained in Priority 1, Priority 3 and Priority 4 of the current Capital Outlay Act, Act No. 853 of the 1990 Regular Session of the Louisiana Legislature. This rule is effective immediately and will remain in effect for 120 days.

Rae W. Logan  
Director

#### **DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters. The Wildlife and Fisheries Commission does hereby set the 1991 Fall Inshore Shrimp Season to open in Shrimp Management Zones I and II at 6 a.m. on August 19, 1991. The secretary of the Department of Wildlife and Fisheries is also hereby authorized to close the 1991 Fall Inshore Shrimp Season in any area or zone when biological and technical data indicate the need to do so.

James H. Jenkins, Jr.  
Chairman

#### **DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of

Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission hereby adopts the following emergency rule:

The hunting seasons for ducks, coots, geese, rails and gallinules during the 1991-92 hunting season shall be as follows:

#### **MIGRATORY GAME BIRDS**

##### **Ducks and Coots (Closed Season on Canvasbacks)**

West Zone:	Nov. 16 (Sat.)-Dec. 6 (Fri.)	21 days
	Dec. 28 (Sat.)-Jan. 5 (Sun.)	9 days
East Zone:	Nov. 23 (Sat.)-Dec. 1 (Sun.)	9 days
	Dec. 16 (Mon.)-Jan. 5 (Sun.)	21 days
Experimental Catahoula Lake Zone (NEW) -		
	Nov. 23 (Sat.)-Dec. 22 (Sun.)	30 days

All of Catahoula Lake including those portions known locally as Round Prairie, Catfish Prairie and Frazier's Arm.

Daily Bag Limit: The daily bag limit on ducks is three and may include no more than two mallards (no more than one of which may be a female), one black duck, two wood ducks, one pintail and one redhead. Daily bag limit on coots is 15.

Mergansers: The daily bag limit for Mergansers is five, only one of which may be a hooded Merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit: The possession limit on ducks, coots and Mergansers is twice the daily bag limit.

Geese: Statewide		
	Nov. 16 (Sat.)-Dec. 7 (Sat.)	22 days
	Dec. 14 (Sat.)-Jan. 30 (Thurs.)	48 days
	Jan. 31 (Fri.)-Feb. 9 (Sun.)	10 days (Snow geese only)

Daily Bag Limit: Daily bag limit is seven in the aggregate of blue, snow and white-fronted geese of which not more than two may be white-fronted (specklebellies) except as noted below. During the last 10 days (Jan. 31-Feb. 9), only blue and snow geese may be taken. During the Experimental Canada Goose Season (Jan. 22-Jan. 30) the daily bag limit for Canada and white-fronted geese is two, of which not more than one can be a Canada goose. Possession limit is twice the daily bag limit.

Experimental Canada Goose Season Jan. 22 (Wed.)-Jan. 30 (Thurs.) 9 days

An experimental Canada goose season will be open in a portion of southwest Louisiana. The area shall be described as follows:

Easterly from the Texas line along Hwy. 12 to Ragley; then easterly along U.S. 190 from Ragley to its junction with I-49 near Opelousas; then south along I-49 to its junction with Hwy. 167 near Lafayette; then south along Hwy. 167 from Lafayette to its junction with Hwy. 82 at Abbeville; then south and west along Hwy. 82 to the Intracoastal Waterway at Forked Island; then westerly along the Intracoastal Waterway from Forked Island to the juncture of the Intracoastal Waterway and the Calcasieu Ship Channel; then south along the west side of the Calcasieu Ship Channel to Hwy. 82 at Cameron, then westerly along Hwy. 82 to the Texas State line. All lands lying within these boundaries shall be open for the Experimental Canada Goose Season EXCEPT all open water of Lake Arthur and the Mermentau River from the Hwy. 14 bridge southward.

A special permit shall be required to participate in the Experimental Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5 administrative fee will be charged. This permit may be obtained



from the Lake Charles, Opelousas and Baton Rouge Offices.

Return of harvest information requested on the permit is mandatory. Failure to submit this information to the department by February 15, 1992 will result in the hunter not being allowed to participate in the Experimental Canada Goose Season the following year.

Rails - Nov. 16-Jan. 20

King and Clapper daily bag limit is 15 in the aggregate, possession 30.

Sora and Virginia daily bag and possession limit is 25 in the aggregate.

Gallinule - Nov. 16-Jan. 20. Daily bag limit is 15, possession 30.

Shooting Hours: 1/2 hour before sunrise to sunset.

This declaration of emergency will be in effect beginning November 1, 1991, and shall extend for a period of 120 days.

James H. Jenkins, Jr.  
Chairman

#### **DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:433 and R.S. 56:435.1 notice is hereby given that the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. the Public Oyster Seed Grounds not currently under lease, and the Hackberry Bay, Bay Junop and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise October 1, 1991;

2. the Hackberry Bay, Bay Junop and Bay Gardene Oyster Seed Reservations will close one-half hour after sunset October 11, 1991, however, the Public Oyster Seed Grounds will remain open until April 1, 1992;

3. the Sister Lake Oyster Seed Reservation will remain closed during the 1991/92 oyster season;

4. the secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads;

5. the secretary is authorized to take emergency action to reopen areas previously closed if a significant amount of oysters is available;

6. oysters taken from the Public Oyster Seed Grounds or the Oyster Seed Reservations for bedding will not be allowed in sacks or any other type container;

7. the Calcasieu and Sabine Lake tonging areas will open one-half hour before sunrise on October 15, 1991 and remain open until one-half hour after sunset on March 1, 1992, with the secretary having the authority to extend to compensate for the health closure days;

8. notice of any opening, delaying or closing of a sea-

son will be made by public notice at least 72 hours prior to such action.

James H. Jenkins, Jr.  
Chairman

#### **DECLARATION OF EMERGENCY**

##### **Department of Wildlife and Fisheries Office of Fisheries**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:317 which provides that the secretary of the department may declare a closed season when it is in the best interest of the state; the secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

Effective 12:01 a.m. August 24, 1991 the commercial fishery for red snapper in Louisiana waters will close and remain closed until 12:01 a.m. January 1, 1992.

The secretary was notified by the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service on August 9, 1991 that the gulfwide commercial red snapper quota had been reached and the season closure is necessary to prevent overfishing of this species.

A. Kell McInnis, III  
Acting Secretary

## **Rules**

#### **RULE**

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

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board amended and/or added to the regulations of the board:

##### **Title 7 AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals Chapter 117. Livestock Sanitary Board §11711. Livestock Dealer General Requirements**

A. Louisiana livestock dealers may become permitted, provided the following requirements are met:

1. The facilities are adequate and maintained in a satisfactory condition.

2. The dealer agrees to clean and disinfect the facilities at least once each month with an approved disinfectant.

3. Records of all sales and purchases must be maintained for at least 12 months. The records shall contain the complete name and address of the seller, the permanent identification number of any brucellosis test eligible animals, the weight and price of the animals, and the complete name and address of the purchaser. These records shall be made available to representatives of the Livestock Sanitary Board upon request. Livestock dealers who are not permitted will be governed by LAC 7:XXI.11733 for cattle.

B. Livestock dealers shall furnish the purchaser with the appropriate documents (health certificate, herd test, negative 30-day test record, negative Equine Infectious Anemia test), which indicate the animals meet the specific requirements stated in the regulations of the Louisiana Livestock Sanitary Board.

C. All livestock moving into the state of Louisiana must meet federal interstate requirements, the requirements of LAC 7:XXI.11705, governing the admission of livestock into the state; and the requirements of the state of destination.

D. Failure of a permitted livestock dealer to meet the requirements of this and other regulations of the board, will result in the revoking of his permit and he will be subject to prosecution, as provided in R.S. 3:2096.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:563 and R.S. 3:564.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985); amended LR 14:200 (April 1988), LR 17: (September 1991).

Richard Allen  
Assistant Commissioner  
of Management and Finance

## RULE

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

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, the Livestock Sanitary Board has adopted the following amendments to the regulations of the board: Livestock Sanitary Board Regulation 11771 Governing the Sanitary Disposal of Dead Poultry.

#### Title 7

#### AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

#### Chapter 117. Livestock Sanitary Board Subchapter D. Poultry

#### §11771. Governing the Sanitary Disposal of Dead Poultry

A. All commercial poultry producers are required to obtain a certificate of approval. Failure to obtain a certificate shall be considered a violation of this regulation. Certificates

of approval are continuous, but subject to review and cancellation should the poultry producer fail to dispose of dead poultry in accordance with this regulation.

#### B. Approved Methods

Dead poultry must be removed from the presence of the live poultry without delay. The carcasses, parts of carcasses and offal must be held in covered containers until disposal is made by one of the approved methods. In no instance, however, will the storage of dead poultry be allowed to create sanitary problems. Commercial poultry producers shall be required to dispose of dead poultry by one of the following methods:

1. Disposal pits shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Livestock Sanitary Board.

#### 2. Incinerators

Incinerators shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Livestock Sanitary Board.

#### 3. Rendering Plants

Dead poultry, parts of carcasses and poultry offal may be transported in covered containers to approved rendering plants. Poultry carcasses may be held on the premises of commercial poultry producers as long as the storage does not create a sanitary problem. All such methods of storage and transportation of dead poultry to approved rendering plants must be approved by an authorized representative of the Livestock Sanitary Board.

#### 4. Composting

The design, construction, and use of compost units must be approved by an authorized representative of the Livestock Sanitary Board.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985), LR 17: (September 1991).

Richard Allen  
Assistant Commissioner  
of Management and Finance

## RULE

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

Notice is hereby given that the Office of the State Museum adopted the rule as follows:

#### Title 25

#### CULTURAL RESOURCES Part III. Office of State Museum

#### Chapter 3. Accessions, Deaccessions and Loan Policy §301. Accessions Procedure

The Board of Directors of the Louisiana State Museum, acting under R.S. 36:201 is responsible for the acqui-

sition, deaccessioning and loans of materials that are part of the Museum collections.

A. The Louisiana State Museum maintains an Accessions Collection and an Education Collection.

1. Accessions collection will be only those collections related directly to the Museum's stated purpose, subject to the concerns and protections of collections care regulated by policy and law. Materials placed in the accessions collection become part of the permanent collection.

2. Education collections supplement the primary collections goal of the Museum, support the research and educational functions of the Museum but do not become part of the permanent collection.

B. Donors must be apprised in which category the artifact is to be classified and the terms and conditions of that category before transfer of title.

C. Proffered objects will be examined and evaluated as to condition, pertinency and/or duplication to the collection and the ability to provide proper storage and conservation of the object. Outside expert opinion may be secured as necessary. The Museum professional staff will make a recommendation to the Museum director who will make a recommendation to the Accessions Committee.

The recommendation may be to reject the object, determine it appropriate for the education collection, or recommend that the object be accepted into the accessions collection.

D. The Accessions Committee meets on an established schedule.

The committee receives recommendations, examines and evaluates objects and makes recommendations to the Board of Directors of the Louisiana State Museum.

E. The Board of Directors receives the committee recommendations and determines acceptance or rejection of the object.

F. If approved by the Board of Directors, the donor is issued a permanent receipt and the object is accessioned into the accessions collection. If not approved, the object is returned to the owner.

G. All donations to the Louisiana State Museum are considered outright, unconditional gifts to the people of Louisiana, unless otherwise determined by the board of directors at the time of accessioning.

H. The Louisiana State Museum staff will not appraise donations.

This rule will void any prior rule on the Museum's accessions procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:2341-2347.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 11:684 (July 1985), LR 17: (September 1991).

### §303. Deaccession of Museum Collection Items

A. The Louisiana State Museum must be able to protect and improve the quality of its collections through the exchange, transfer or disposal of artifacts. Deaccessioning is the process of permanently removing accessioned artifacts from the Museum collections.

B. Artifacts in the Museum's collections will be deaccessioned only if they have lost their physical integrity, usefulness, authenticity, or relationship to the Museum's purposes.

C. Museum artifacts are state property and will be dis-

posed of in compliance with appropriate state regulations and established Museum collections policy.

D. No object may be deaccessioned less than two years after its acquisition by the Museum.

E. Procedure

1. Proposals to deaccession collection materials shall be made by the museum professional staff to the Museum director who will make a recommendation to the Accessions Committee.

2. The Accessions Committee receives recommendations, evaluates the proposal and makes a recommendation to the Board of Directors of the Louisiana State Museum.

3. The Board of Directors shall accept or reject the recommendation of the Accessions Committee. Acceptance of the recommendation to deaccession will require a majority vote of those board members voting.

F. Deaccessioned objects shall be disposed of by one or more of the following methods, in accordance with all state and federal regulations.

1. Exchanging, exclusively with non-profit institutions, for objects of equal or greater monetary or historical value.

2. Transfer to a non-profit institution or state agency.

3. The sale of objects only through competitive means where the Museum's identity may or may not remain anonymous.

4. Destruction of deaccessioned objects which are of a hazardous nature or in a state of deterioration beyond redemption.

5. Transferral of the object to the Museum's educational collection.

G. Deaccessioned objects shall not be non-competitively transferred by any means to Louisiana State Museum employees, volunteers, members of the Museum Board, members of a museum support organization or other affiliated associations, their families or representatives.

H. However, anyone may participate in an approved public sale which complies with established museum collections policy and current museum ethics as published by the American Association of Museums.

This rule will void any prior rule on Deaccession of Museum Collections items.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:2341-2347.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 11:684 (July 1985), LR 17: (September 1991).

### §305. Loan Policy

The Louisiana State Museum transacts both outgoing and incoming loans.

A. Outgoing Loans. The Louisiana State Museum Board will lend objects from the collections of the Louisiana State Museum to public and private organizations. Such loans must be for specified public purposes and for a specified period not to exceed three years, which may be renewed by the board. All loan requests will be submitted through the Museum director to the Accessions Committee of the Board of Directors of the Louisiana State Museum which will review the condition of the objects requested, the exhibition and research needs of the Louisiana State Museum, the purposes for which the objects are being requested, the professional standards and capabilities of the borrowing organization, and the ability of the borrowing organization to properly care for the objects requested. All requests for loans must be made

in writing and signed by the legal authority responsible for the organization making the request. The board reserves the right to decline loans when, in its judgment, the loan would not be in the best interest of the objects requested, or the Museum. All loans must be insured by the borrower at a value established by the Museum and a certificate of insurance provided to the Museum prior to transfer.

1. Care and Preservation. The borrower must demonstrate understanding of appropriate environment, exhibition and security standards for the requested loan object. The loan objects shall not be cleaned, repaired, retouched or altered in any way without written permission from the Louisiana State Museum. The Louisiana State Museum must be notified immediately if the loan object is damaged or stolen. Museum artifacts on loan may not be lent to a third party or moved to another location without authorization from the Museum. The completed loan agreement must be signed by the borrower or his representative.

If the borrower removes the loan object from exhibit prior to the expiration of the loan period, the object will be immediately returned to the Louisiana State Museum.

2. Transportation and Packing. Items to be loaned shall be prepared for transport as determined appropriate by the Museum Registrar. The object(s) shall be returned to the Museum in the same manner unless otherwise stipulated upon by both parties.

3. Expenses. All expenses incurred in connection with a loan will be borne by the borrower unless otherwise agreed upon by both parties.

4. Publicity and Photography. Permission for the reproduction (including photo reproduction) of the borrowed works for any purpose must be obtained from the Museum. Each borrowed artifact must be credited to the Louisiana State Museum according to the credit line as provided. The borrower will give the Museum two copies of any catalogue or publication associated with the exhibition or educational program.

5. Loans to State Officials. The Louisiana State Museum Board will consider requests for loans of materials from the State Museum collection to the governor's offices in the State Capitol, the governor's mansion, and other official offices of the governor. The Louisiana State Museum Board will also consider loans to the official offices of the following public officials: statewide elected officials; president of the Senate; speaker of the House; secretary of the Department of Culture, Recreation and Tourism; chief justice of the Supreme Court of Louisiana.

All such loans must meet the following criteria:

a. Requests for loans must be made in writing to the director specifying the materials requested. All requests must be signed by the elected or appointed official for whose office the request is made.

b. The Museum Board will consider only requests for loans to be placed in public offices which are located in public buildings.

c. Loans will be made of only those materials that are not on exhibition or that are not utilized for research or scheduled exhibitions.

d. Loans will be made of only those materials that are in sound physical condition.

e. All loans must meet the requirements specified in the Museum's regular loan agreement policy and will be for a period of one year. Such loans may be renewed for 12-month

periods, but not to exceed the term of office of the elected or appointed official.

f. In determining a loan request, the State Museum Board will consider the safety and conservation of the requested objects and may deny a request for reasons of security or conservation.

g. All loan materials will be considered available for recall by the Louisiana State Museum for purposes of exhibition, conservation, and research.

h. The Louisiana State Museum will inspect loan materials annually and may, at its discretion, recall a loan item or replace a loan item with another item from the museum's collection.

i. All loans except those to the governor's offices and mansion must be insured by the borrower at a value established by the Louisiana State Museum Board. The museum must be presented with a Certificate of Insurance before physical transfer is made to the borrower.

j. The status of all loans made under this policy will be reported to the Louisiana State Museum Board annually.

k. All expenses for framing, matting, or other incidental expenses related to loans, except for those loans to the governor's offices and to the governor's mansion, will be the responsibility of the borrowing elected or appointed official.

l. All preparation, framing, matting, packaging and handling will be under the exclusive supervision and control of the Louisiana State Museum.

Materials are released to the borrowing elected or appointed official upon satisfactory completion of loan forms and receipt by the Louisiana State Museum of a Certificate of Insurance for loan materials, (except for those materials in the governor's offices and the governor's mansion) at values established by the Louisiana State Museum.

#### B. Incoming Loans

1. The Louisiana State Museum Board may borrow material for exhibition and other special purposes such as research or public presentation for a specified period of time not to exceed three years, subject to renewal.

2. The Museum Board will make a determination of loans on an individual basis and may apply conditions to the loan.

3. The following requirements will apply to all loans to the Louisiana State Museum:

##### a. Care and Handling

i. Objects loaned to the Museum will receive the same degree of care given to objects owned by the Museum. (If possible, objects will be photographed upon receipt.) The condition of the loan objects will be established in writing prior to the loan. Evidence of damage to objects at the time of receipt or while in the Museum's custody will be reported immediately to the lender. No alteration, restoration or repair to objects will be undertaken without the written authorization of the lender. The Louisiana State Museum will not be responsible for natural deterioration or damage accrued by Acts of God for items on loan. The loan agreement will be signed by both parties.

ii. Costs of transportation and packing will be borne by the Museum unless otherwise stated. The method of shipment must be agreed upon by both parties.

b. Insurance. The Museum will insure the loaned items under its blanket fine arts policy subject to the standard exclusions for a fair and reasonable amount specified on the face of the loan agreement while in transit and on loca-

tion during the period of the loan. The lender agrees that, in the event of loss or damage, recovery shall be limited to such amount as may be paid by the insurer, thereby releasing the Museum from liability for all claims arising out of such loss or damage.

c. **Publicity and Photography.** The Museum will comply with the lender's policy regarding the photographing and copying of objects on loan. Publicity and exhibition labels will credit lenders according to the agreement.

d. **Return of Loans**

i. Unless renewed, loans will be returned to the lender within 30 days of the expiration of the loan period. The Museum will not be responsible for the conservation or restoration of loan materials unless in agreement with the lender.

ii. Failure by the lender to withdraw or retrieve a loan at the agreed time will require the Museum to initiate procedures regarding abandoned property as specified in R.S. 25:345 Section C:

(a). Any property which has been deposited with the Louisiana State Museum, by loan or otherwise, and which has been held by the Museum for more than 10 years, and to which no person has made claim shall be deemed to be abandoned and, notwithstanding the provisions of Chapter 1 or Title XII of Book III of the Louisiana Civil Code, shall become the property of the Museum, provided that the Museum has complied with the following provisions:

(b). At least once a week for two consecutive weeks, the State Museum shall publish in at least one newspaper of general circulation in the parish in which the particular Museum facility is located a notice and listing of the property. The notice shall contain:

(1). the name and last known address, if any, of the last known owner or depositor of the property;

(2). a description of the property; and

(3). a statement that if proof of claim is not presented by the owner to the Museum and if the owner's right to receive such property is not established to the satisfaction of the Museum within 65 days from the date of the second published notice, the property will be deemed to be abandoned and shall become the property of the State Museum.

(c). If no valid claim has been made to the property within 65 days from the date of the second published notice, title to the property shall vest in the State Museum free from all claims of the owner and all persons claiming through or under him.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:201.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 11:684 (July 1985), LR 17: (September 1991).

James F. Sefcik  
Assistant Secretary

## RULE

### Department of Economic Development Racing Commission

The Louisiana State Racing Commission, in accordance with law, repeals the following rules.

## Title 35 HORSE RACING Part XIII. Wagering

### Chapter 109. Super Six

#### §10903. Entries and Fields

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

#### §10905. Pool Calculations

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

#### §10907. Dead Heats

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

#### §10909. Sale of Tickets

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

#### §10911. Name and Notice

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

#### §10913. Cancellation of Races

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

#### §10915. Limitation on Multiple Wagers Does Not Apply

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

#### §10917. Disclosure

Repealed

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), repealed LR 17: (September 1991).

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part XI. Claiming Rule and Engagements**

**Chapter 99. Claiming Rule**

**§9909. Resale; Movement**

If a horse is claimed it shall not be sold or transferred to anyone wholly or in part, except in a selling or claiming race, for a period of 30 days from date of claim, nor shall it, unless reclaimed, remain in the same stable or under the control of management of its former owner or trainer for a like period, nor shall it race in any other state until after the close of the meeting at which it was claimed, unless special permission is obtained from the commission. However, a horse claimed at a track in Louisiana must remain at the track where it was claimed for a period of 60 calendar days or until the current meeting at which it was claimed is terminated. Where a race meeting is authorized and conducted as a split-meeting, a horse claimed in such a race meeting must remain at the track where it was claimed for a period of 60 calendar days or until that segment of the split meeting at which it was claimed is terminated. The following calendar day shall be the first day and the horse shall be entitled to enter at another track in the state whenever necessary so the horse may start on the sixty-first day following the claim.

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

**HISTORICAL NOTE:** Promulgated by the Louisiana Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), repromulgated LR 3:42 (January 1977), LR 4:285 (August 1978), amended LR 17: (September 1991).

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations**

**§5741. Stable Telephone**

No telephone shall be installed in the stable area except upon the request of the association conducting the meeting and the written approval of the chairman of the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 172.

**HISTORICAL NOTE:** Promulgated by the Louisiana State Racing Commission in 1971, repromulgated by Department of Commerce, Racing Commission, LR 2:435 (Decem-

ber 1976), amended LR 3:31 (January 1977), repromulgated LR 4:278 (August 1978), amended LR 13:495 (September 1987), LR 17: (September 1991).

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1775. Testing of a Split or Referee Sample**

The following procedure is hereby established for the testing of a split or referee sample.

A. After a horse has voided and its urine collected for testing, the volume of urine collected shall be split or divided into approximately equal parts, one being processed for initial laboratory testing for the detection of the presence of prohibited drugs or substances therein. The remaining part shall be identified as the split or referee sample to be processed for future testing under the procedures hereby established.

B. Should blood be drawn at the test or retaining barn for testing, it shall be split or divided into approximately equal parts to be processed for testing by the initial test and the split or referee test if timely requested. If the blood is from a two-year-old horse, the specimen tag shall so indicate.

C. The veterinarian in charge of the test barn shall indicate on the specimen or sample tag sent to the chemical testing laboratory, along with any sample, the fact that the specimen was taken from a two-year-old horse.

D. Within five days from the date the stewards notify a trainer that the initial laboratory test on a urine or blood specimen from a horse entered and raced by him was positive for the presence of a prohibited drug or substance, the trainer must request the stewards to have the split or referee sample tested by an alternate laboratory as provided herein. At the time of his request the trainer must forward the necessary fees to cover all expenses to be incurred in shipping and testing the split or referee sample to the alternate testing laboratory. Failure of the trainer to make a timely request to the stewards constitutes a waiver of any and all rights to have the split or referee sample tested.

E. A trainer timely requesting a testing of a split or referee sample may elect any one of the laboratories, classified and designated as alternate laboratories, to perform the testing.

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

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 8:405 (August 1982), amended LR 10:660 (September 1984), amended LR 17: (September 1991).

Claude P. Williams  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Amendment to Bulletin 746, Part B - Postsecondary

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, Part B - Vocational-Technical Personnel

See May, 1991 issue of the *Louisiana Register* for complete text of amendments which were also adopted as an emergency rule, effective May 23, 1991.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:7.

**HISTORICAL NOTE:** Amended LR 17: (September 1991).

Carole Wallin  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Amendment to Guidelines for the Education Majors Scholarship Program - FY 91-92

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 921 - 8(g) Policy and Procedure Manual

\* \* \*

E. Education Majors Program

Under III. Eligibility Requirements, amend number 1 to read:

1. Resident Status - Applicant must be a resident of Louisiana for one year and graduate of a Louisiana public or an approved private high school or a resident of Louisiana for a minimum of five years.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3042.1.

**HISTORICAL NOTE:** Amended LR 17: (September 1991).

Carole Wallin  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Amendment to Guidelines for the Post-Baccalaureate Scholarship Program (FY 91-92)

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 921 - 8(g) Policy and Procedure Manual

\* \* \*

D. Post-Baccalaureate Scholarship Program

Under IV. ALLOCATION OF FUNDS, amend number 5 to read:

\* \* \*

5. A recipient will be awarded appropriate scholarship money each semester. A promissory note will be signed by the recipient and returned to the Bureau of Continuing Education prior to the allocations each semester.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:7.

**HISTORICAL NOTE:** Amended LR 17: (September 1991).

Carole Wallin  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Amendment to Bulletin 1822 Competency Based Postsecondary Curriculum Guide

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 1822 - Competency-Based Postsecondary Curriculum Guide

Change title as listed below: (length of program remains the same).

Course Title	Length
Culinary Arts and Occupations	1350 hrs., 12 mos.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:24.4.

**HISTORICAL NOTE:** Amended LR 17: (September 1991).

Carole Wallin  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Amendment to Bulletin 1882  
Administrative Leadership Academy Guidelines

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 1882, Administrative Leadership Academy Guidelines

Under Academy Credit (Credit Requirements/Provisions) amend to read:

"Administrative Leadership Academy members are required to earn five credits in Leadership/Management training per five-year cycle. Those enrolled in the academy prior to July 1, 1991 shall be exempt from this requirement for their first five-year cycle."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761-3764.

HISTORICAL NOTE: Amended LR 17: (September 1991).

Carole Wallin  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Technical Institute Name Change

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, changed the name of Memorial Area Technical Institute and J. E. Jumonville, Sr. Technical Institute to Jumonville Memorial Technical Institute which will make Memorial Area Technical Institute and J. E. Jumonville, Sr. Technical Institute one school with the main campus at Memorial (New Roads) and an off-campus facility in Port Allen.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 1. Organization**

**§111. Vocational-Technical Schools**

A. Post-secondary vocational technical schools under the jurisdiction of the board are:

\* \* \*

- 21. Jumonville Memorial Technical Institute
- Main campus - New Roads
- Off-campus facility - Port Allen

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1994.

HISTORICAL NOTE: Amended LR 17: (September 1991).

Carole Wallin  
Executive Director

**RULE**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Definition of Cause and Essential Elements of Proof for Exceptions to Attendance Rules of Scholarships and the Tuition Assistance Plan

The Student Financial Assistance Commission hereby establishes rules defining the cause and essential elements of proof required for approval of exceptions to the attendance rules of scholarships and the Tuition Assistance Plan (TAP), as follows:

**EXCEPTION PROCEDURE**

1. Recipient must submit Exception Request form with documentation.

2. Staff reviews request and documentation to determine if eligible or ineligible for exception. Staff will notify recipient by letter.

3. If determined eligible for exception, recipient will be awarded if he enrolls in the first school term immediately succeeding the exception ending date.

4. If determined ineligible for an exception, subsequent appeals are to be processed in accordance with the commission appeal procedures, now pending final rule.

**QUALIFYING EXCEPTIONS**

**I. Parental Leave**

A. Definition: The student/recipient must be pregnant or caring for a newborn or just-adopted child.

B. Certification Requirements: A completed LASFAC S/G Exception Request form certified by a written statement from a doctor of medicine who is legally authorized to practice.

C. Acceptable Documentation: Must include dates of required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, the required treatment, and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days after occurrence of the qualifying exception.

E. Maximum Length of Exception: Up to one academic year.

**II. Rehabilitation Program**

A. Definition: The student/recipient must be receiving rehabilitation in a program administered by a licensed rehabilitation center under a written individualized plan with specific dates of beginning and ending services.

B. Certification Requirements: A completed LASFAC S/G Exception Request form, certified by a rehabilitation counselor and doctor of medicine.

C. Acceptable Documentation: Must include dates of the required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, the required treatment, and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days



after occurrence of the qualifying exception.

E. Maximum Length of Exception: Up to two academic years.

### III. Temporary Disability

A. Definition: The student/recipient must be recovering from an accident, injury, illness or required surgery that did not previously exist when he/she originally applied for the applicable scholarship/grant program(s), or his/her pre-existing condition has substantially deteriorated since the time of application, or the student/recipient's spouse, dependent or parent requires continuous care for similar conditions for at least 60 days due to an accident, illness, injury or required surgery.

B. Certification Requirements: Certified by a doctor of medicine who is legally authorized to practice and by a completed LASFAC S/G Exception Request form.

C. Acceptable Documentation: Must include dates of the required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, the required treatment and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file a completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days after occurrence of the qualifying exception.

E. Maximum Length of Exception: Up to two academic years for recipient; up to a maximum of one academic year for care of disabled spouse, parent, etc.

### IV. Internship/Residency Program

A. Definition: The student/recipient must be enrolled in a required program that must be completed in order to begin professional practice or service; the program must be a program where the student is working toward an appropriate scholarship program degree.

B. Certification Requirements: Certified by a written statement from an internship or residency program official and a completed LASFAC S/G Exception Request form.

C. Acceptable Documentation: Must include dates of required leave of absence from the school's dean, academic counselor, or major professor stating that the residency/internship is a requirement toward fulfilling an appropriate scholarship/grant program degree, and that the student has been accepted into the residency/internship program, the semester(s) or number of days involved, the length of the internship/residency period, the beginning and ending dates of the leave of absence, and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file a completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days of notification of acceptance into the internship.

E. Maximum Length of Exception: Up to two academic years.

### V. Cooperative Work/Study Programs

A. Definition: The student/recipient must be a registered student in the appropriate school offering the cooperative work/study program. Even though the school may have entrance requirements for the cooperative work/study programs, the student/recipient must continue to meet and maintain scholarship/grant program cumulative grade point average requirements.

B. Certification Requirements: Certified by a written statement from the college/school official including dates of enrollment and termination, and by a completed LASFAC S/G Exception Request form.

C. Acceptable Documentation: Must include dates of leave of absence from the school's dean, academic counselor, or major professor stating that the student is enrolled in an official cooperative work/study program sponsored by the university, the semester(s) or number of days involved, the beginning and ending dates of the cooperative work-study program, and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file a completed S/G Exception Request form with certification and documentation requirements within 60 days of acceptance into the cooperative work/study program, or 30 days prior to the beginning dates of the cooperative work/study employment, whichever is sooner.

E. Maximum Length of Exception: Up to one academic year.

### VI. Religious

A. Definition: The student/recipient must be a member of a religious group that requires the student to perform certain activities/obligations which necessitates taking a leave of absence from college/school.

B. Certification Requirements: Certified by a written statement from the college/school official, by a completed LASFAC S/G Exception Request form, and a statement from the religious group's governing official.

C. Acceptable Documentation: Must include dates of the required leave of absence from the religious group's governing official, a completed LASFAC S/G Exception Request form, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the religious obligation, and any other supporting documentation as deemed necessary by LASFAC.

D. Filing Requirements: The student/recipient must file a completed S/G Exception Request form within 30 days after accepting or committing to the religious obligation.

E. Maximum Length of Exception: Up to two academic years.

### VII. Death of Immediate Family Member

A. Definition: The student cannot attend school for at least 30 days due to recovering from the death or multiple deaths of a spouse, parent, dependent, sister or brother.

B. Certification Requirements: Certification must be a written statement from the college/school official, a completed LASFAC S/G Exception Request form, a copy of the death certificate, and a doctor's statement.

C. Acceptable Documentation: Must include dates of leave of absence from the school's registrar, a doctor's statement if student/recipient care was needed, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, and any other supporting documentation as deemed necessary by LASFAC.

D. Filing Requirements: The student/recipient must file completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days of the date of death.

E. Maximum Length of Exception: Up to one academic semester.

### VIII. Military Service

A. Definition: The student/recipient is called on active

duty status with the United States Armed Forces or is performing duty with the National Guard called to perform emergency state service.

**B. Certification Requirements:** Certified by a written statement from the commanding officer or certified military orders, and by a completed LASFAC S/G Exception Request form.

**C. Acceptable Documentation:** Must include dates of required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of duty (beginning and ending dates), and any other supporting information as deemed necessary by LASFAC for file documentation.

**D. Filing Requirements:** The student/recipient must file completed LASFAC S/G Exception Request form with certification and documentation requirements within 30 days after military notification of active duty.

**E. Maximum Length of Exception:** Up to the length of the required service period.

#### NON-QUALIFYING EXCEPTIONS

1. Student volunteers for Peace Corps or comparable full-time volunteer work.

2. For TAP program only, student and/or parents failed to file tax forms or failed to receive extensions for filing, when required to do so by law.

3. Student is unaware of continuation/renewal requirements for program or fails to meet the requirements.

4. Student failed to timely submit exception form for approval of exception to continuous enrollment requirement.

Jack L. Guinn  
Executive Director

#### RULE

##### Student Financial Assistance Commission Office of Student Financial Assistance

###### Policy for Altering Applications/Promissory Notes Due to Change in Lender Name

The Louisiana Student Financial Assistance Commission advertises its intention to adopt a policy and procedure regarding new loan application/promissory notes altered due to a lender change. Policy VII, Subsections H and M and Procedures 10 and 55 of the Louisiana Guaranteed Student Loan Program Policy and Procedure Manual are being amended to include this provision, as follows:

**C. For Stafford SLS or PLUS in the event a lender receives a new loan application/promissory note that is pre-printed or already has the lender section completed with the name of a lender who has chosen not to process the form, the correct procedure to alter the application/promissory note without damaging its collectibility is as follows:**

1. Draw one line through the existing lender name which is to be changed. Do not black it out or cover it with liquid paper.

2. Type or print clearly the name of the lender who is processing the application, above or below it as space permits.

3. In the margin of the lender section of the application, the lender must print or stamp the following:

“Lender changed from that pre-printed. See Disclosure Statement.”

A bank official must then initial the notation.

4. It does not matter if the notation lays over some of the print on the application/promissory note, as long as it does not render the document illegible.

Under no circumstances is the lender to use any mechanism which obscures the front or back of the application/promissory note. Anything which covers the text on either side of the application/promissory note can be considered a material alteration by the court in the event the account subsequently defaults and must be litigated. Such an alteration may render the note uncollectible and therefore void its guarantee.

Jack L. Guinn  
Executive Director

#### RULE

##### Student Financial Assistance Commission Office of Student Financial Assistance

###### Guarantee Fee Schedule

The Student Financial Assistance Commission amended its fee schedule for loans guaranteed on or after October 1, 1991 for school periods that begin on or after October 1, 1991 as follows:

TYPE SCHOOL	FEE	ON OR AFTER 10/1/91	
		BEFORE 10/1/91	ON OR AFTER 10/1/91
		STAFFORD	STAFFORD
		CLASS LEVEL	FEE
Grad/Prof Schools	3% or \$60	1st (Freshman)	3%
4 Year Colleges	3% or \$60	2nd (Sophomore)	3%
2 Year Colleges	3% or \$60	3rd (Junior)	1.5%
All Other Schools	3%	4th (Senior)	1.5%
		5th (Senior)	1.0%
		6th (1st Yr. Grad.)	.8%
		7th or higher	.5%
SLS (all levels)	3%	SLS (all levels)	3%
PLUS (all levels)	3%	PLUS (all levels)	3%

Policy VII and Procedure II of the Louisiana Guaranteed Student Loan Program Policy and Procedure Manual will be amended to reflect the proposed fee schedule.

Jack L. Guinn  
Executive Director

#### RULE

##### Student Financial Assistance Commission Office of Student Financial Assistance

###### Definition of School Participation Limitations, including Fidelity Bond Coverage/Escrow Account

The Student Financial Assistance Commission advertises its intention to establish rules defining school participation limitations, including optional fidelity bond coverage.

Section V "Institutional Participation", Section B of the LASFAC Guaranteed Student Loan Policy and Procedure Manual would be amended to add Paragraph 8, which will read as follows:

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**B. Schools**

It is the policy of LASFAC to approve for eligibility in the Louisiana Student Loan Programs (LSLP), all schools or branches that:

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8. Lacking a record of performance with the guaranteed student loan program:

a. Have provided fidelity bond coverage in favor of the Office of Student Financial Assistance in an amount of at least 20 percent of the anticipated and actual annual loan volume for the first year of operation in this program. Said bond is to cover the liability of the school to students, this agency, lenders, or the federal government, for unauthorized use of Guaranteed Student Loan Program Funds. After one year, the requirements of the bond may be dropped if, after a program review and submission of a reviewed financial statement or a designated tax return, the school meets certain administrative and financial criteria set by the agency. Schools which terminate bond coverage prior to the authorization of LASFAC as provided herein, must agree that such bond termination constitutes their notice of termination from participation in the agency's guaranteed student loan programs. This section shall only apply to schools which are not currently participating in the agency's program and which are operated on a for-profit basis.

b. In lieu of a fidelity bond coverage an institution (school) may elect to place all proceeds from a guaranteed student loan for a particular student in an escrow tuition account and voluntarily agree to withdraw funds from this account on a pro-rata basis (by the month) for the complete length of the course of training. A listing of students showing entry date and date of scheduled completion, along with the bank statements, shall be submitted monthly to LASFAC for the first year a school is in the GSL program. Two weeks before the end of the first year of a new institution, LASFAC will conduct a program review and if no significant findings are found, then this voluntary procedure may be terminated by the first year school and it will be treated as all other institutions participating in the GSL program.

Jack L. Guinn  
Executive Director

**RULE**

**Department of Environmental Quality  
Office of Solid and Hazardous Waste  
Hazardous Waste Division**

HW28

Under authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Hazardous Waste Regulations, LAC 33:V.Subpart 1.

These regulations will amend LAC 33:V.105.D to allow for an exemption for used chlorofluorocarbon (CFC) refrigerants that are recycled. These used refrigerants would otherwise be classified hazardous by the Toxicity Characteristic at LAC 33:V.4903.E, promulgated April 20, 1991, in the *Louisiana Register*. These regulations will revise state regulations to be consistent with current federal regulations. See *Federal Register* published February 13, 1991, 56 FR 5910, #30.

Copies of this rule are available at the Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or at the Office of the State Register, 1051 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA, 70802.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality - Hazardous Waste**

**Chapter 1. General Provisions and Definitions**

**§105. Program Scope**

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D. Exemptions, Exceptions, and/or Modifications to Otherwise Applicable Provisions of These Regulations

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41. Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerants are stored in an environmentally sound manner and are reclaimed for further use, are exempt from these regulations.

\*\*\*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790-791 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217-218 (March 1990), LR 16:200 (March 1990), LR 16:398-399 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), amended LR:17: (September 1991).

Paul Templett  
Secretary

**RULE**

**Department of Health and Hospitals  
Board of Board Certified Social Work Examiners**

The Louisiana State Board of Board Certified Social Work Examiners hereby adopts the following rule.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XXV. Certified Social Workers**

**Chapter I. General Provisions**

**§117. License Renewals and Cancellations**

A. Renewal notices are mailed on June 20 of each year. The renewal fee is due between June 20 and November 30 of each year. Board certified social workers must list those social workers under their supervision on their renewal form.

B. Twenty clock hours of continuing education in programs approved by the board shall be obtained prior to each renewal date.

C. Approved Learning Situations for Continuing Education

1. Workshops sponsored by individual professional practitioners and/or professional organizations such as: Louisiana Council for Social Work Education, National Association of Social Workers, National Federation of Clinical Social Work Society, Council on Social Work Education, American Medical Association, American Psychiatric Association, American Psychological Association, American Hospital Association and American Association of State Social Work Boards or other appropriate professional organizations.

2. Continuing education workshops and activities provided by accredited graduate schools of social work. Academic course work (graduate level) counts per actual class hour.

3. Presentations having social work content count one and one-half times the actual time of the presentation to give credit for the preparation time. (Example: You prepare a presentation on holiday stress that takes one hour. You may count one and one-half hours as continuing education credit.) Presentation and preparation time may only be counted once for each topic. Academic preparation and teaching of social work content (undergraduate or graduate) may be counted once in the same manner.

4. Participation in staff development presentations with a social work focus.

5. Attendance at professional social work meetings, AASSWB item writing workshops, symposiums, panel discussions or conferences sponsored by the professional associations suggested in Paragraph 1.

6. Study groups of three or more with peer supervision. Names and work addresses including telephone numbers of group members should be provided. Include meeting dates, time, topics of discussion and, if applicable, a bibliography.

7. Contracted professional consultation received by the licensee. Please provide the paid consultant's name, address and telephone number.

8. Self-study programs are approved only for rural areas or if the licensee is incapacitated. All self-study programs must receive pre-approval from the board.

D. The following learning situations will not be accepted:

1. banquet speeches;

2. non-social work content courses not directly related to enhancement of social work skills or performance as a social work employee. (Example: computer, financial or business management courses designed to enhance the business of private practice);

3. staff orientation, administrative staff meetings and case management meetings;

4. book reports or critiques of professional journal articles.

E. A lapsed license fee may be paid between December 1 and February 28 of each year and certificate will be renewed. (The lapsed license fee equals twice the amount of the renewal fee.)

F. Without payment of the lapsed license fee, the license is cancelled after February 28, and a certified notice of cancellation is mailed.

G. When a license is allowed to lapse after February 28, the applicant will be required to pay the registration and examination fees and pass the examination.

H. It is the board certified social worker's responsibility to keep the board informed of his/her current mailing address.

I. A licensee who allows his or her certificate to lapse for a period of six months or longer without renewal, or who is unsuccessful at a compliance hearing concerning this matter, shall be required to file a new application, subject to the examination procedures, and pay those required fees. However, such an applicant need not duplicate the two years of social work supervision or proof of graduate degree and may be reinstated upon successful completion of the examination and payment of the appropriate fee.

J. Retired Status

1. Retired Status is hereby granted to BCSWs who are retired and did not practice social work during the fiscal year (July 1 through June 30). Complete the affidavit on the Continuing Education Report and submit it to the board with your renewal fee.

2. Retired or inactive licensees may retain their license by payment of annual renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners LR 10:204 (March 1984), repromulgated by the Department of Health and Hospitals, LR 14:865 (December 1988), amended LR 17: (September 1991).

Rules pertaining to this Part which was published in the Louisiana Administrative Code Supplement dated March 1987 (Title 46) are hereby repealed. The effective rules for Certified Social Work Examiners were repromulgated and recodified in Volume 14, Pages 862-868 of the December 20, 1988 *Louisiana Register*. Various amendments were thereafter.

Peggy Salley, BCSW  
Chairperson

**RULE**

**Department of Health and Hospitals**  
**Board of Medical Examiners**

The Louisiana State Board of Medical Examiners, pursuant to the authority vested in the board by R.S. 37:3011(A)(2) and (C), and in accordance with applicable provisions of the Administrative Procedure Act, has adopted amendments to its rule prescribing the causes for suspension or revocation of, or the imposition of probationary condi-

tions on, the license of an occupational therapist or occupational therapy assistant. LAC 46:XLV, Subpart 3, Chapter 49, §4921.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XLV. Medical Profession**  
**Subpart III. Practice**

**Chapter 49. Occupational Therapists**

**§4921. Suspension and Revocation of License; Refusal to Issue or Renew; Unprofessional Conduct**

A. The board may refuse to issue or renew, may suspend or revoke, or may impose probationary conditions on any occupational therapy or occupational therapy assistant license, if the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or likely to endanger the health, welfare, or safety of the public.

B. As used herein and R.S. 37:3011, "unprofessional conduct" by an occupational therapist or occupational therapy assistant shall mean:

1. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States or of the state in which such conviction or plea was entered;

2. conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of occupational therapy;

3. perjury, fraud, deceit, misrepresentation or concealment of material facts in obtaining a license to practice occupational therapy;

4. providing false testimony before the board or providing false sworn information to the board;

5. habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;

6. solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive or misleading;

7. making or submitting false, deceptive or unfounded claims, reports or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;

8. cognitive or clinical incompetency;

9. continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of occupational therapy practice in this state;

10. knowingly performing any act which in any way assists an unlicensed person to practice occupational therapy, or having professional connection with or lending one's name to an illegal practitioner;

11. paying or giving anything of economic value to another person, firm or corporation to induce the referral of patients to the occupational therapist or occupational therapy assistant;

12. interdiction by due process of law;

13. inability to practice occupational therapy with reasonable competence, skill or safety to patients because of mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process and excessive use or abuse of drugs, including alcohol;

14. refusal to submit to examination an inquiry by an

examining committee of physicians appointed by the board to inquire into the licensee's physical and/or mental fitness and ability to practice occupational therapy with reasonable skill or safety to patients;

15. practicing or otherwise engaging in any conduct or functions beyond the scope of occupational therapy as defined by the Act or these rules;

16. the refusal of the licensing authority of another state to issue or renew a license, permit or certificate to practice occupational therapy in that state, or the revocation, suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts or conditions practice in that state, or the surrender of a license, permit or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit or certificate;

17. violation of the code of ethics adopted and published by the American Occupational Therapy Association, Inc. (AOTA); or

18. violation of any rules and regulations of the board, or any provisions of the Act, as amended, R.S. 37:3001-3014.

C. Denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a licensee may be ordered by the board in a decision made after a hearing in accordance with the Administrative Procedure Act and the applicable rules and regulations of the board. One year after the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement but shall hold a hearing to consider such reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 17: (September 1991).

Delmar Rorison  
Executive Director

**RULE**

**Department of Health and Hospitals**  
**Board of Medical Examiners**

The Louisiana State Board of Medical Examiners, pursuant to the authority vested in the board by R.S. 37:3358(A)(2) and (C), and in accordance with applicable provisions of the Administrative Procedure Act, has adopted amendments to its rule prescribing the causes for suspension or revocation of, or the imposition of probationary conditions on, the license of a respiratory therapist or respiratory therapy technician. LAC 46:XLV, Subpart 3, Chapter 55, §5517 and §5519.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XLV. Medical Profession**  
**Subpart III. Practice**

**Chapter 55. Respiratory Therapists**

**§5517. Causes for Administrative Action**

The board may refuse to issue or renew, or may suspend, revoke or impose probationary conditions and restrictions on, the license or temporary license of any respiratory therapist or respiratory therapy technician license or temporary license, if the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3058.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 17: (September 1991).

**§5519. Causes for Action; Definitions; Unprofessional Conduct**

A. As used herein and in R.S. 37:3358, "unprofessional conduct" by a respiratory therapist or respiratory therapy technician shall mean:

1. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States or of the state in which such conviction or plea was entered.
2. conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of respiratory therapy;
3. perjury, fraud, deceit, misrepresentation or concealment of material facts in obtaining a license to practice respiratory therapy;
4. providing false testimony before the board or providing false sworn information to the board;
5. habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;
6. solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive or misleading;
7. making or submitting false, deceptive or unfounded claims, reports or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;
8. cognitive or clinical incompetency;
9. continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of respiratory therapy practice in this state;
10. knowingly performing any act which in any way assists an unlicensed person to practice respiratory therapy, or having professional connection with or lending one's name to an illegal practitioner;
11. paying or giving anything of economic value to another person, firm or corporation to induce the referral of patients to the respiratory therapist or respiratory therapy technician;
12. interdiction by due process of law;
13. inability to practice respiratory therapy with reasonable competence, skill or safety to patients because of

mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process and excessive use or abuse of drugs, including alcohol;

14. refusal to submit to examination an inquiry by an examining committee of physicians appointed by the board to inquire into the licensee's physical and/or mental fitness and ability to practice occupational therapy with reasonable skill or safety to patients;

15. practicing or otherwise engaging in any conduct or functions beyond the scope of respiratory therapy as defined by the Act or these rules;

16. the refusal of the licensing authority of another state to issue or renew a license, permit or certificate to practice respiratory therapy in that state, or the revocation, suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts or conditions practice in that state, or the surrender of a license, permit or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit or certificate;

17. violation of the code of ethics adopted and published by the American Association for Respiratory Therapy; or

18. violation of any rules and regulations of the board, or any provisions of the Act, as amended, R.S. 37:3001-3014.

B. Denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a licensee may be ordered by the board in a decision made after a hearing in accordance with the Administrative Procedure Act and the applicable rules and regulations of the board. One year after the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement but shall hold a hearing to consider such reinstatement.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3058.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 17: (September 1991).

Delmar Rorison  
Executive Director

**RULE**

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

The Department of Health and Hospitals, Office of Public Health has amended the Fee Adjustment Schedule as contained in the regulations for the Family Planning Program as found in the *Louisiana Register*, Vol. 16, Number 6, page 525-526 dated June 20, 1990.

**Title 48**  
**PUBLIC HEALTH - GENERAL**  
**Part V. Preventive Health Services**  
**Subpart 13. Family Planning Services**

**Chapter 37. Fees**

**§3703. Fee Adjustment Schedule**

A. The fee adjustment schedule is designed to provide for proportional payment of each service based on the family's ability to pay. Three variable figures are utilized in calculating the schedule; (1) United States Community Services Administration Poverty Guidelines as found in 45 CFR 1060.2; (2) family size and (3) cost of services provided. The

client shall provide a statement of gross family income.

B. Persons whose income adjusted for family size is at or below 100 percent of poverty as is defined by the United States Community Services Administration poverty guidelines shall not be responsible for payment of services. Persons whose gross family income is set at or above 250 percent of poverty as is defined by the United States Community Services Administration poverty guidelines shall be charged the full cost of services provided. Between those two levels, fees shall be adjusted in accordance with the formula used in the schedule of charges included in the following revised Fee Adjustment Schedule:

FEE ADJUSTMENT SCHEDULE

% POVERTY INCOME	I	II	III	IV	V	
	100% OR LESS NO CHARGE	101%-115% 10% OF COST	116%-130% 20% OF COST	131%-145% 30% OF COST	146%-160% 40% OF COST	
FAMILY SIZE						
1	6620	6686	7679	8672	9665	
2	8880	8969	10301	11633	12965	
3	11140	11251	12922	14593	16264	
4	13400	13534	15544	17554	19564	
5	15660	15817	18166	20515	22864	
6	17920	18099	20787	23475	26163	
7	20180	20382	23409	26436	29463	
8	22440	22664	26030	29396	32762	
9	24700	24947	28652	32357	36062	
10	26960	27230	31274	35318	39362	
11	29220	29512	33895	38278	42661	
12	31480	31795	36517	41239	45961	
13	33740	34077	39138	44199	49260	
14	36000	36360	41760	47160	52560	
15	38260	38643	44382	50121	55860	
16	40520	40925	47003	53081	59159	
17	42780	43208	49625	56042	62459	
	VI	VII	VIII	IX	X	XI
	161%-175% 50% OF COST	176%-190% 60% OF COST	191%-205% 70% OF COST	206%-220% 80% OF COST	221%-235% 90% OF COST	236%-250% 100% OF COST
	10658	11651	12644	13637	14630	15623
	14297	15629	16961	18293	19625	20957
	17935	19606	21277	22948	24619	26290
	21574	23584	25594	27604	29614	31624
	25213	27562	29911	32260	34609	36958
	28851	31539	34227	36915	39603	42291
	32490	35517	38544	41571	44598	47625
	36128	39494	42860	46226	49592	52958
	39767	43472	47177	50882	54587	58292
	43406	47450	51494	55538	59582	63626
	47044	51427	55810	60193	64576	68959
	50683	55405	60127	64849	69571	74293
	54321	59382	64443	69504	74565	79626
	57960	63360	68760	74160	79560	84960
	61599	67338	73077	78816	84555	90294
	65237	71315	77393	83471	89549	95627
	68876	75293	81710	88127	94544	100961

**AUTHORITY NOTE:** Promulgated in accordance with 42 USC 300: 42 CFR Subpart A, Part 59.5A5 and 45 CFR 1060.2.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 13:246 (April 1987), amended LR 14:534 (August 1988), LR 15:471 (June 1989), LR 16:546 (April 1990), LR 17: (September 1991).

David L. Ramsey  
Secretary

**Editor's Note:** The following rule, as appeared in the July 20, 1991 issue of the *Louisiana Register*, Vol. 17, No. 7, page 669 is being republished to correct a typographical error.

### **RULE**

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

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health has amended Chapter XXVII of the State Sanitary Code effective July 20, 1991, as follows:

#### **27:020 DEFINITIONS:**

Change to read:

(m) TRANSPORT shall mean the movement of potentially infectious biomedical waste from the premises of a generator or others involved over more than 0.1 mile of public streets or roadways to places for storage, treatment or disposal.

Add:

(n) TRANSPORTER shall mean any person or firm who transports large quantities of potentially infectious biomedical waste or who transports any quantity of such waste generated by another. This definition shall not apply to municipal waste haulers who transport such waste disposed of in household waste under the provisions of Section 27:022-4.

Delete present 27:022-4(a), (b), (c), and replace with the following:

27:022-4 Small quantities of Potentially Infectious Biomedical Waste generated as a result of self-administered or non-professional health care or veterinary care services in a household or other non health-care facility may be disposed of in ordinary municipal waste without treatment, provided that such waste is packaged to assure no loss of contents, should the integrity of the original package be violated. This shall generally be interpreted to mean placing the original plastic bag or rigid container into a second bag or rigid disposal container. Sharps must be encased as specified in Section 27:025 or placed in a sharps disposal container of standard manufacture or other similar container of a type approved by the state health officer. This sharps container should then be placed within another bag or rigid container containing a greater volume of non-infectious waste.

Delete present 27:023-6 and replace with the following:

27:023-6 Vehicles used by transporters shall meet the following minimum requirements:

(a) The vehicle must have a fully enclosed cargo carrying body or compartment which is an integral part of the vehicle or firmly attached thereto and which affords protection from theft, vandalism, inadvertent human and animal exposure, rain, rodents and insects. The cargo body or compartment shall be separated by a solid barrier from the driver and passengers.

(b) provision shall be made for the containment within the body or compartment of any liquid which might leak from the packaged waste.

(c) The cargo body or compartment shall be maintained in good sanitary condition and must be secured if left unattended.

(d) The cargo body or vehicle containing the cargo compartment shall be identified on both sides with the name of the transporter and on both sides and the rear with the words "Medical Waste", "Infectious Waste", "Regulated Medical Waste", or "Potentially Infectious Biomedical Waste" in letters at least three inches high on contrasting background. In addition, a current permit decal issued by the Department of Health and Hospitals shall be affixed to the lower front section of the left side of the cargo body or to the driver's side door of the vehicle.

Delete:

27:025-9

27:026-3

27:029-2

David L. Ramsey  
Secretary

### **RULE**

#### **Board of River Port Pilot Commissioners**

The Board of River Port Pilot Commissioners has amended Section IV, Rule 8, in the second full paragraph, sub-part (b), by increasing deadweight tonnage from 25,000 to 35,000, wherein the paragraph shall now read as follows:

After being commissioned a river port pilot by the Governor of Louisiana, the newly commissioned pilot shall be allowed to pilot the following vessels in the first four months subsequent to the issuance of the pilot's commission:

- (a) Vessels up to 30 feet in draft;
- (b) Vessels up to 35,000 deadweight tons;
- (c) Vessels up to 600 feet in length.

James W. Donahue, Jr.  
President

### **RULE**

#### **Department of Social Services Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to adopt the following rule in the Individ-



ual and Family Grant (IFG) Program.

The IFG Program will be administered in accordance with federal regulations at 44 CFR 206.131. Federal regulations published in the *Federal Register* of Thursday, September 27, 1990, Vol. 55, No. 188, page 39520, mandate an October 1, 1990 implementation date for the increased grant amount. The rule published in the *Louisiana Register*, Vol. 15, No. 9, September 20, 1989, page 744, is hereby amended.

#### RULE

The maximum grant amount in the IFG Program has been changed to \$11,000. The amount will be adjusted at the beginning of each federal fiscal year to reflect changes in the Consumer Price Index for All Urban Consumers, published by the U.S. Department of Labor.

The dollar value of the required flood insurance policy for housing and personal property grants where the applicant resides in a flood zone will change to \$7,000 building and \$4,000 contents for a homeowner, and \$11,000 contents for a renter.

May Nelson  
Secretary

#### RULE

**Department of Social Services  
Office of the Secretary  
Bureau of Licensing and Quality Assurance**

The Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance hereby adopts the following rule. The notice of intent was published October 20, 1990. This rule is to comply with 42 USCA 602(g) and 42 CFR 255.5 as implemented in regards to child care in Louisiana by the "Child Care Registration Law" (Louisiana Revised Statutes Title 46:1441-1441.12) signed July 25, 1990. Child care is to be provided by a Class A Day Care Center or registered Child Care Home prior to receiving monies from the Department of Social Services.

#### RULE

All family child day care homes that care for unrelated child(ren) shall be registered prior to receiving state or federal funds from the Department of Social Services.

All family child day care homes that care for only related child(ren) shall be considered registered with the Department of Social Services upon receipt of the application form until "disapproval for registration" is received from the Office of the State Fire Marshal.

Any child day care home that does not meet the definition of a Child Day Care Center shall be required to be registered with the Department of Social Services.

#### LICENSURE

Child Day Care Centers are to be licensed in accordance with R.S. 46:1401-1424 (The Child Care Licensing Law). A Child Day Care Center is defined as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision and guidance of

seven or more children not related to the caregiver and unaccompanied by parent or guardian, on a regular basis for at least twenty hours in a continuous seven-day week.

The rule for the licensing of a day care center is contained in the Louisiana Administrative Code, Title 48, Chapter 53, Sections 5301-5377. A copy of this rule may be obtained from the Licensing Section of the Department of Social Services for a printing and handling fee.

A Class A licensed Day Care Center may receive local, state or federal funds.

A Class B licensed Day Care Center shall not receive local, state, or federal funds directly or indirectly in accordance with R.S. 46:1412(D).

#### REGISTRATION

Family child day care home means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any group for the primary purpose of providing care, supervision, and/or guidance to six or fewer children of ages 12 years or less.

All family child day care homes that receive state or federal funds, directly or indirectly through the Child and Adult Care Food Program, the Family Support Act of 1988 or any other state or federal funding program shall be registered if not already licensed as a Class A Day Care Center.

All family child day care homes which were a part of a sponsoring agency on September 1, 1990 shall automatically be considered registered with the Department of Social Services.

Sponsoring agency means any private, public, for profit or nonprofit corporation, society, agency, or any other group approved by or contracted with the Department of Education to coordinate homes participating in the federal Child and Adult Care Food Program.

Individuals that provide care for only related family members shall not be required to be registered within the time period established by the Department of Social Services. This exception means that individuals that provide care for only related family members shall be considered registered with the department upon receipt of the application to register.

All other registrants shall be registered upon completion of the registration procedure.

DEPARTMENT OF SOCIAL SERVICES REGISTRATION PROCEDURE

This application form must be completed and signed by the registrant:

APPLICATION FOR REGISTRATION

NAME: \_\_\_\_\_  
FIRST MIDDLE LAST

SOCIAL SECURITY NUMBER \_\_\_\_\_

LOCATION ADDRESS \_\_\_\_\_  
HOUSE NUMBER/APT. NUMBER, STREET/HWY NAME

CITY, STATE, ZIP \_\_\_\_\_  
CITY, STATE, ZIP

MAILING ADDRESS \_\_\_\_\_  
P. O. BOX NUMBER OR SAME AS ABOVE

CITY, STATE, ZIP \_\_\_\_\_  
CITY, STATE, ZIP

TELEPHONE NUMBER OF REGISTRANT \_\_\_\_\_  
AREA CODE PHONE NUMBER

I WILL ONLY CARE FOR CHILDREN RELATED TO ME: YES \_\_\_\_\_ NO \_\_\_\_\_.

I WISH TO APPLY AS A REGISTERED CHILD DAY CARE PROVIDER. I WILL COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS. I WILL PERMIT PARENTS TO SEE AND BE WITH THEIR CHILDREN AT ALL TIMES. I CERTIFY BY MY SIGNATURE THAT I HAVE NEVER BEEN CONVICTED OF A FELONY AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED \_\_\_\_\_  
SIGNATURE OF REGISTRANT/APPLICANT

PRINTED OR TYPED SIGNATURE \_\_\_\_\_  
PRINTED OR TYPED SIGNATURE

DATE \_\_\_\_\_  
(DSS/RFT)(9/9/90)

This completed application form is to be sent to:  
Department of Social Services  
Quality Assurance Section  
P.O. Box 44367  
Baton Rouge, Louisiana 70804

IMPORTANT: Any change(s) in the application form submitted to the Department requires the submission of another signed and completed application form.

The Department of Public Safety, Office of the State Fire Marshal, will make an on-site visit to the location given on the application form by the registrant.

During the on-site visit the Department of Public Safety, Office of the State Fire Marshal, will collect a fee for the inspection. Part of this fee will be sent by the Office of the

State Fire Marshal to the Department of Social Services for processing expenses.

The Office of the State Fire Marshal will make an on-site inspection (both for the Department of Health and Hospitals, Office of Public Health, and the Department of Public Safety, Office of the State Fire Marshal) using an agreed

upon checklist of health and safety standards to assure that health and safety standards are met at the location given on the application form by the registrant.

The registrant must meet all health and safety standards of, pass the inspection by, and obtain approval of the Office of Public Health and the Office of the State Fire Marshal.

The Department of Public Safety, Office of the State Fire Marshal, will send either a "recommendation for registration" or a "disapproval for registration" to the licensing section of the Department of Social Services. The registration of the applicant becomes effective upon the date of receipt of the "recommendation for registration" from the State Fire Marshal.

The applicant will be sent a registration certificate by the licensing section of the Department of Social Services.

Registered homes shall be open to inspection by the Department of Public Safety and/or the Department of Social Services, parents, and by other authorized inspection personnel during normal working hours or when children are in care.

The Department of Social Services shall have the authority to deny, revoke, or refuse to renew a registration or licensure of a registered or licensed home if an applicant has failed to comply with the provisions of the Child Care Registration Law, any applicable published rule or regulation relating to registered homes, state fire marshal regulations, or any other state, federal, local, or sponsoring agency rule or regulation or license. If a registration or license is denied, revoked, or withdrawn, the action shall be effective when made and the Department of Social Services shall notify the applicant or registrant of such action by registered letter immediately. The letter shall give the reason for the denial, revocation, or withdrawal of the registration or license. The Department of Social Services shall also notify the sponsoring agency and other state agencies as deemed necessary.

Upon the refusal of the Department of Social Services to grant a registration or license or upon the revocation of a registration or licensure, the agency, institution, society, corporation, person or persons, or other group having been refused a registration or license or having had a registration or license revoked shall have the right to appeal such action by submitting a written request to the secretary of the Department of Social Services within 30 days after receipt of the notification of the refusal or revocation. The appeal hearing shall be held no later than thirty days after the request therefor, except as provided in the Administrative Procedure Act, and shall be conducted in accordance with applicable regulations of the Department of Social Services and the provisions of R.S. 46:107. This provision shall in no way preclude the right of the party to seek relief through mandamus suit against the Department of Social Services, as provided by law.

The Department of Social Services shall remove any child or all children from any registered or licensed home when it is determined that one or more violations exist within the home which places the health and well-being of the child or children in imminent danger, provided, however, that a contradictory hearing shall be held within seven days thereafter by the appropriate district court to determine whether the action was justified and whether and how long it shall continue.

May Nelson  
Secretary

## RULE

### Department of Social Services Rehabilitation Services

The Department of Social Services, Rehabilitation Services has adopted the following rule relative to its revised policy manual for implementation of its programs.

This is a revised policy manual for the implementation of Rehabilitation Services' programs. This rule has been developed in accordance with the Rehabilitation Act of 1973 and amendments appertaining, in accordance with federal law under Title 1 of the Rehabilitation Act of 1973 (Public Law 93-112) as amended, including the Rehabilitation Act Amendments of 1986 (Public Law 99-506).

#### Rule

Effective October 1, 1991, the revised policy manual for Rehabilitation Services' programs will become effective.

Copies of the policy manual can be obtained by contacting the Department of Social Services, Rehabilitation Services at 342-2285 or by writing to Box 94371, Baton Rouge, LA 70804-9371 or by contacting the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

May Nelson  
Secretary

## RULE

### Department of Social Services Rehabilitation Services

The Department of Social Services, Rehabilitation Services has adopted the following rule to implement its Three Year State Plan.

This is a three year state plan for Rehabilitation Services. This rule has been developed in accordance with the Rehabilitation Act of 1973, as amended by Public Law 93-112, as amended by Public Laws 93-516, 95-602, 98-221, 99-506, and 100-630.

#### Rule

Effective October 1, 1991, the Three Year State Plan will become effective.

A copy of the Three Year State Plan for Rehabilitation Services can be obtained by contacting the Louisiana Rehabilitation Services at Box 94371, Baton Rouge, LA 70804-9371 and also the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

May Nelson  
Secretary

## RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules relative

to the conditions for acceptance of school boards into the State Employees Group Benefits Program, as follows:

**RESOLUTION**

WHEREAS, on October 17, 1979, the Board of Trustees of the State Employees Group Benefits Program adopted a resolution relative to the conditions for acceptance of new groups into the state employees; and,

WHEREAS, this resolution was amended on November 7, 1979, and November 20, 1983; and

WHEREAS, it is now necessary to amend these rules and regulations to conform with the present practices of the board;

THEREFORE, BE IT RESOLVED, that upon the effective date of the adoption of the rules and regulations enumerated in this resolution, the resolution of the Board of Trustees on October 17, 1979, as amended on November 7, 1979, and November 20, 1983, is hereby superseded and amended to read as follows.

Groups enrolling in the State Employees Group Benefits Program must submit the following information and agree to the following conditions. These groups must:

1. complete an adoption instrument, which instrument must be received by the executive director prior to the mutually agreed upon effective date of coverage;

2. submit a complete list of employees providing name, social security number, sex, date of birth, date of employment, dependency class, salary, and indication of prior coverage. One such list for active employees, and another for retired employees receiving retirement income under an approved state retirement program;

3. provide a statement of experience on the attached form;

4. provide a certified copy of the board resolution or authority to enter into negotiations for coverage;

5. agree to pay the program any terminal reserves or refunds that might be available now or in the future from their present plan;

6. acknowledge that before benefits become effective that the enrollment of employees must be completed with a participation level of at least 85 percent of the plan members who had participated in the previous plan. Enrolling groups must further acknowledge that should its participation level at any time following the initial enrollment fall below 50 percent of its eligible employees, the board may, in its sole discretion, discontinue coverage for the group;

7. accept the whole plan of benefits, including the health and accident coverage and the full schedule of life insurance benefits. The board may, in its sole discretion, discontinue the coverage of those groups whose participation level falls below 50 percent of eligible employees.

In determining the participation level of employees and eligible dependents, the following classification of dependents shall not be included in calculating the participation level:

1. dependents who are covered by any other group type major medical coverage;

2. dependents of active or retired military personnel covered by military medical benefits;

3. dependents covered by Medicaid or Medicare or their successor programs;

4. dependents whose coverage is declined based on religious convictions.

The board, for purposes of establishing rates and pre-

miums, may group risks into one or more classifications. The rates and premiums adopted for each classification shall take into consideration the loss experience in the classification, as well as other relevant factors. If a school board elects to participate in the state group health and accident insurance program after participation in another group health and accident program, the premium rate applicable to teachers and other school board employees and former employees intended to be covered by the program shall be the greater of the premium rate based on the loss experience of the group under the prior plan or the premium rate based on the loss experience of the classification into which the group is entering and shall be for a period of no longer than one year. The rates so fixed shall not be excessive, inadequate, or unfairly discriminatory, and shall be uniform within each classification.

There shall be no pre-existing condition limitations on the group's employees who enroll for coverage during the open-enrollment period.

Donald R. Payne  
Acting Deputy Director

**RULE**

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its Plan Documents of Benefits to place a pre-existing condition limitation on new employees hired on or after April 1, 1991, as follows:

Amend Article 1, Section II, F. 1., as indicated below:  
F. Pre-Existing Condition

1. New employees hired on or after April 1, 1991

a. The program will require all new employees who apply for coverage within 30 days from the date the employee became eligible for coverage to complete a Statement of Physical Condition form and sign an Acknowledgement of Pre-existing Condition form.

b. Benefits will be limited to a maximum of \$1,000 during the first 12 months of coverage for each disease, illness, accident or injury for which the covered person received treatment or services, or was prescribed drugs, during the six-month period immediately prior to the effective date of coverage.

2. Overdue application

Donald R. Payne  
Acting Deputy Director

**RULE**

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

The Department of Wildlife and Fisheries does hereby amend and adopt the rule governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of

hides, alligator parts and farm raised alligators. Specific sections of the rule to be amended are as follows:

**Title 76**  
**WILDLIFE AND FISHERIES**  
**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 7. Alligators**  
**§701. Alligator Regulations**

\* \* \*

K. Report Requirements.

\* \* \*

4. Alligator farmers receiving hide tags from the department are responsible for disposition of all issued tags and must:

\* \* \*

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

\* \* \*

N. Alligator Egg Collection.

\* \* \*

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36" in size and the returned sex ratio should contain at least 50 percent females. The department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between March 15 and September 30 of each calendar year provided that environmental conditions as determined by the department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department

of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17: (September 1991).

James H. Jenkins, Jr.  
Chairman

**RULE**

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

The Louisiana Wildlife and Fisheries Commission hereby establishes rules that will allow a Louisiana resident to raise and sell live gamefish fingerlings for stocking purposes.

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

**Chapter I. Freshwater Sport and Commercial Fishing**  
**§159. Gamefish Fingerling Aquaculture - Rules and Permits**

A. A fish farmer raising and selling live gamefish fingerlings must obtain an annual fish farmers certificate (license) and gamefish farmers permit issued by the department on a calendar year basis.

B. Live gamefish fingerlings sold from an approved fish farm shall be subject to all applicable statute and rule limitations if any.

C. A fish farmer raising and selling live gamefish fingerlings must maintain a record of all sales and shipments of fish and these records must be open for inspection by designated employees of the Department of Wildlife and Fisheries.

D. A fish farmer raising and selling live gamefish fingerlings must submit to the secretary of the Department of Wildlife and Fisheries an annual report delineating the type and number of fish species produced, dates stocked, and the specific location sites where stocked such that the department will be able to find the stocking areas at a later date. The deadline for submission of the annual report will be no later than one month after the reporting year has ended.

E. Gamefish farmers transporting gamefish fingerlings for sale must notify the Enforcement Division as per L.R.S. Title 56 and must possess a bill of lading which shall accompany each shipment showing species of fish contained in the shipment, number, the origin of the payload, destination of the shipment, the name of the consignee and consignor, and the grower's name and fish farmer's license number.

F. All trucks transporting gamefish fingerlings for sale must have the words "GAMEFISH FARMER" prominently displayed with a minimum of three inch block letters.

G. Fish farmers holding permits are not granted any fishing privileges greater than those stated in Title 56 of the Louisiana Revised Statutes and must abide by all statutes pertaining to domestic fish farming.

H. Gamefish fingerlings produced and distributed shall be certified disease and parasite free.

I. Genetic purity shall be maintained and gamefish fingerlings produced shall not be genetically manipulated or altered in any way without prior approval of the department.

# Notices of Intent

J. The secretary may revoke any or all permits issued for the raising and selling of gamefish fingerlings if the permittee fails to adhere to any of the above regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(1)(b) and (A)(2).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (September 1991).

James H. Jenkins, Jr.  
Chairman

## RULE

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

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter I. Freshwater Sport and Commercial Fishing

#### §155. Netting Prohibition - Bartholomew Lake

The Louisiana Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, hoop nets and fish seines in Bartholomew Lake located in Ouachita and Morehouse Parishes, Louisiana. Said netting ban will become effective Friday, September 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (September 1991).

James H. Jenkins, Jr.  
Chairman

## RULE

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

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 1. Freshwater Sport and Commercial Fishing

#### §157. Netting Prohibition - False River Lake and Lake Concordia

The Louisiana Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets and fish seines in False River Lake located in Pointe Coupee Parish, and in Lake Concordia located in Concordia Parish, Louisiana. Said netting ban will become effective Friday, September 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (September 1991).

James H. Jenkins, Jr.  
Chairman

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Amendment to Bulletin 741,  
Standards 2.105.47 and 2.108.02

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Standards 2.105.47 and 2.108.02 of Bulletin 741, *Louisiana School Administrators' Handbook* as stated below:

Standard 2.105.47 - change to read:

The student shall have scored at least a minimum composite score of 24 on the ACT or the appropriate concordant value on the Enhanced Act or a minimum of 24 on the appropriate concordant value on the Enhanced ACT in the area to be pursued or have a SAT composite score of 1050 or have a score of 500 on the verbal portion or 560 on the mathematics portion of the SAT in the area to be pursued at the college level.

Standard 2.108.02 - change to read:

The student shall have earned a minimum composite score of 24 on the ACT or the appropriate concordant values on the Enhanced ACT, or a SAT score of 1050 and this score must be submitted to the college.

Interested persons may comment on the proposed policy changes and/or additions in writing until 4:30 p.m., November 8, 1991 to Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: SAT Scores for Enrollment in College Courses

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated cost is \$100 to update the policy in Bulletin 741.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)



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

**Rule Title: Circular 665 - (Policy for Hiring  
Full-time/Part-time Noncertified School Personnel)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The adoption of this policy will cost the Department of Education approximately \$50 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This policy will allow school superintendents to fill vacant teaching positions and not necessitate combining classes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed revision to the policy limits the number of years an individual may be employed to five years under the provisions of this policy. This revision will limit the competition for employment. As a result, we estimate that approximately 150 persons statewide will not be eligible for re-employment in the 1992-93 school year.

John Guilbeau                      John R. Rombach  
Acting Deputy Superintendent    Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Worker's Compensation**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 and under the authority of R.S. 23:1081(9), the Louisiana Department of Employment and Training of Worker's Compensation, hereby gives notice of its intent to amend Title 40, Chapter 27, Section 2715, of the Utilization Review Process for reporting standards and dispute resolutions.

This amendment reformats the existing rule and further explains or clarifies procedures for monitoring proposed or previously performed medical treatment.

Comments should be forwarded to Stephen W. Cavanaugh, Director of the Louisiana Department of Employment and Training, Officer of Worker's Compensation, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted through the close of business on October 25, 1991.

A copy of this rule may be obtained from the Office of the State Register, 1051 Riverside North, Baton Rouge, LA 70804 or by contacting the Office of Worker's Compensation at 342-7559.

Stephen Cavanaugh  
Director

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

**Rule Title: Utilization Review Procedures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The cost to the Office of Worker's Compensation to reproduce one copy of the repromulgated utilization review procedure is \$8.75 with 2,000 copies being printed. The total cost for the Office of Worker's Compensation Administration for the implementation of these rules is \$17,500.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This will have no effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
None, the amendment involves the repromulgation of already implemented rules.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No, there is no effect on competition and employment. The Utilization Review Procedures is designed to provide guidance to health care providers when rendering services to injured employees. The impact is not directly felt on employment or competition.

Stephen W. Cavanaugh                      John R. Rombach  
Assistant Secretary                      Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air Quality and Radiation Protection**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., particularly R.S. 30:2054 and 2060 and Act 184 of the 1989 regular session and Act 635 of the 1991 regular session, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.Chapter 51.Subchapters A, E, F, J, M, P and V, (Log #AQ12A).

The regulations will establish the Comprehensive Toxic Air Pollutant Control Program. These regulations will also provide for emission reductions, require records, provide for orders, procedures, fees, and other related matters. Chapter 25 will be repealed and replaced by Chapter 51. See *Federal Registers* dated September 9, 1986, 51 FR 34904, #189; January 10, 1989, 54 FR 912, #06; March 7, 1990, 55 FR 8341, #45; July 10, 1990, 55 FR 28346, #132.

These proposed regulations are to become effective on December 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on October 25, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.



All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Tuesday, October 29, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log #AQ12A. Copies of the proposed regulations are also available for inspection at the Office of the State Register, 1051 Riverside N., Baton Rouge, LA 70804 and at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203;

Department of Environmental Quality, State Office Building 1525 Fairfield Avenue, Shreveport, LA 71101;

Department of Environmental Quality, 1150 Ryan Street; Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder  
Assistant Secretary

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

#### **Rule Title: LAC 33:III.Chapter 51 Subchapter A General Provisions for Monitoring, Controlling and Reporting Toxic Air Emissions from Stationary Sources**

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

There will be an increase in state costs of \$1,454,000 for the first year to implement the program resulting from this rule. Total cost of the program is projected to decrease by approximately three percent per year on average for the next three years. All funds to support the program that this rule establishes will be agency self-generating. The mechanism for funding to implement this rule is contained in LAC 33:III.6511, as authorized by R.S. 30:2060 K, which stipulates that "the secretary shall have the authority to levy and collect fees sufficient to fund the toxic air pollutant emission control program as established under this Section and supporting ambient air monitoring efforts."

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

There is no anticipated impact on revenue collections or state or local governmental units resulting from this rule. Fee revenue will be generated through promulgation of rule changes to LAC 33:III Chapter 65, relative to DEQ's fee system, sufficient to fund both the costs associated with the administration of the fee imposition and the costs associated with requirements to be implemented by this rule. Fee generated revenues are estimated to be \$1.45 million of FY 1991-92, with an estimated three percent decrease in emissions by the 1992 reporting year.

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

The proposed rule will increase the operating costs of the regulated facilities. Increased costs will be associated with testing, estimating, and reporting of toxic emissions; emissions controls; tracking and reporting toxic releases; and annual emission-based fees. Within one year after promulgation of these regulations, some affected facilities will be required to make expenditures for control equipment, installation, and maintenance. These costs will be variable depending on the age and level of current emissions control employed. Newer facilities with good levels of emissions control may require no further cost for installation of controls. Older facilities may incur higher costs to retro-fit and install new control technology. The regulations allow for waiver of requirements in some cases and a one-year deferral from compliance to account for some uncertainty of cost on the regulated community. The proposed regulations are generally congruous with the recently-enacted Federal Clean Air Act Amendments of 1990 and for the most part reflect requirements ultimately necessary to meet the federal statutes, except that the proposed regulations will result in clean air benefits on a schedule from one to 10 years ahead of the federal regulatory schedule. Studies conducted at the national level associated with the new Clean Air Act Amendments of 1990 suggest that economic benefits related to public health (increased productivity, reduced health care costs) and a cleaner, more attractive environment may offset the costs of the clean air regulatory program. Additional benefits that may result from the proposed regulations include new waste minimization and resource recovery methodology integrated into production processes.

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

No significant impact to competition and employment in public sectors is expected. For private enterprises involved in in-state commerce, there should be little effect on competition, since all similar industries will be operating under similar requirements. Industries competing with similar industries in other states may have to initially absorb the costs of installing controls. However, implementation of Clean Air Act Amendments will require that all U.S. industries control emissions at the same relative level, removing any possible economic disadvantage Louisiana industries may initially experience. For industries emitting Louisiana toxic air pollutants not on the federal Clean Air Act list, compliance costs must be absorbed. This may or may not place these industries at a relative economic disadvantage, depending on environmental costs of doing business in other states or countries, as well as other factors (raw material costs, transportation, labor costs, etc.). If Louisiana industries emitting Class III (acute or chronic effect) pollutants meet property line standards, there are no further requirements under this rule. If they do not meet the property line standards, they may be granted a waiver under certain conditions. Economic effect to consultants and companies providing control technology and expertise is expected to be large and positive. Development of new control devices and production processes could result in

creation of new industries and products. In addition, improvement of public health and the environment will have beneficial effects on the population and tourist industries, which should result in lower health-care costs for Louisiana citizens and increased tourist dollars spent in the state.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Environmental Quality Office of Air Quality and Radiation Protection

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.1503, 1507, 1511, and 1513, (Log number AQ54).

These proposed regulations will incorporate additional emission monitoring and recordkeeping requirements to the existing sulfur dioxide standard.

These proposed regulations are to become effective on December 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

#### Title 33

### ENVIRONMENTAL QUALITY

#### Part III. Air

#### Chapter 15. Emission Standards for Sulfur Dioxide

\* \* \*

#### §1503. Emission Limitations

A. Sulfuric Acid Plants-New and Existing. The emissions of sulfur dioxide and acid mist from new sulfuric acid production units shall be limited to that specified in LAC 33:III.3232 and LAC 33:III.3233, i.e. 4.0 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (2 kilograms/metric ton) and 0.15 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (.075 kilograms/metric ton) respectively (three-hour averages). Emissions from existing units shall be limited as follows: SO<sub>2</sub>-not more than 2000 ppm by volume (three-hour average); acid mist-not more than 0.5 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (three-hour averages).

B. Sulfur Recovery Plants-New and Existing. The emission of sulfur oxides calculated as sulfur dioxide from a new sulfur recovery plant shall be limited to that specified in LAC 33:III.3264.A.2. The emission of sulfur oxides calculated as sulfur dioxide from an existing plant shall be limited to 0.01 pound (kilogram) per pound (kilogram) of sulfur processed. This emission limitation corresponds to a sulfur dioxide concentration of approximately 1,300 ppm by volume (three-hour averages).

C. All Other Sources-New and Existing not elsewhere discussed. No person shall discharge gases which contain concentrations of SO<sub>2</sub> which exceed 2000 parts per million (ppm) by volume at standard conditions (three-hour average). Small units emitting sulfur compounds measured as sulfur dioxide may be exempted from the 2000 ppm(v) limitation by the administrative authority.

\* \* \*

TABLE 4  
Emissions-Methods of Contaminant Measurement

Emission	Analytical Method
Particulate	1) Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013), 5 (LAC 33:III.6015) or equivalent method, or LAC 33:III.3115.
Sulfur Oxides	1) Seidman, Analytical Chemistry Volume 30, page 1680 (1958), "Determination of Sulfur Oxides in Stack Gases." 2) Shell Development Company method for the Determination of Sulfur Dioxide and Sulfur Trioxide PHS 999 AP-13 Appendix B, pages 85-87, "Atmospheric Emissions Sulfuric Acid Manufacturing Processes." 3) Reich Test for Sulfur Dioxide, "Atmospheric Emissions from Sulfuric Acid Manufacturing Process" PHS 999 AP-13 Appendix B, pages 76-80. 4) The Modified Monsanto Company Method, "Atmospheric Emissions from Sulfuric Acid Manufacturing Process" PHS 999 AP-13, Appendix B, pages 61-67. 5) Test Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013), 6 (LAC 33:III.6025), and 8 (LAC 33:III.6045), or LAC 33:III.3115
Oxides of Nitrogen	1) Test Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013), and 7 (LAC 33:III.6033), or LAC 33:III.3115.
Visible Emissions	1) Ringelmann Chart published and described in the "U.S. Bureau of Mines Information Circular 8333" or U.S. Public Health Services Smoke Inspection Guide as described in the Federal Register, Title 42, Chapter 1, Sub-Chapter F, Part 75. 2) Method 9 (LAC 33:III.6047)
Total Fluoride	1) Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 13A (LAC 33:III.6057) and 13B (LAC 33:III.6059).
Total Reduced Sulfur (TRS)	1) Method 16 (LAC 33:III.6065) or LAC 33:III.3115 2) Coulometric titration by method specified in NCASI Atmospheric Quality Improvement Technical Bulletin Number 91. (January 1978) 3) Or any other equivalent method.
Sulfuric Acid Mist	1) Test methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013) 6 (LAC 33:III.6025), and 8 (LAC 33:III.6045), or LAC 33:III.3115.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, LR 17:

\* \* \*

#### §1507. Exceptions

##### A. Start-up Provisions

1. A four-hour start-up exemption from the emission limitations of LAC 33:III.1503.A may be authorized by the administrative authority for plants not subject to LAC 33:III.3232 and LAC 33:III.3233 which have been shut down. A report in writing explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent and limit the excess emission shall be submitted to the administrative authority within seven calendar days of the occurrence.

\* \* \*

##### B. On-Line Operating Adjustments

1. A four-hour exemption from emission limitations of LAC 33:III.1503.A may be extended by the administrative authority to plants not subject to LAC 33:III.3232 and LAC 33:III.3233 where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent and limit the excess emission shall be submitted to the administrative authority within seven calendar days of the occurrence.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, LR 17:

\* \* \*

#### §1511. Continuous Emissions Monitoring

The owner or operator of any facility subject to the provisions of this chapter shall install, calibrate, maintain and operate a measurement system or systems approved by the administrative authority for continuously monitoring sulfur dioxide concentrations in the effluent of each process subject to this chapter. The administrative authority shall not require continuous monitoring for sources emitting insignificant amounts of sulfur dioxide into the atmosphere. "Continuous monitoring" is defined as sampling and recording of at least one measurement of sulfur dioxide concentration in each 15-minute period from the effluent of each affected process or the emission control system serving each affected process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:

#### §1513. Recordkeeping

The owner or operator of any facility subject to the provisions of this chapter shall record and retain at the site for at least two years the data required to demonstrate compliance with or exemption from these provisions. All emissions data shall be recorded in the units of the standard using the averaging time of the standard. These data shall be made available to a representative of the department or the U.S. EPA on request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:

A public hearing will be held on October 28, 1991, at 1:30 p.m. in the Maynard Ketchum Building, Room 341, 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Tuesday, October 29, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log number AQ54.

J. Terry Ryder  
Assistant Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Emission Standards for Sulfur Dioxide. LAC 33:III.1500

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no expected costs, or savings, to state or local governments expected from the implementation of the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no expected effect on revenue collections of state or local governmental units from the implementation of the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There is no expected incremental cost or economic benefits to directly affected persons or governmental groups from the implementation of the proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no expected effect on competition or employment from the implementation of the proposed rule.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

#### NOTICE OF INTENT

##### Department of Environmental Quality Office of Air Quality and Radiation Protection

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., particularly R.S. 30:2054 and 2060 and Act 184 of the Louisiana Regular Session, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.6511 and 6523, (Log No. AQ50A).

These regulations will provide for Toxic Air Emission and Application fees. These fees will be collected upon promulgation in order to provide funding for the Comprehensive Toxic Air Pollutant Control Program. It is expected that the majority of minor sources will emit at a rate lower than the Minimum Emission Rate and thus be exempt from the program. These regulations are being repropounded after changes were made to the fiscal and economic impact statement. These regulations will become effective on December 20, 1991. The first notice of intent was published on April 20, 1991. See *Federal Registers* dated September 9, 1986, 51 FR 34904, No. 189; January 10, 1989, 54 FR 912, No. 06; March 7, 1990, 55 FR 8341, No. 45; July 10, 1990, 55 FR 28346, No. 132.

These proposed regulations are to become effective on December 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 65. Rules and Regulations for the Fee System of the Air Quality Control Programs**

**§6511. Methodology**

A. Formula to apportion fees

Air Toxics Application Fee      Surcharge of 10 percent of  
(based on type of facility      the application fee  
and on rated production ca-  
pacity/throughput)

Air Toxics Annual Emission      Variable  
Fee (based on Air Toxic Pol-  
lutants emitted)

\* \* \*

B. Fee Methodology

\* \* \*

15. Air toxics annual emission fees shall be assessed on actual annual emissions which occurred during the previous calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 13:741 (December 1987), amended LR 14:610 (September 1988), amended LR

**§6523. Fee Schedule Listing**

\* \* \*

Fee Number	Fee Description	Amount	
2200*Note 13	Air Toxics Annual Fee per ton emitted on an annual basis		
	Class I Pollutants	\$100	\$100
	Class II Pollutants	\$ 50	\$ 50
	Class III Pollutants	\$ 25	\$ 25

**EXPLANATORY NOTES FOR FEE SCHEDULE**

\* \* \*

NOTE: 13 - Fees will be determined by aggregating actual annual emissions of each class of toxic air pollutants (as delineated in LAC 33:III.Chapter 51, Table 51.1) for a facility and applying the appropriate fee schedule for that class. Fees shall not be assessed for emissions of a single toxic air pollutant over and above 4,000 tons per year from a facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 13:741 (December 1987), amended LR 14:610 (September 1988), amended LR 15:735 (September 1989), amended LR 17:

A public hearing will be held on October 25, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Tuesday, October 29, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor,

Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log No. AQ50A.

J. Terry Ryder  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Fee System of the Air Quality Control Program**

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

Administrative costs of assessing and collecting fees will equal \$29,212 for FY 91-92, and \$44,828 for FY 92-93. These costs are for personnel and equipment to assess emissions fees and collect revenue. Revenues collected will fund administrative costs with the balance funding the Toxic Air Pollutant Emission Control Program. Since emission fees will exceed administrative costs, net costs of implementation are zero. Local governments will incur no costs as a result of this rule. Emission fees will be assessed for sources emitting over 10 tons of a single toxic air pollutant or 25 tons of aggregated toxic air pollutants. Municipalities are not anticipated to have facilities emitting toxic air pollutants on that scale.

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

Fee-generated revenues are estimated to be \$1.45 million for FY 1991-92 and \$1.4 million for FY 1992-93. Revenue estimates are based on the 1989 Toxics Release Inventory, with an anticipated three percent decrease in emissions by the 1992 reporting year.

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

Major sources of toxic air pollutants will generally pay between \$250-50,000 annually in emission fees. At the lower boundary, a facility emitting 10 tons of a Class III toxic air pollutant will pay \$250 in emission fees. Large facilities such as Exxon Chemical Americas in East Baton Rouge Parish would pay approximately \$50,000 annually, based upon 1989 emission estimates. Fees have been reduced for industries emitting massive quantities of a single toxic air pollutant through the application of a fee "cap" for facilities emitting over and above 4,000 tons per year of a single toxic air pollutant. This will result in the decrease in emission fees of \$351,000 for three large emitters of ammonia (Triad Chemical, Freeport McMoran-Agrico, and CF Industries) from fee levels assessed without a cap. Based upon 1989 emission estimates, these three facilities will annually pay \$100,000 each for their ammonia emissions. Emission fees could be less if emissions are reduced significantly. Emission fees will vary widely, depending upon the quantity and type of toxic air pollutant emitted. Emission fees are expected to decrease to near 50 percent of 1989 levels by the end of 1996, as controls are installed and emissions of toxic air pollutants are decreased.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant impact to competition and employment in public sectors or in private sectors conducting in-state

commerce is expected as a consequence of these regulations. Since all similar industries will be paying approximately the same in emission fees, effects on in-state competition will be minimized.

Industries competing with similar industries in other states may initially have to absorb the costs of emission fees until other states implement Clean Air Act regulations. This may place some Louisiana industries at a temporary economic disadvantage. For most toxic air pollutants, assessment of pollution fees in Louisiana will occur one to two years ahead of similar fees required under the Clean Air Act Amendments. By the end of 1992, when states are required to implement rules pursuant to the Clean Air Act Amendments most U.S. companies emitting toxic air pollutants will experience similar fees, and will be operating at relative parity. Industries emitting Louisiana toxic air pollutants which are not on the Clean Air Act list may experience increased operating costs relative to similar industries in other states. For large producers of single chemical products (most notably ammonia) fees could, without a fee cap, approach \$300,000 annually. For this reason, a fee cap for emissions of a single toxic air pollutant above 4,000 tons per year was incorporated into these rules. The effect of the fee cap is to limit fees for the largest emitters of ammonia to \$100,000 annually. For the five largest emitters of ammonia, emissions fees amount to less than .7¢ per pound.

Industries competing in world markets also may have to absorb the costs of emissions fees, which could cause a temporary economic disadvantage, depending on such factors as transportation costs, costs of living relative to salaries, availability of raw materials, and proximity to markets, as well as regulatory costs of operating in foreign countries, and government subsidies. Emissions fees can be reduced through changes in process design or feedstocks, or through the installation of controls; costs of emissions fees can be offset through recovery of product and recycling. Investment into controls will create construction jobs, and supporting service industry jobs which could increase employment in the private sector.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

#### NOTICE OF INTENT

##### Department of Environmental Quality Office of the Secretary

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., particularly R.S. 30:2025.J, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.Subpart 2, (Log No. OS06).

These amendments will provide for a uniform procedure for notification of state agencies regarding "emergency releases of chemicals into the environment." The reportable

quantity values will be updated to be consistent with federal reportable quantities.

These proposed regulations are to become effective on December 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on October 28, 1991, at 1:30 p.m. in the Maynard Ketchum Building, Room 341, 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Tuesday, October 29, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #OS06. Copies of the proposed regulations are also available for inspection at the Office of the State Register, 1051 Riverside N., Baton Rouge, LA and the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203;

Department of Environmental Quality, State Office Building 1525 Fairfield Avenue, Shreveport, LA 71101;

Department of Environmental Quality, 1150 Ryan Street; Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder  
Assistant Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Notification Regulations for Unauthorized Discharges

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

There should be no appreciable costs to the state in implementing these revised standards. Act 200 of the 1989 Regular Session required the Departments of Environmental Quality and Public Safety and Corrections to jointly establish a uniform reporting procedure for all emergency releases of hazardous substances. The Department of Public Safety, upon receiving the emergency notifications, will immediately advise the Department of Environmental Quality of the reported releases.

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

There will be no effect on revenue collections in implementing these revised standards.

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

The revised notification regulations will eliminate the need for industries/facilities to make dual reports to state

agencies to advise them of emergency chemical releases. The regulations will also more closely track the federal CERCLA regulations relative to reportable quantities for releases of hazardous materials and therefore will result in a cost savings to the regulated community. There will be some minor reportable quantity differences regarding air releases which result in an additional notification to the state; however, the costs for these extra notifications will be negligible. The DEQ has also quantified the necessary reporting of brine (saltwater) into the environment.

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

There will be no appreciable effect on competition and employment as a result of these regulations.

Joel Lindsey  
Deputy Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Office of the Governor Architects Selection Board

Pursuant to the provisions of R.S. 38:2310 et seq. as amended, the Louisiana Architects Selection Board, hereinafter referred to as board, has amended such rules and procedures as it deemed necessary to carry out the provisions of the said statutes. These rules are established by the board, and are subject to change by said board, in accordance with the Administrative Procedure Act.

#### Title 4

#### ADMINISTRATION

#### Part VII. Governor's Office

#### Chapter 1. Architects Selection Board

#### Subchapter A. Organization

#### §111. Meetings

A. A regular meeting of the board shall be held on the last Friday of January and July.

B. Special meetings may be called by the chairman or shall be called upon the written request of a simple majority of the total membership of the board. Except in cases of emergency, at least three days' notice shall be given for special meetings.

C. A simple majority of all members of the board shall constitute a quorum.

D. All meetings shall be held in public except as provided in §128. Interview Procedure, Subsection A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 17:

#### Subchapter B. Selection Procedure

#### §128. Interview Procedure

A. The interview procedures of the board are as follows:

1. The user agency notifies the Division of Administration or the Division of Administration may determine on its

own that the proposed project is of a special nature and should be considered under the interview procedure.

2. The user agency, the Division of Administration, and the chairman of the board (vice chairman in the absence of a chairman) shall decide if the nature of the project warrants utilizing the interview procedure. This may be done in a meeting or by teleconference.

3. The chairman of the board authorizes the Division of Administration to advertise the project under these procedures. The advertisement will contain:

- a. the deadline for applications;
- b. the date of the meeting;
- c. the proposed interview meeting date.

4. The selection procedure (Section 127. Selection) will be followed from Subsection A. and Subsection B. 1, 2, 3, 4, and 6. However, if an applicant is not selected unananimously on the first ballot, those applicants receiving at least 20 percent of the votes cast will be invited to be interviewed by the board members on the date advertised for the interview meeting.

5. The interview meeting will be held in accordance with criteria that the board sets forth in a letter to those applicants receiving 20 percent of the vote.

6. At the interview meeting, the board will begin in a open meeting and vote to go into executive session to conduct the interviews in accordance with the criteria set forth in Paragraph 5 above and pursuant to R.S. 42:6 and 42:6.1.

7. After all the interviews have been conducted, the board will return to a public meeting.

8. At this time, the selection procedure will resume from Section 127. Selection - Subsection B. 5, 7, 8, 9 and 10.

AUTHORITY NOTE: Promulgated in accordance with RS 38:2310 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 17:

Persons interested in making comments relative to this rule change may do so in writing until the close of business October 20, 1991 to the director of Facility Planning and Control, Box 94095, Baton Rouge, LA 70804-9095.

Roger Magendie  
Director

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Louisiana Architects Selection Board

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

There are no implementation costs or savings. This rule change is to change voting procedure.

#### 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 costs or economic benefits associated with this rule change.

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

This rule change is to change voting procedure and will not affect competition and employment.

Roger Magendie  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Office of the Governor  
Office of Risk Management**

The Office of Risk Management has the responsibility in accordance with the provisions of R.S. 39:1527 et seq., to manage all state insurance except as specifically otherwise provided to the contrary, and in accordance with R.S. 39:1527 et seq., the Office of Risk Management proposes to amend the following rules.

**Title 37  
INSURANCE**

**Part I. Risk Management**

**Subpart 1. Structured Settlements**

**Chapter 3. Structured Settlement Services**

**§301. Qualifying Criteria for Acceptable Structured Settlement Firms**

A. 1-2. ...

3. It shall be able to make such purchases as agent or broker from at least five valid structured settlement annuity carriers which meet the qualifying criteria for plan offerors and providers established in these rules and regulations and with none of which it has an ownership, equity, capital, or proprietary relationship or interrelationship whatsoever. For each case the broker's top three quotes and the names of the carriers will be furnished to the Office of Risk Management.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5114.

**§309. Qualified Plan Officers and Providers**

A. ...

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are insurance companies qualified to do business in Louisiana and which have, from the most recently issued Best Insurance Report, a rating of "A+" with a classification of "IX" or higher and have either a designation of "AA" or better by Standard & Poor or Duff & Phelps or the equivalent "Aa2" by Moody. Company must have these ratings from two of the three rating services.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

Interested persons may comment on these proposed rules by contacting State Risk Director, Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095. Telephone (504) 342-8500.

Seth E. Keener, Jr.  
State Risk Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Structured Settlement Services**

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

Although there will be no significant implementation costs or savings to state or local governments, the proposed changes in the regulations will strengthen the requirements from the standpoint of both the structured settlement firm and the structured settlement annuity carrier. This will have the beneficial effect of reducing the potential liability of the Office of Risk Management.

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

There is no effect on revenue collections of state or local government units.

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

Implementation of the revised regulations will have the possible effect of eliminating from consideration structured settlement firms and structured settlement annuity carriers that do not meet tougher requirements of the revised regulations.

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

The proposed rule change will have no effect on competition or employment.

Seth E. Keener, Jr.  
State Risk Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Office of the Governor  
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend LAC 4:VII.1301-1325 to adopt the FY 1992 - FY 1993 Louisiana State Plan on Aging, effective October 1, 1991 to September 30, 1993. The current state plan expires September 30, 1991.

The state plan on aging is the document submitted by the state to the U.S. Department of Health and Human Services, Administration on Aging, to receive grants from its allotments under Title III of the Older Americans Act of 1965, as amended (the Act). Title III authorizes formula grants to state agencies on aging to assist states and local communities to develop comprehensive and coordinated systems for the delivery of services to older persons. The plan contains all provisions required by §307 of the Act and commitments that the state agency will administer or supervise the administration of activities funded under Title III in accordance with all federal requirements. The plan also contains demographic information about Louisiana residents age 60 and older. It includes goals and objectives to be pursued by the state agency during the plan period.

The Louisiana Aging Advisory Board reviewed the first draft of the proposed state plan on aging on July 18, 1991. Its recommendations were incorporated into the final draft to be reviewed by the public.

During the week of July 29 - August 2, 1991, GOEA conducted public hearings in Baton Rouge, Alexandria, Shreveport, Monroe, Lafayette, Lake Charles, New Orleans, and Lockport. Notices of the public hearings were mailed to the aging services network (including area agencies on aging, parish councils on aging, and other service providers) on July 16, 1991. These agencies were requested to post notices of the hearings in senior centers, meal sites, and other locations where they would most likely be seen by older individuals and other interested parties. Display ads were published in the state and regional journals, including the *State Times*, Baton Rouge (July 19, 1991), *The Times*, Shreveport (July 22, 1991), *The Lake Charles American Press* (July 22, 1991), *The Alexandria Daily Town Talk* (July 22, 1991), *The Express Line*, Alexandria (July 24, 1991), *The Times Picayune*, New Orleans (July 22, 1991), *News Star*, Monroe (July 22, 1991) and the *Daily Advertiser* (July 22, 1991).

The purpose of the public hearings was to receive comments concerning the proposed state plan on aging for the period beginning October 1, 1991 and ending September 30, 1993. The hearings were held throughout the state to allow older individuals and the public to participate. The plan was explained in detail at the hearings. Public hearing materials included: a history of the Older Americans Act; the mission of the State Agency on Aging; a list of the proposed state plan on aging goals; and copies of the proposed plan. Written comments were solicited during the hearings, to be received by August 9, 1991.

In addition to the oral comments at the public hearings, GOEA received 37 letters concerning the proposed state plan. The numbers of letters received were: area agencies (11), parish governments (2), city government (1), community service provider agencies (1), AARP (1), RSVP (1), and individuals (20).

#### Changes

As a result of the comment review process, changes were made in the proposed plan where such changes met a compelling interest and/or were necessary to clarify the State Agency's intentions. The changes are summarized below:

#### Assurances

An assurance was added which specifies the minimum percentage of Part B funds each area agency will expend, in the absence of a waiver, for access services (30 percent), in-home services (15 percent) and legal assistance (five percent).

#### Goals/Objectives

The goals regarding the development of the next state plan on aging and the intrastate funding formula have been consolidated. The new goal reads, "GOEA will identify both the optimum organizational structure for the aging services network in Louisiana and the optimum procedural method of providing the services most needed to the persons who actually need them. The findings will be incorporated into the next state plan on aging, effective October 1, 1993." The conditions of Senate Concurrent Resolution No. 17 of the 1991 Regular Session have been included as objectives under this goal, which appears on page 10 of the State Plan. This resolution requires the State Agency to make no changes or recommendations for change in the division of

the state into planning and service areas for purposes of the Older Americans Act or any changes or recommendations for change in the intrastate funding formula for the distribution of federal funds pursuant to the Older Americans Act unless and until certain conditions have been met.

Objective number 4 under the goal on page 10 of the State Plan states "...The proposed plan will also take into consideration House Concurrent Resolution 292 of the 1991 Regular Session, ...This resolution supports of the concept, principle and implementation of the freedom of choice and the right of self-determination for each parish throughout the state to be able to choose to be a single parish area agency on aging or choose to become a member of a multi-parish area agency."

The goal which read "GOEA will ensure that all area agencies on aging in Louisiana are operating in full compliance with the Older Americans Act of 1965, as amended" seemed to imply that all area agencies are not operating in full compliance with the Act. The goal has been re-worded. It now states "GOEA will support the efforts of area agencies on aging in Louisiana to develop comprehensive and coordinated service delivery systems by planning and conducting activities designed to enhance their capacity to manage, administer and coordinate aging services programs." The objectives are geared toward providing assistance to area agencies in fulfilling their responsibilities through improved oversight and training.

The goal which stated "GOEA will ensure that all older individuals in Louisiana receive the services and benefits to which they are entitled by conducting activities designed to strengthen and support agencies/organizations which provide services to the elderly and to expand the number and types of organizations which provide services to meet the needs of older persons," has been divided into two goals. The first one reads, "GOEA will strengthen and support agencies/organizations which provide services to the elderly and expand the number and types of organizations which provide services to meet the needs of older persons." The second goal reads, "GOEA will increase the number of older persons in the state receiving services and benefits to which they are entitled by conducting activities specifically designed to increase elderly participation in various entitlement programs, including SSI, Medicare, Medicaid, and Food Stamps."

The following goal has been added: "GOEA will identify and, in cooperation with agencies and organizations, seek to obtain additional sources of funding for elderly services."

Under Legal Assistance, the objectives have been revised for added clarity.

A goal for nutrition has also been added. It states, "GOEA will ensure that Louisiana's Nutrition Programs for the elderly provide quality nutrition services in an effective manner in order to preserve the independence and maximum functional capacity of older persons in their planning and service area."

The Ombudsman program objectives have been revised to conform to the standard format. An objective has been added which reflects the State Agency's ongoing monitoring, assessment, and technical assistance responsibilities.

#### Criteria for Urban Parish Designation

The section on criteria for urban parish designation



was revised to reflect changes in the Standard Metropolitan Statistical Areas since the last state plan was developed.  
Demographics

The entire section on demographics was revised because of an error in counting older Hispanics. In the draft, Hispanics had been counted as a separate racial/ethnic group. This grouping is based upon origin. Origin can be viewed as the ancestry, nationality group, lineage, or country of birth of the person or the person's ancestors before their arrival in the United States. Persons of Hispanic origin can be of any race. A detailed explanation of the population characteristics has been added to Section 1317.

#### Substantive Requirements

Two sections were added in accordance with AoA Program Instruction (PI-88-04): Section 1321, "Targeting Requirements" and Section 1323, "Rural Elderly."

#### Errors

Typographical errors were corrected in Section 1309, "Intrastate Funding Formula", Section 1315, "Maps", and Section 1319, "GOEA Organizational Chart."

GOEA will conduct a public hearing on the proposed State Plan, as amended, on Monday, October 28, 1991 at 2:30 p.m. The hearing will be held in the auditorium on the first floor of the Department of Transportation and Development (DOTD) Building located at 1201 Capitol Access Road, Baton Rouge (next to the Governor's Mansion). All interested parties will be afforded an opportunity to submit oral or written comments at the hearing.

Copies of the proposed State Plan may be obtained through the Office of State Register, 1051 Riverside North, Baton Rouge, LA or by writing to the address set forth below.

Inquiries concerning the proposed State Plan on Aging may be directed in writing to the Governor's Office of Elderly Affairs, Attention: Mrs. Betty Johnson, Box 80374, Baton Rouge, LA 70898-0374. Written comments must be received at this address by 5 p.m., November 1, 1991.

Vicky Hunt  
Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: State Plan on Aging FY 1992 - FY 1993

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

The rule adopting the two-year state plan on aging simply continues the programs currently being provided through the Governor's Office of Elderly Affairs. The added expenses amount to \$37,783 in FY 1992, and \$45,723 in FY 1993. This represents costs for merit increases of existing personnel and inflation for operating costs. Federal funds and state funds will share the increased costs 50/50. It is not anticipated that an additional match will be needed for program funds.

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

The proposed rule change will not affect revenue collections of state or local governmental units.

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

This proposed rule change will allow services cur-

rently provided through GOEA to continue for another two years. There will be no additional costs to GOEA contractors and subcontractors, including area agencies on aging, parish councils on aging and other service providers, or to the elderly residents of the state.

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

Older Americans Act Title III and Job Training Partnership Act Title II-A and Title III program participants will be placed in subsidized or unsubsidized paid positions.

Vicky Hunt  
Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Office of the Governor Department of Veterans Affairs

The Department of Veterans Affairs advertises its intent to adopt the following rules relative to the payment of a bonus to Louisiana citizens who were members of the Armed Forces or Coast Guard and served in the Desert Shield/Desert Storm Operation. Pursuant to the authority and provisions of Act 12, Section 20-8xxx, Military Bonus Payments of the 1991 Regular Session, a bonus in the amount of \$250 will be paid to these certain Louisiana citizens as authorized by the Act and the Louisiana Department of Veterans Affairs shall have the authority for the distribution of the bonuses authorized. The executive director, with the approval of the Veterans Affairs Commission, shall make such rules and regulations, not inconsistent herewith, as are necessary for the distribution of the bonus and for the proper administration of this Section.

#### Title 4 ADMINISTRATION Part VII. Governor's Office

#### Chapter 9. Veterans Affairs

#### Subchapter A. Veterans Affairs Commission

#### §913. Desert Shield/Desert Storm Bonus Payments

A. Eligibility for the bonus will be restricted to include only those persons who are Louisiana citizens who served as members of the U.S. Armed Forces or Coast Guard in the Desert Shield/Desert Storm Theater of Operations as defined by Presidential Executive Order dated March 13, 1991, between the date of August 2, 1990, and the cease fire date of April 11, 1991, and received the Southwest Asia Service Medal.

B. In the event of death of an eligible recipient of causes unrelated to this service after earning entitlement to the authorized bonus prior to application for or payment of, certain survivors may receive the \$250 bonus in the following order:

1. Unremarried surviving spouse; if no unremarried surviving spouse, to
2. Minor child or children under 18 years of age, equally divided.
3. If there is no unremarried surviving spouse or minor children under 18, then no bonus will be paid.

C. In the event an eligible recipient died as a result of

the Operation Desert Shield/Desert Storm Conflict, certain survivors may receive a bonus in the amount of \$1,000 in the same order as listed in numbers 1 and 2 above.

D. No bonus as herein provided shall be paid to any serviceman or servicewoman, or to the surviving spouse or child of any such serviceman or servicewoman unless a claim therefor is filed in writing with the executive director of the Louisiana Department of Veterans Affairs on or before April 11, 1996.

AUTHORITY NOTE: Promulgated by Act 12, Section 20-8xxx, Military Bonus Payments, 1991 Regular Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 17:

Interested persons may present views or comments on the rules to Printice A. Darnell, Executive Director; Department of Veterans Affairs; Box 94095, Capitol Station; Baton Rouge, LA 70804-9095; (504) 342-5863; by the close of business October 15, 1991.

Printice A. Darnell  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: LAC 4:VIII. §913. Desert Shield/Desert Storm Payments

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

By the authority and provisions of Act 12 (Section 20-8xxx, Military Bonus Payments) of the 1991 Regular Session, there is an estimated cost to the State General Fund in the amount of \$1,000,000.

There will be no cost to local governmental units.

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

There is no effect expected 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 an economic benefit in the amount of \$250 to each Louisiana citizen who served in the Theater of Operations in Desert Shield/Desert Storm between the dates of August 2, 1990, and April 11, 1991.

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

There will be no effect on competition and employment.

Printice A. Darnell  
Executive Director

David W. Hood  
Senior Fiscal Analyst

### NOTICE OF INTENT

#### Department of Health and Hospitals Office of Management and Finance

The Department of Health and Hospitals, Office Management and Finance, proposes to adopt the following policy on liability limitation to standardize the method by which

DHH, except the Office of Public Health, will limit annual charges for services or treatment through its facilities or programs, by using the Federal Poverty Income Guidelines as a basis for determining whether a person or family is financially eligible for assistance or service.

#### I. STATEMENT OF PURPOSE, SCOPE AND ELIGIBILITY

The Department of Health and Hospitals' (DHH) Liability Limitation Schedule will standardize the method by which DHH will limit the annual amount which the client/patient is responsible to pay, by using the Federal Poverty Income Guidelines as a basis for determining what portion, if any, of a patient's/client's charges will be billed.

Any bona fide resident of the state of Louisiana shall be eligible for services or treatment by any facility owned and operated by the DHH. Those persons who are determined not to be indigent shall be billed in accordance with this policy for any treatment or services received. However, in no event shall emergency treatment be denied to anyone. Persons seeking treatment shall furnish all information requested by the facility or program office providing the service. Eligibility established in one office may be used for service/treatment in any facility or program throughout the DHH.

The DHH Liability Limitation Schedule will apply to all offices of DHH exclusive of the Office of Public Health, which provide services for which there is a charge to the patient/recipient/client except as expressly prohibited by federal or state statutes, rules or regulations.

This policy will apply, but not be limited to the following DHH programs and services:

1. Inpatient services provided by state general hospitals.

2. Inpatient and outpatient services provided by the Office of Human Services.

3. Residential facilities and out-of-home care (see definition below).

Nothing in this policy is intended to be in conflict with federal or state law, rule or policy pertaining to the provision of services to the indigent.

#### II. DEFINITIONS

The following definitions shall apply to the DHH Liability Limitation Schedule for patient billing:

##### *Indigent*

As used herein means any client, patient, or recipient whose family unit size and gross income is equal or less than 200 percent of the Federal Poverty Income Guidelines for that size family unit rounded up to the nearest thousand dollars.

##### *Gross Income*

As used herein means income as determined under Title XIX (Medicaid) guidelines. Gross income as determined shall be rounded down to the nearest thousand dollars when applied to the DHH Liability Limitation Schedule.

##### *Dependent*

As used herein means all persons dependent on the household income as accepted by the Internal Revenue Service (IRS) for federal income tax purposes. In case of a minor not claimed as a dependent for income tax purposes, the parents are still responsible for payment based on the Liability Limitation Schedule but may increase the dependent deductions by the client(s) in question. (See Appendix A for IRS definition.)

### *Family*

For purpose of establishing liability limitations under this policy, the basic family unit is defined as consisting of one or more adults and children, if any, related by blood, marriage, adoption, or residence in the same household.

### *Responsible Persons*

As used herein means the client's parents or guardians if the client is under the age of 18, unless someone else claims the client as a dependent, in which case it is that person. If the client is over eighteen, the client is responsible for his/her contribution based on his/her gross family income and allowed deductions, unless claimed as a dependent, in which case the claimant becomes responsible for the fee toward the cost of care based on the claimant's family income.

### *DHH Residential Facilities and Out-of-Home Placements*

State mental hospitals and schools for the mentally retarded or developmentally disabled, in-patient treatment facilities, and out-of-home placement programs operated or partially funded by the Office of Human Services.

### *Third Party Payor*

As used herein shall mean any party other than the service recipient and/or family unit and the state who is or may be legally liable for payment of incurred expenses.

## III. REGULATIONS

A. Billing for services rendered shall be made to the client/recipient/patient or responsible party in accordance with this policy.

B. A person responsible for the payment of charges for services rendered who refuses or fails to supply the information necessary for an accurate determination of the liability limitation on services rendered shall be presumed to pay the full charge for services rendered and shall be billed accordingly. Any person who is potentially eligible for medical assistance benefits from any federal or state program who refuses to provide evidence of application for said benefits shall be presumed to be able to pay the full charge for services rendered and shall be billed accordingly, or in the case of voluntary, non-emergent services, may be refused DHH assistance, dependent upon individual program policies.

C. Eligibility will be good for one year. Periodic checks may be made with the responsible person to make charge adjustments as necessary. The responsible person shall be advised of his responsibility to report any change in the family unit income, employment, composition, etc.

D. If the responsible person refuses to assign insurance benefits to the treating facility to cover the charges for services/treatment received, the responsible person will be presumed to be able to pay full charges for services/treatment and shall be billed accordingly.

E. Wherever applicable, billing for services rendered shall be sent monthly to the client or responsible person in accordance with the Liability Limitation Schedule. When a recipient/client becomes delinquent in his account, the delinquency shall be handled in accordance with DHH Policy number 4300-76, regarding collection procedures for patient bills.

F. All insurance companies or any other third party payor which the responsible person claims has issued a policy or contract covering the charges for treatment/services, or who is otherwise legally responsible for payment, shall be liable and billed the full charge for services rendered. Billings shall be made directly to the insurer or other third party payor

by the treating facility after securing execution of the necessary forms (including an assignment of benefits to the treating facility) by the responsible person. The responsible person shall be liable for the amount of charges not covered and/or paid by insurance or other third party payor up to the amount that the responsible person would have been obligated if no third party had been involved. In the case where Medicare is the third party payor, charges cannot exceed the amount of coinsurance or deductible allowed by Medicare.

G. The following procedure applies to those hospitals without designated counsel for liability intervention appointed by the attorney general under LA R.S., Title 46. For liability cases only, upon receipt of a letter from an attorney or an insurance company or other third party payor requesting a patient's records, the attorney or company shall be sent, within 30 days from receipt, a bill for full charges applicable to that patient. At the same time as the mailing of that bill, a copy of that patient's file pertaining to charges for treatment/services and their collection, as well as a copy of the requesting letter, shall be forwarded to the Division of Fiscal Management. Patient's records are not to be released until a properly executed consent by the patient, parent or guardian (as applicable) is received and the fee for copies of records is paid in advance, except to any office of the DHH for the purpose of facilitating the meeting of its responsibilities.

H. Whenever a service is requested, in addition to an eligibility card, one of the following shall be checked to verify identity:

1. Medicaid card;
2. a valid driver's license;
3. voter's registration card;
4. a recent utility bill;
5. birth certificate;
6. picture identification.

I. The secretary of DHH or his designee will be authorized to approve exceptions to the Liability Limitation Schedule Policy.

## IV. LIABILITY LIMITATION SCHEDULE

A. Each office shall develop internal management procedures for billing. A copy of these procedures shall be housed in the Office of Management and Finance, Division of Policy and Program Development.

B. Family income shall be determined in accordance with Federal Title XIX (Medicaid) guidelines.

C. Any individual or family unit who is "indigent" as defined herewith shall be eligible for treatment/services in any state facility or through program offices at no cost to the family unit.

D. Any family unit whose gross income exceeds 200 percent of the Federal Poverty Income Guidelines for that family unit rounded up to the nearest thousand dollars shall be liable for treatment/service in accordance with the DHH Liability Limitation Schedule.

E. The DHH Liability Limitation Schedule is used as follows:

1. The Federal Poverty Guidelines are multiplied times 200 percent and rounded UP to the nearest thousand dollars.
2. The family unit income rounded DOWN to the nearest thousand dollars is compared to the scale.
3. For each \$1,000 over the Federal Poverty Income Guidelines for the appropriate family unit, the responsible person is liable for \$200 of the total cost of services provided.

F. The Secretary of DHH shall have the authority to adjust the Liability Limitation Schedule to the same extent that changes in the Federal Poverty Income Guidelines are published annually in the *Federal Register*.

G. When documented medical bills, incurred within the 12 months prior to treatment/service equals to or exceeds 20 percent of the annual gross family unit income, treatment/services shall be provided at no cost to the family unit. The period of eligibility begins at the date at which liability reached the 20 percent figure through the end of calendar year. Such patients with third party payors or potential third party payors shall be provided no cost medical services for only that portion of their bill for which no third party payor is or may be liable.

#### V. REGULATIONS FOR SERVICES AND FACILITIES OTHER THAN STATE GENERAL HOSPITALS

##### A. Long-term Inpatient Clients Receiving Social Security

1. Facilities treating patients who receive Social Security funds shall arrange to have those funds less a personal needs allowance, paid directly to the treating facility.

2. Upon receipt of the Social Security payment, the treating facility shall apply those payments to the bill. The excess of those Social Security payments over the charges for treatment shall be deposited into an account maintained by the facility/program on behalf of the patient/client. Upon discharge of the patient/client or upon his demand, the balance of funds remaining in that account shall be paid to the patient/client or the responsible person as provided by law.

3. If payment of Social Security funds directly to the treating facility/program is not made, billing shall be in accordance with this policy.

#### APPENDIX A

Dependent (As defined by the Internal Revenue Service for 1990). A dependent is any person who meets ALL five of these tests:

1. income;
2. support;
3. married dependent;
4. citizenship or residence; and
5. relationship.

These tests are explained below.

##### 1. Income

In general, the person must have received less than \$2,050 of gross income. Gross income does not include non-taxable income, such as welfare benefits or nontaxable social security benefits.

Income received by a permanently and totally disabled person for services performed at a sheltered workshop school is generally not included in gross income for purposes of the income test.

##### Special Rules for Your Dependent Child

Even if your child had income of \$2,050 or more, you can claim your child as a dependent if tests a, b, and c, below are met, and;

- a. your child was under 19 at the end of 1990, or
- b. your child was under age 24 and enrolled as a full-time student at a school during any five months of 1990, or
- c. your child took a full-time, on-farm training course during any five months 1990. (The course had to be given by a school or a state, county or local government agency.)

The school must have a regular teaching staff, a regular course of study, and a regularly enrolled body of students

in attendance.

A school includes:

1. elementary, junior, and senior high schools;
2. colleges and universities; and
3. technical, trade, and mechanical schools.

However, school does not include on-the-job training courses or correspondence schools.

##### 2. Support

In general, you must have given over half of the dependent's support in 1990. The support can be from you or your spouse. Even if you did not give over half of the dependent's support, you will be treated as having given over half of the support if you meet the tests explained below for Children of Divorced or Separated Parents or Dependent Supported by Two or More Taxpayers.

In figuring total support, you must include money the dependent used for his or her own support, even if this money was not taxable (for example, gifts, savings, welfare benefits).

Support includes items such as food, a place to live, clothes, medical and dental care, recreation and education. In figuring support, use the actual cost of these items. However, the cost of a place to live is figured at its fair rental value.

Do not include in support items such as income and social security taxes, premiums for life insurance, or funeral expenses.

Capital items: You must include capital items such as a car or furniture in figuring support, but only if they were actually given to, or bought by, the dependent for his or her use or benefit. Do not include the cost of a capital item for the household or for use by persons other than the dependent.

If you cared for a foster child, see Publication 501 for special rules that apply.

Children of Divorced or Separated Parents. The parent who has custody of a child for most of the year (the custodial parent) can generally take the exemption for that child if the child's parents together paid more than half of the child's support. This general rule also applies to parents who did not live together at any time during the last six months of the year. But the parent who does not have custody, or who has the child for the shorter time (the non-custodial parent), may take the exemption if either "a" or "b" below applies.

a. The custodial parent signs Form 8332, Release of Claim to Exemption for Child of Divorced or Separated Parents, or similar statement, agreeing not to claim an exemption for the child in 1990, and the non-custodial parent attaches the form, or similar agreement if it went into effect after 1984, to his or her 1990 tax return, OR

b. A decree of divorce or separate maintenance (or a written agreement) that was in effect before 1985 states that the non-custodial parent can take the exemption and he or she gave at least \$600 for the child's support in 1990. The non-custodial parent must check the box on line 6d for pre-1985 agreements. (This rule does not apply if the decree or agreement was modified after 1984 to specify that the non-custodial parent cannot claim the exemption.)

NOTE: In figuring support, a parent who has remarried may count the support provided by the new spouse.

Dependent Supported by Two or More Taxpayers. Sometimes two or more taxpayers pay more than half of another person's support, but no one alone pays over half of

the support. One of the taxpayers may claim the person as a dependent only if the tests for income, married dependent, citizenship or residence, and relationship, are met.

In addition, the taxpayer who claims the dependent must:

a. have paid more than 10 percent of the dependent's support, and

b. attach to his or her tax return a signed Form 2120, Multiple Support Declaration, from every other person who paid more than 10 percent of the support. This form states that the person who signs it will not claim an exemption in 1990 for the person he or she helped to support.

**3. Married Dependent**

The dependent did not file a joint return. However, if neither the dependent nor the dependent's spouse is required to file, but they file a joint return to get a refund of all tax withheld, you may claim him or her if the other four tests are met.

**4. Citizenship or Residence**

The dependent must have been a citizen or resident of the United States, resident of Canada or Mexico or an alien child adopted by and living the entire year with a U.S. citizen in a foreign country.

**5. Relationship**

The dependent met test "a" or "b" below.

a. Was related to you (or your spouse if you are filing a joint return) in one of the following ways:

Child	Stepbrother	Son-in-law
Stepchild	Stepsister	Daughter-in-law
Mother	Stepmother	or, if related
Father	Stepfather	by blood:
Grandparent	Mother-in-law	Uncle
Brother	Father-in-law	Aunt
Sister	Brother-in-law	Nephew
Grandchild	Sister-in-law	Niece
Great-Grandparent	Great-Grandchild	

Note: Any relationships that have been established by marriage are not treated as ended by death or divorce.

b. Was any other person who lived in your home as a member of your household for the whole year. A person is not a member of your household if at any time during your tax year the relationship between you and that person violates local law.

The word CHILD includes:

1. Your son, daughter, stepson, stepdaughter, or adopted son or daughter.

2. A child who lived in your home as a member of your family if placed with you by an authorized placement agency for legal adoption.

3. A foster child (any child who lived in your home as a member of your family for the whole year).

Persons interested in commenting on the notice of intent may submit written comments until 4:30 p.m., October 30, 1991 to the following address: Mr. Stan Mead, Director, Division of Fiscal Management, Box 3797, Baton Rouge, LA 70821.

David L. Ramsey  
Secretary

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

**Rule Title: Liability Limitation Schedule**

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

Savings in operating costs will result from a reduction in the number of patient bills and monthly statements generated and mailed. Due to uncertainty concerning the amount of this savings which will be redirected toward the enhanced collection effort for those accounts which will be billed, no estimate can be given at this time.

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

The proposed rule change will result in a significant increase in the number of charity hospital patients who qualify for free care. Current policy allows persons who have a household income at or below 100 percent of the Federal Poverty Level to receive free care at full state expense, unless they have incurred significant medical bills or are otherwise covered by Medicaid, Medicare or private insurance. Other persons are billed according to a sliding fee scale. The proposed policy would increase this threshold to 200 percent of the Federal Poverty Level.

Although this will greatly reduce the annual number of billable patients from approximately 132,500 currently to an estimated 38,850, the Department of Health and Hospitals estimates that revenues will actually increase because collection efforts can be focused on those persons with a greater capacity to pay. The annual effect on revenue collections is estimated to be as follows:

Charity Hospital at New Orleans	\$1,417,000
Office of Hospitals	525,000
Division of Mental Health	[469,000]
<b>DEPARTMENT TOTAL</b>	<b>\$1,473,000</b>

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

Major benefits will be felt by underinsured/uninsured households who, although earning more than the federal poverty level, cannot afford the costs of medical treatment. In addition, those being billed for large amounts for major medical treatment will have their bills adjusted to an amount within their means.

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

The proposed rule change will have no effect on competition and employment.

David L. Ramsey  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Commissioner of Insurance  
Department of Insurance**

The Department of Insurance advertises its intent to adopt Rule 12 regarding the implementation of an Information Transmittal Rule in the State of Louisiana.

**RULE NUMBER 12**

**SECTION ONE:** All forms, documents, applications, filings, financial reports and any and all other forms and types of documents required by the law or voluntarily filed with the Commissioner of Insurance by any company regulated at the office of the commissioner shall be filed by depositing the same in the United States Postal Service, postage prepaid.

**SECTION TWO:** No document of any sort or kind described hereinabove shall be accepted or received by the personnel of the department as filed with the department unless the same is transmitted to the department via the United States Postal Service.

**SECTION THREE:** Upon receipt of such documents mailed to the department, the employees of the department charged with the duty of receiving the same shall cause the envelope in which the document was mailed to the department to be attached to the document received in such a way that it shall remain permanently attached to the same and no employee of the department may remove said envelope for any reason.

Interested parties may submit written comments on the proposed rule until 4:30 p.m., October 21, 1991, at the following address: Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in Baton Rouge, LA at the Insurance Building Hearing Room located at 950 N. Fifth Street at 2 p.m. on October 21, 1991.

Hunter O. Wagner, Jr.  
Commissioner of Insurance

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Informational Transmittal**

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

The proposed rule has no financial impact on state and local governmental units.

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

The proposed rule has no financial impact on state and local governmental units.

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

Persons and non-governmental groups directly affected will be called upon to pay the cost of first class postage through the United States Postal Service.

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

The proposed rule will not have an effect on competition and employment.

Hunter O. Wagner, Jr.  
Commissioner of Insurance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Coastal Management Division**

The Secretary of the Department of Natural Resources hereby gives notice of his intent, pursuant to R.S. 49:214.37, to amend the Coastal Use Guidelines and definitions, LAC 43:1.701-721.

The State and Local Coastal Resources Management Act requires that the Department of Natural Resources periodically review and update the Coastal Use Guidelines based upon its regulatory experience and planning and research efforts.

The proposed amendments which will take effect on December 20, 1991, reflect changes necessitated as a result of the working experience of the Coastal Management Division or by changes in the Coastal Management Program which have occurred in the 11 years since the adoption of the existing guidelines. Most of the amendments simply clarify and/or specify existing agency interpretations of the affected guidelines. Agency experience in litigation as well as permit processing and review has shown that such clarification and/or specificity is necessary. However, some proposed amendments have been necessitated by legislative changes. Areas of new substantive emphasis include guidelines for beneficial use of dredged material and a new section of guidelines relating to wetland management and mariculture.

Copies of the proposed amendments may be obtained from the Office of State Register, 1051 Riverside North, Room 512, Baton Rouge, LA or from the Department of Natural Resources, Coastal Management Division, 625 North 4th Street, Baton Rouge, LA.

Questions or comments relative to the amendments may be directed to Jim Rives, Assistant Director, Coastal Management Division, Box 44487, Baton Rouge, LA 70804-4487, phone (504) 342-7591. Comments will be accepted through the close of business at 5 p.m. on October 21, 1991.

Ron Gomez  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Coastal Use Guidelines**

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

It is estimated that there will be no implementation costs or savings to state or local governmental units from the adoption of these proposed amendments. Existing personnel and resources will administer the amended permitting process.

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

It is estimated that there will be no effect on revenue collections of state or local governmental units as a result of the adoption of these proposed amendments. These amendments do not change existing fees.

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

These amendments generally strengthen the enumerated permitting requirements and make them consistent with the current interpretations by the Department of Natural Resources. The new requirements for compensatory mitigation may impose greater costs on user groups. However, this requirement will not be implemented until rules specific to it are promulgated and their impact is evaluated. The changes to the guidelines for wetland management projects will encourage and facilitate wetland management in areas which are deteriorating and discourage mariculture in vegetated wetlands.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there will be no effects on competition and employment as a result of the adoption of these proposed rules and amendments.

David M. Soileau  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

In accordance with the laws of the state of Louisiana, and with reference to the provisions of Title 30 of the R.S. of 1950, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA at 9 a.m., October 25, 1991.

At such hearing the commissioner of conservation will consider evidence relative to the proposed rules and regulations for the construction and operation of compressed natural gas vehicle fuel installations.

The proposed rules and regulations represent the views of the commissioner as of this date; however, the commissioner reserves the right to make additions or amendments prior to final adoption.

Comments and views regarding the proposed rules and regulations should be directed in written form to be received not later than 5 p.m., October 24, 1991. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: J. Patrick Batchelor, Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804-9275, RE: Docket No. PL 91-111.

A copy of this proposed rule may be obtained by contacting the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

J. Patrick Batchelor  
Commissioner of Conservation

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Compressed Natural Gas**

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

There will be no increase in 1991-92 fiscal year. Ad-

ministration will be carried out with existing personnel. As the number of CNG systems or vehicles affected by these regulations increases, it is likely that additional costs will be incurred. Administration of the regulations with two positions, operating expenses, public hearings, and on-site inspections is estimated at \$108,000 per year.

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

The proposed rule charges \$600 per application, however, this is a new program and number of future applications is unpredictable.

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

The proposed regulation is designed to convert state vehicles to compressed natural gas (CNG) for environmental and cost savings.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The application fee and adherence to these regulations is not likely to affect competition and employment. However, successful conversion of the state fleet to CNG may increase competition for providers of conventional motor fuels.

Mariano G. Hinojosa  
Director of Pipelines

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

In accordance with the laws of the state of Louisiana, and with reference to the provisions of Title 30 of the R.S. of 1950, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA at 9 a.m., October 25, 1991.

At such hearing the commissioner of conservation will consider evidence relative to the proposed rules and regulations for the emergency natural gas allocation plan.

The proposed rules and regulations represent the views of the commissioner as of this date; however, the commissioner reserves the right to make additions or amendments prior to final adoption.

Comments and views regarding the proposed rules and regulations should be directed in written form to be received not later than 5 p.m., October 24, 1991. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: J. Patrick Batchelor, Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804-9275, RE: Docket No. PL 91-110.

A copy of this proposed rule may be obtained by contacting the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

J. Patrick Batchelor  
Commissioner of Conservation

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Emergency Natural Gas Allocation Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no increase in 1991-92 fiscal year. Administration will be carried out with existing personnel.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated 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)  
Adding plant protection gas to the first priority gases in the allocation plan is not expected to significantly affect the amount of gas available for other priority uses and will insure that facilities can be shut down with less risk to the personnel and facility itself. Explicit provisions for requesting a declaration of emergency and reviewing that request will add more accountability to the implementation of the plan.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment.

Mariano G. Hinojosa  
Director of Pipelines

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Revenue and Taxation  
Tax Commission**

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), notice is hereby given that the Louisiana Tax Commission intends to amend the following sections of the Louisiana Tax Commission, Real/Personal Property Rules and Regulations:

Constitutional and Statutory Guides To Property Taxation (LAC 61:V.103);  
Watercraft (LAC 61:V.703);  
Oil and Gas Properties (LAC 61:V.901 and 909);  
Drilling Rigs and Related Equipment (LAC 61:V.1103);  
Pipelines (LAC 61:V.1305);  
Aircraft (LAC 61:V.1503);  
Inventories (LAC 61:V.1705);  
Leased Equipment (LAC 61:V.2101);  
General Business Assets (LAC 61:V.2501 and 2503);  
Use Value (LAC 61:V.2705, 2707, 2711, 2713, and 2717);

The action being taken is in compliance with statutory law administered by this agency as set forth in R.S. 47:1837.

The proposed amendments may be viewed at the office of the Louisiana Tax Commission, 923 Executive Park Ave., Suite 12, Baton Rouge, LA between the hours of 8 a.m. and 4 p.m. Ed. W. Leffel is the person responsible for responding to inquiries concerning the intended action. A copy of the proposed amendments can also be viewed at the Of-

office of the State Register, 1051 Riverside North, Capitol Annex, Room 512, Baton Rouge, LA 70804.

Interested persons may submit written comments on the proposed rules until 4 p.m., October 5, 1991, at the following address: E. W. "Ed" Leffel, Property Tax Specialist, Louisiana Tax Commission, Box 66788, Baton Rouge, LA 70896.

Mary K. Zervigon  
Chairman

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation costs to the agency are the cost of reproduction and distribution of updated regulations. These costs are estimated at \$3,108 for the 1991-92 fiscal year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The revisions will generally decrease 1992 personal property assessments for property of similar age and condition in comparison with equivalent assessments in 1991. Composite Multiplier Tables for all personal property decreased by an average of 2.3 percent as based on the annual Marshall & Swift Cost Index and Depreciation Tables in use since 1982. Specific valuation tables for assessment of lands at use value will generally increase by an estimated 9 percent. It is anticipated that increases in use value lands along with growth in the quantity of assessed personal property will offset the reduction in the average Composite Multiplier Tables so that overall growth of 1992 assessments is estimated at 2 percent or an \$8.2 million increase.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The effect of these new rules on assessments of individual items of equivalent personal property will generally be lower in 1992 than in 1991. However, assessments on lands at use value (agricultural, horticultural, timber and marsh lands) will generally be higher. Specific assessments will depend on the type, class, age and condition of the property subject to assessment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The impact on competition and employment cannot be quantified. Inasmuch as the proposed changes in assessments are relatively small, the impact is thought to be minimal.

E. W. Leffel  
Property Tax Specialist

David W. Hood  
Senior Fiscal Analyst



## NOTICE OF INTENT

### Department of Social Services Office of Community Services

The Department of Social Services, Office of Community Services, proposes to adopt, effective January 1, 1992, the following rule in the Foster Care Program as it relates to the requirement for parents to contribute toward the cost of care for their children who are in the care or custody of the Department of Social Services (DSS).

This rule is being proposed as a change to the existing procedures used by the Department of Social Services (DSS) for assessing parents' ability to contribute to the care of their children who are in the care or custody of DSS. R.S. 46:51.1 requires that parents be assessed contributions commensurate with their ability to pay. Proposed changes increase dependent deductions and standardizes the amount of contributions required of families.

The existing procedures used by staff in the Office of Community Services for determining parental contribution assessment utilize the gross family income as a base. A deduction of \$1000 per dependent is allowed as well as federal and state taxes. The result is the adjusted family income. The income is then compared to a sliding fee scale that was established based on income and number of dependents. The resulting fee was the assessment for each child in care.

Therefore, the Office of Community Services is proposing to adopt these procedures effective January 1, 1992.

#### PROPOSED RULE

Procedures for Determining the Amount of Contribution Required by Parents Whose Children are in the Care and/or Custody of the State of Louisiana

At initial assessment when children enter the custody of the state, the gross income of the family shall be considered as a base from which to begin the assessment process. From this amount, parents are allowed a deduction of \$1500 per dependent in the home. This includes the children who were residing in the home prior to the removal. Other deductions shall include the amount of federal and state taxes which were actually paid. The resulting figure shall be the adjusted family income which shall be used to determine the amount of contribution. The amount of the yearly assessment shall be 10 percent of the adjusted family income. Families will be billed monthly amounts, which would then be equal to 10 percent divided into 12 monthly payments. The amount would be the same for the family regardless of the number of children in care, i.e. families which have the same adjusted income but have different numbers of children in care would be billed the same amount.

At reassessment, the family would no longer be given the dependent deduction for the children who are no longer in the home, however; they shall be given a deduction equal to the amount of contribution which they actually paid the previous year. Dependent deductions for family members in the home and taxes will continue to be allowed. The resulting figure is the adjusted family income. The amount shall be used to determine the amount of contribution. The yearly contribution shall be equal to 10 percent of the adjusted family income. The family will pay this one amount regardless of the number of children who are in care.

Interested persons may submit written comments by 4:30 p.m. October 21, 1991, to the following address: Brenda

L. Kelley, Assistant Secretary, Office of Community Services, Box 44367, Baton Rouge, LA 70804-4367. She is the person responsible for responding to inquiries regarding this proposed rule.

May Nelson  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Parental Contribution

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No additional costs for implementation are expected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No significant 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)  
The new procedures may have a cost effect on some families while having a savings effect on other families. The precise economic impact is not ascertainable.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition and employment. There are no transfer funds to any governmental or private entity.

Robert J. Hand  
Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Social Services Office of Community Services

The Department of Social Services, Office of Community Services, proposes to adopt the following rule in the Child Protection Investigation Program.

This rule is mandated by the Louisiana Children's Code, Title VI, Child in Need of Care, Chapter 5, Article 616, and Title XII, Adoption of Children, Chapter 2, Article 1173.

#### PROPOSED RULE

The Department of Social Services, Office of Community Services, establishes and will maintain a central registry of all reported cases of child abuse and neglect. The purpose of the central registry is to compile information of past reports of child abuse or neglect thus enabling child protection investigation staff to conduct a more complete evaluation of current reports of suspected abuse or neglect of children. All records of reports of child abuse or neglect are confidential in accordance with R.S. 46:56.

Louisiana Revised Statute 14:403 (H) requires the maintenance of a central registry of all reported cases. As part of the investigation, the Office of Community Services Child Protection Investigation worker shall provide to parents

written notices of the registry and the rules governing maintenance and expungement of registry records. The central registry will be purged of records of invalid reports of suspected child abuse or neglect after three years, if no subsequent report is received. Records of reports of suspected child abuse or neglect found to be valid will be maintained until the youngest child in the victim's family reaches the age of 18. Records of reports of child fatalities medically determined to have been caused by child abuse or neglect will be maintained indefinitely. Any person whose name is included on the central registry may petition the court in the parish in which the investigation was conducted to request an expungement order. The Office of Community Services will expunge the petitioner's name upon receipt of a court order.

The central registry shall release information regarding cases of child abuse or neglect to other state's child welfare agencies, upon formal inquiry by that agency, when the inquiry is made pursuant to an ongoing Child Protection Investigation in the requesting state, in accordance with R.S. 46:56 F. (4)(a). Information released to such agencies is confidential and will not be released to sources outside the other state's child welfare agency. Additionally, the Office of Community Services will provide central registry records checks for independent adoptions in accordance with the Louisiana Children's Code.

Interested persons may submit written comments through November 29, 1991, to the following address: Brenda L. Kelley, Assistant Secretary, Box 44367, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries.

May Nelson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: State Central Registry**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The costs will be \$6,000 in FY 91-92 and nothing in FY 92-93 and FY 93-94.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no effects on revenue collections of state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no impact on competition or employment. There are no transfer funds to any governmental or private entity.

Robert J. Hand  
Division Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Office of Community Services**

The Department of Social Services, Office of Community Services proposes to adopt the following rule in the Day Care Program.

This rule is necessary to bring day care center programs into conformity with other day care providers. This was published as an emergency rule in the September 20, 1991, issue of the *Louisiana Register*.

**PROPOSED RULE**

Effective immediately, any proposed action to revoke a vendor day care agreement shall have prior review by the Department of Social Services' Office of the General Counsel before a final decision is made by the Office of Community Services.

Effective September 1, 1991, criminal record checks shall be completed by all vendor day care providers on all potential employees. All vendor day care programs, as a condition for participation, shall require that no individual employed or volunteering in the day care center or any other individual affiliated with the center who has or may have supervisory or disciplinary authority over the children in the center shall have been convicted of, pled nolo contendere to, or convicted of attempt or conspiracy to commit the criminal offenses listed in Louisiana Revised Statute 15:587.1(c) which are as follows: R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:41 through R.S. 14:45, R.S. 14:74, R.S. 14:78, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:93, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A).

If a center fails to remove from its employ an individual who has been convicted of one of the above crimes or who has entered a plea of nolo contendere to one of the above, such failure to terminate employment shall constitute grounds for immediate revocation of the center's provider agreement.

The Office of Community Services may terminate a center's participation in the vendor day care program if a center violates state licensing standards applicable to the center and/or the center does not take prompt action to correct the licensing violation.

Any knowledge of the above types of situations received by OCS shall be reviewed and acted upon in accordance with these conditions for participation in the vendor day care program.

Interested persons may submit written comments through November 29, 1990 to the following address: Brenda L. Kelley, Assistant Secretary, Box 44367, Baton Rouge, LA, 70804. She is the person responsible for responding to inquiries.

May Nelson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Title XX Vendor Day Care**

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

Implementation costs to the Office of Community Services will be \$1000 for printing. There will be no savings to OCS.

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 government.

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

For those facilities who have provider Agreements (contracts) with DSS/OCS, an additional cost will be incurred in that the proposed policy requires a criminal record check (at an added cost of \$13 per employee) to ensure the safety of children.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Improvement of safety measures in these facilities may assist facilities to compete more positively with other centers in their respective communities. Also, a potential employee will not be eligible for employment, if a negative criminal record check is received.

Robert J. Hand  
Division Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code in the Sections that are indicated below. These amendments designate the authority for establishing agency programs as these citations are not contained in the *Louisiana Register*. Also, a correction is being made to a previous rule concerning the State Plan for the U.S. Citizens Repatriation Program (reference was incorrectly made to a copy of the "rule" being available for review, instead of a copy of the "plan").

**PROPOSED RULE**

**Title 67**

**DEPARTMENT OF SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 2. Aid to Families With  
Dependent Children (AFDC)**

**Chapter 1. Administration**

**§101. Authority**

The Aid to Families With Dependent Children Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

\* \* \*

**Subpart 3. Food Stamps**

**Chapter 1. Administration**

**Subchapter A. General Provisions**

**§101. Authority**

The Food Stamp Program is established in accordance with applicable sections of 7 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 7 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

**Subchapter B. General Administrative Requirements**

**§102. Food Stamp Manual**

\* \* \*

**Subpart 4. Support Services**

**Chapter 1. Single State Agency Organization**

**Subchapter A. Designation, Authority, Organization and Staffing**

**§101. Authority**

Support Enforcement Services is established in accordance with U.S.C.A., Title 42, Section 651 et seq. and L.S.A., R.S. 46:236.1 et seq.

AUTHORITY NOTE: Promulgated in accordance with U.S.C.A., Title 42, Section 651 et seq. and L.S.A., R.S. 46:236.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

**§102. State Plan**

\* \* \*

**Subpart 7. Refugee Cash Assistance**

**Chapter 1. Administration**

**§101. Authority**

The Refugee Cash Assistance Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

\* \* \*

**Subpart 8. U.S. Citizens Repatriation Program**

**Chapter 1. Organization**

**Subchapter A. Designation and Authority of State Agency**

**§101. Authority**

The U.S. Citizens Repatriation Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

**§102. State Plan**

Effective November 1, 1985, Louisiana will implement the State Plan in order to allow for the activation of the Emergency Repatriation Program in the event that an emergency occurs in a foreign country which would require the immediate evacuation of American citizens and their dependents from overseas areas to the continental United States. A copy of this plan is available for review in each local Office of Family Security.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 212.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

\* \* \*

**Subpart 9. Refugee Resettlement Program**

**Chapter 1. Administration**

**§101. Authority**

The Refugee Resettlement Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

\* \* \*

**Subpart 10. Individual and Family Grant Program**

**Chapter 1. Administration**

**§101. Authority**

The Individual and Family Grant Program is established in accordance with applicable sections of 44 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 44 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 17:

\* \* \*

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on October 29, 1991 in the Second Floor Auditorium, 755 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.

May Nelson  
Secretary

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

**Rule Title: Citations for Establishing Agency Programs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no costs or economic benefits associated with this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect projected on competition or employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III., Subpart 5. Job Opportunities and Basic Skills Training Program.

This rule is mandated by federal regulations as published in the *Federal Register* of Friday, October 13, 1989, Vol. 54, No. 197, pages 42146-42267, and the Louisiana Welfare Reform Act, which require the implementation of the JOBS program for recipients of Aid to Families with Dependent Children (AFDC). Project Independence is administered in accordance with the above-referenced regulations and law, and the Louisiana State Plan for JOBS.

**PROPOSED RULE**

**Title 67**

**DEPARTMENT OF SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 5. Job Opportunities and**

**Basic Skills Training Program**

**Chapter 1. Organization**

**Subchapter A. Designation and Authority of State Agency**

**§101. Implementation**

\* \* \*

**B. Participation Requirements**

\* \* \*

**2. January 1992 Implementation Parishes**

Project Independence is being implemented in the following parishes: Bossier, Concordia, Franklin, Grant, Jefferson (east and west bank offices), Lafayette, Rapides, St. Bernard, Terrebonne and West Baton Rouge. The program will be administered in these additional parishes in the same manner as in the 10 initial implementation parishes where it was established in October, 1990.

**3. Individual Participation Requirements**

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with F.R. 54:42146 et seq., 45 CFR 250.30, 45 CFR 250.33 and R.S. 460.3(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 16:626 (July 1990), LR 16:1064 (December 1990) and LR 17:

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on October 29, 1991 in in the Second Floor Auditorium, 755 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.

May Nelson  
Secretary

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

**Rule Title: Job Opportunities and Basic Skills (JOBS)  
Training Program, or Project Independence**

**Title 48**

**PUBLIC HEALTH - GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 41. Adoption Agency**

**§4125. Certificate of Adoption**

Any prospective adoptive parents in a private adoption shall obtain a Certificate of Adoption prior to physically receiving the child. This rule is effective when published as a final rule and is promulgated in compliance with The Children's Code Title XII, Chapter 2, Article 1173(A) et seq.

**AUTHORITY NOTE:** Promulgated in accordance with The Children's Code Title XII, Chapter 2, Article 1173(A) et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance, LR 17:

**§4127. Definitions**

A. Certificate of Adoption means that any person who applies to adopt a child is certified as qualified to adopt in accordance with the Louisiana Children's Code. A Certificate of Adoption is valid a minimum of two years without an update being required. A Certificate of Adoption can be revoked for just cause.

B. Any prospective adoptive parents in this section means any couple who is adopting any child except a step-child, grandchild, sibling, niece, or nephew of one of the prospective adopting parents.

**AUTHORITY NOTE:** Promulgated in accordance with The Children's Code Title XII, Chapter 2, Article 1173(A) et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance, LR 17:

**§4129. Procedures**

There are two procedures by which a valid Certificate of Adoption may be obtained by any prospective adoptive couple in Louisiana. Any out-of-Louisiana prospective adoptive couple must also comply with the Louisiana Interstate Compact on Placement of Children.

A. One procedure is that the prospective adoptive couple may apply for a court order approving the placement of a child in their home. The court shall be of proper venue in the State of Louisiana. The application for court approval of adoptive placement shall be verified and shall contain the following:

1. the name, address, age, occupation, and marital status of the prospective adoptive parents;
2. the expected date of the child's placement;
3. the relationship between the child and the prospective adoptive parents, if any;
4. the name of the child whose placement is requested, if known;
5. this application for court approval of adoptive placement shall be filed with the clerk of a court of appropriate venue as authorized in Louisiana's Children's Code;
6. the application for court approval of adoptive placement shall be set for hearing in chambers, confidentially, and in a summary manner within 48 hours of its filing;
7. at the hearing, the prospective adoptive parents shall testify under oath concerning their fitness to receive the child into their care and custody, including but not limited to:

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

This rule is for implementation of Project Independence in 10 additional parishes on January 1, 1992: Bossier, Concordia, Franklin, Grant, Jefferson (east and west bank offices), Lafayette, Rapides, St. Bernard, Terrebonne and West Baton Rouge. This is estimated to result in an increase in expenditures for employment-related activities and the provision of child care, transportation and other supportive services as follows:

FY	TOTAL	FEDERAL	STATE
91/92	\$ 5,269,440	\$ 3,581,608	\$ 1,687,832
92/93	\$ 7,421,309	\$ 5,257,309	\$ 2,164,000
93/94	\$ 9,155,950	\$ 6,481,580	\$ 2,674,370

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

Federal matching funds from the U.S. Department of Health and Human Services are estimated to be:

- \$ 3,581,608 in FY 91/92
- \$ 5,257,309 in FY 92/93
- \$ 6,481,580 in FY 93/94

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

Project Independence assists recipients of Aid to Families with Dependent Children (AFDC) to become self-sufficient and therefore independent of public assistance. This is accomplished through the provision of education, training, job placement and employment, and other related supportive services including child care and transportation. It is estimated that an average of 1,465 participants will be assisted each month in FY 91/92 and FY 92/93 in these 10 parishes, this number increasing to 1,998 participants in FY 93/94.

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

There is no effect projected on competition. A long-term effect on employment may be increased opportunities for employment in the fields of training, child care and transportation services. The program also has the long-range potentials of reducing the state's unemployment rate and creating a more highly skilled workforce.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Office of the Secretary  
Bureau of Licensing and Quality Assurance**

The Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance is proposing to adopt the following Home Study for Private Adoptions rule and place it in the Louisiana Administrative Code, Title 48, Chapter 41, Sections 4125-4131:

a. their moral fitness, previous criminal records or validated complaints of child abuse or neglect, if any;

b. their mental and physical health;

c. their financial capacity and disposition to provide the child with food, clothing, medical care, and other material needs;

d. their capacity and disposition to give the child love, affection, and guidance and to undertake the responsibilities of becoming the child's parents;

e. the adequacy of the physical environment of their home and neighborhood for the placement of the child;

f. the names and ages of other family members who would reside with the child in the prospective adoptive home and their attitude toward the proposed adoption;

g. the stability and permanence, as a family unit, of the proposed adoptive home;

8. at the conclusion of the hearing, the court shall render an order approving or disapproving the placement of the child with the prospective adoptive parents;

9. the order shall be in writing and signed by the judge;

10. a certified copy of the court order approving the adoptive placement shall be given to the prospective adoptive parents. This certified court order is the Certificate of Adoption if approval is granted;

11. any order disapproving the adoptive placement shall include specific reasons therefor;

12. any perjury, withholding of information or misleading statements, during this hearing, may be grounds for revocation of the Certificate of Adoption, or for revoking the adoption itself.

B. The second procedure for obtaining a Certificate of Adoption is that any person qualified to adopt in Louisiana may request a social worker of a licensed child placing agency, a board certified social worker, a licensed counselor, psychologist, or psychiatrist to conduct a home study before the physical placement of the child in the home. Those people or agencies doing the home study shall be licensed in the respective fields in the state of Louisiana.

1. This home study must address, as appropriate, in writing all the items in the following sections of the Louisiana Administrative Code, namely:

- LAC 48:4115(C) Adoptive Home Study
- LAC 48:4115(D) Notification regarding application
- LAC 48:4115(E) Access to Records
- LAC 48:4115(F) Updating Home Study
- LAC 48:4115(H) Review Procedure
- LAC 48:4115(I) Adoptive Parents' Records

2. This home study must also contain a criminal records check for all federal and state arrests and convictions and validated complaints of child abuse or neglect, respectively, in this or any other state of each prospective adoptive parent. This study shall provide a certificate indicating all information discovered or that no information has been found.

a. Attorneys representing prospective adoptive couples living in Louisiana for private adoptions must request a Louisiana child abuse/neglect records check from the Office of Community Services Regional Office for the parish of residence of the prospective adoptive couple. The request will be made only in writing using the Office of Community Services Form 29, Central Registry Records Check. The form shall be sent to the attention of the Adoption Petition Unit. Copies of the form may be requested from Office of Commu-

nity Services Regional Offices or they may be duplicated by the attorney.

b. DSS/OCS Form 29:

DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF COMMUNITY SERVICES  
Child Abuse/Neglect Records Check

Attention: Adoption Petition Worker \_\_\_\_\_ OCS Regional Office

I am requesting a child abuse/neglect records check for the prospective adoptive couple identified below, pursuant to the Louisiana Children's Code, Title 12, Chapter 2, Article 1173. I understand the information obtained from this records check is confidential and is not to be used for any purpose other than to assist this couple with a private adoption.

Name \_\_\_\_\_ Attorney's Signature \_\_\_\_\_

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

Adoptive Couple:

Mr. \_\_\_\_\_  
First Name Middle Last

\_\_\_\_\_ Birthdate Race Social Security No.

Mrs. \_\_\_\_\_  
First Name Middle Last

\_\_\_\_\_ Birthdate Race Social Security No.

Address \_\_\_\_\_

OCS Central Registry Check:

Date of Record Review: \_\_\_\_\_

Results:

\_\_\_\_\_ No Record Found

\_\_\_\_\_ Valid Record Found for \_\_\_\_\_ Year \_\_\_\_\_

OCS Form 29  
Issued 9/91

c. The following lists the mailing addresses of the regional offices of the Office of Community Services where this form may be obtained:

New Orleans Regional Office, Box 57149, New Orleans, La. 70157-7149;

Baton Rouge Regional Office, Box 66789, Baton Rouge, La. 70896;

Lafayette Regional Office, 1353 Surrey Street, Lafayette, La. 70501;

Lake Charles Regional Office, Box 16865, Lake Charles, La. 70616;

Alexandria Regional Office, Box 832, Alexandria, La. 71309;

Shreveport Regional Office, 801 State Office Building, 1525 Fairfield Avenue, Shreveport, La. 71101-4388;

Monroe Regional Office, Box 3047, Monroe, La. 71210;

Thibodaux Regional Office, Box 998, Thibodaux, La. 70302-0998.

3. The prospective adoptive couple at the end of this home study shall be given a Certificate of Adoption if favorable in the judgement of the contracted person doing the home study in accordance with Louisiana Children's Code. If there is a disapproval, the prospective adoptive couple shall be informed in writing of the reason for the disapproval.

AUTHORITY NOTE: Promulgated in accordance with The Children's Code Title XII, Chapter 2, Article 1173(A) et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance, LR 17:

**§4131. Enforcement**

A. The Department of Social Services, Office of Community Services in carrying out the duties as detailed in the Children Code Title XII Chapter 10 Article 1229 (A) shall include in the report to the court a copy of the Certificate of Adoption for the prospective adoptive couple or report to the court in writing that no Certificate of Adoption has been obtained in accordance with the Louisiana Children's Code.

AUTHORITY NOTE: Promulgated in accordance with The Children's Code Title XII, Chapter 2, Article 1173(A) et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance, LR 17:

There will be a public hearing on this notice of intent. The public hearing will be October 18, 1991 at 10 a.m. at 755 North Riverside, Second Floor Conference Room. Any public comment may be submitted in writing to Mr. Steve Phillips, Director, Bureau of Licensing and Quality Assurance, Box 3078, Baton Rouge, LA 70821 before October 31, 1991.

May Nelson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Home Study for Private Adoption**

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

There is no estimated costs or savings to state or local governmental units.

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

There is no estimated effect on revenue collection for state or local governmental units.

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

There is a cost to prospective adoptive couples to obtain this Certificate of Adoption. The average cost today to obtain a home study for adoption purposes in Louisiana is \$500.

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

There is no estimated effect on competition and employment.

Steve Phillips  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of State  
Office of the Secretary of State**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 9:3865, the Department of State is hereby giving notice of its intention to adopt rules to promulgate the form to be used for

the Uniform Statutory Form Power of Attorney for Military Personnel as provided in R.S. 9:3862.

**Title 19  
CORPORATIONS AND BUSINESS  
Part VII. Secretary of State**

A. The form to be used for the Uniform Statutory Form Power of Attorney for Military Personnel as provided in R.S. 9:3862 shall be as follows:

**STATUTORY FORM POWER OF ATTORNEY FOR MILITARY PERSONNEL**

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BE IT KNOWN THAT on this \_\_\_\_\_ DAY OF \_\_\_\_\_ in the year of our Lord Nineteen Hundred and \_\_\_\_\_, before me, Notary Public in and for said Parish and State, duly commissioned and qualified as such, personally came and appeared \_\_\_\_\_, who declared that he is a member of the \_\_\_\_\_, a branch of the military designated in R.S. 29:3861, and did execute and sign the following Statutory Form Power of Attorney.

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I \_\_\_\_\_  
(YOUR NAME AND ADDRESS)

appoint \_\_\_\_\_  
(NAME AND ADDRESS OF THE PERSON APPOINTED, OR OF EACH PERSON APPOINTED IF YOU WANT TO DESIGNATE MORE THAN ONE)

as my agent (Attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (M) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

**INITIAL**

- (A) Tangible personal property transactions.
- (B) Stock and bond transactions.
- (C) Commodity and option transactions.
- (D) Banking and other financial institution transactions.
- (E) Business operating transactions.
- (F) Insurance and annuity transactions.
- (G) Estate, trust, and other beneficiary transactions.
- (H) Claims and litigation.
- (I) Personal and family maintenance.
- (J) Benefits from social security, medicare, medicaid, or other governmental programs, or civil or military service.
- (K) Retirement plan transactions.
- (L) Tax matters.
- (M) ALL OF THE POWERS LISTED ABOVE.

YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (M).

**SPECIAL INSTRUCTIONS:**

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

This Power of Attorney will:

- Continue to be effective even though I become incapacitated.
- Terminate when I become incapacitated.

**EXERCISE OF POWER OF ATTORNEY WHERE MORE THAN ONE AGENT DESIGNATED**

If I have designated more than one agent, the agents are to act:

- separately.
- jointly.

I agree that my third party who receives a copy of this document may act under it. Revocation of the Power of Attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this Power of Attorney.

\_\_\_\_\_  
(YOUR SIGNATURE)

\_\_\_\_\_  
(YOUR SOCIAL SECURITY NUMBER)

Done and passed at the Parish of \_\_\_\_\_, Louisiana, on the day and date first above written, in the presence of \_\_\_\_\_ and \_\_\_\_\_, competent witnesses, who sign with appearer and me, officer, after due reading of the whole.

WITNESSES:

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(ADDRESS)

NOTARY SEAL:

\_\_\_\_\_  
(SIGNATURE OF NOTARY PUBLIC)

B. The form to be used for the Uniform Statutory Form Power of Attorney for Military Personnel shall be available free of charge from the Administrative Services Division of the Office of the Secretary of State upon request. This rule is to become effective December 20, 1991.

Request for copies and comments may be forwarded to Stephen Hawkland, Office of the Secretary of State, Box 94125, Baton Rouge, LA 70804-9125.

W. Fox McKeithen  
Secretary of State

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Form for Uniform Statutory Power of Attorney  
for Military Personnel**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
NONE - Forms will be printed in house at no additional cost to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
NONE - Forms will be given free of charge to military personnel who request them.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
NONE.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
NONE.

W. Fox McKeithen  
Secretary of State

John R. Rombach  
Legislative Fiscal Officer



## NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations establishing the design and use of a "Commercial Fisherman's Sales Card" and a four-part dealer receipt form to be used by wholesale/retail dealers who purchase fish from commercial fishermen.

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

#### Chapter 2. General Provision

#### §201. Commercial Fisherman's Sales Card; Dealer Receipt Form

The proposed design and use are as follows:

A. The "Commercial Fisherman's Sales Card" shall be provided by the department in lieu of the commercial fisherman's license. The card will be embossed with the following information:

1. commercial fisherman's name;
2. commercial license number;
3. commercial fisherman's social security number;
4. expiration date;
5. residency status.

B. The card shall be presented by the commercial fisherman to the wholesale/retail dealer at the time of sale.

C. The dealer receipt form shall be a four-part numbered form provided by the department that will allow the department to obtain the following information from each sale.

1. commercial fisherman's license number;
2. commercial fisherman's license expiration date;
3. wholesale/retail dealer's name;
4. wholesale/retail dealer's license number;
5. information on commercial gear used;
6. information on time fished;
7. information on location fished and fish landed;
8. species purchased;
9. amount of each species purchased;
10. size and condition of each species landed;
11. transaction date.

D. The dealer and fisherman's copies of the receipt will provide space to record dollar value of the sale.

E. The dealer receipt form shall be used when fish are purchased or received from commercial fishermen. The portions of the dealer receipt form designated as "Department Copy" shall be returned to the department by the 10th of each month to include purchases made during the previous month. Completed receipt forms shall be mailed to a pre-determined address designated by the department. Commercial wholesale/retail dealers are responsible for obtaining dealer receipt forms from the department and are responsible for filling in all information on the form. Imprinting machines will be sold by the department to the dealers at the department's total cost. Only department issued or approved imprinting machines shall be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:303.7.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.  
Chairman

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

#### Rule Title: Commercial Fisherman's Sales Card Dealer Receipt Form

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

First year implementation costs are expected to run approximately \$393,113. These costs result from acquiring computer equipment, embossing machines, printing and mailing of forms, key punching the data, etc. Also, expenses will be incurred in educating commercial fishermen on this new control system that will produce approximately 900,000 documents a year.

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

It is estimated that every current commercial fisherman and wholesale retail dealer will be affected by this program. Though this will not directly affect revenue it will mandate that every sale of fish be recorded; thus potentially enhancing income reporting for state tax calculations. There is no permit fee for the use of the commercial sales card, its cost is the same as the current fee for a commercial fishing license, thus the card is a substitute for the current paper license.

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

The benefits from this program will be significantly improved data on fishery landings. This data will assist the department in preparing better stock assessments used to set quotas and thereby providing better management of the fishery. This provides benefits to both commercial and recreational fishermen by having a better managed fishery and fish for the future.

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

This program will not affect the industry; it will, however, require approximately seven new employees at the Louisiana Department of Wildlife and Fisheries.

Bettsie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations establishing the design and use of a "Commercial Fisherman's

Sales Report Form" that shall be filed monthly by commercial fishermen that sell fish to anyone other than a resident wholesale/retail dealer.

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

**Chapter 2. General Provision**

**§203. Commercial Fisherman's Sales Report Form**

The proposed design and use are as follows:

A. The report form shall be a four-part numbered form provided by the department that will allow the department to obtain the following information from each sale by commercial fishermen to anyone other than resident wholesale/retail dealers.

1. Commercial fisherman's license number.
2. Species sold to anyone other than a wholesale/retail dealer.
3. Amount of each species sold.
4. Size and condition of each species sold.
5. Transaction date

B. The commercial fisherman's copies of the report form will provide space to record dollar value of the sale.

C. The report form shall be used when fish are sold by commercial fishermen to anyone other than a resident wholesale/retail dealer. The portions of the report form designated as "department copy" shall be returned to the department by the 10th of each month to include sales during the previous month. Completed report forms shall be mailed to predetermined address designated by the department. Commercial fishermen are responsible for obtaining report forms from the department and are responsible for filling in all of the information on the form.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:345(B).

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 17:

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.  
Chairman

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

**Rule Title: Commercial Fisherman's Sales Report Form**

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

First year implementation costs are expected to run approximately \$10,000. These costs result from printing and mailing of forms. Also, expenses will be incurred in educating commercial fishermen on this report system.

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

It is estimated that every current commercial fisherman that sells to anyone other than a resident wholesale/retail dealer will be affected by this program. Though this will not directly affect revenue it will mandate that every

such sale of fish be recorded; thus potentially enhancing income reporting for state tax calculations.

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

The benefits from this program will be significantly improved data on fishery landings. This data will assist the department in preparing better stock assessments used to set quotas and thereby providing better management of the fishery. This provides benefits to both commercial and recreational fishermen by having a better managed fishery and fish for the future.

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

This program will not affect the industry.

Bettie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations to preserve the confidentiality of all fishery dependent data, information, or statistics submitted to or collected by the Department of Wildlife and Fisheries, its agencies or instrumentalities.

**Title 76**  
**WILDLIFE AND FISHERIES**  
**Part I. Wildlife and Fisheries Commission**  
**and Agencies Thereunder**

**Chapter 3. Special Powers and Duties**  
**Subchapter F. Confidential Fishing Data**  
**§321. Records; Confidentiality**

All fishery dependent data collected or otherwise obtained by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission in the course of their duties and other landings data collected by personnel or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission are confidential and are not to be divulged, except in aggregate form, to any person except employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission or the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) whose duties require this information, except as permitted by law or court order. Aggregate form, with respect to data, shall mean data or information submitted by three or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business or any such person. Neither employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries nor members of the Wildlife and Fisheries Commission will voluntarily release confidential information to another person, firm, or state or federal agencies, except NOAA/NMFS as stated above, and

to the extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. Neither the Louisiana Department of Wildlife and Fisheries nor its instrumentalities nor members of the Wildlife and Fisheries Commission will disclose confidential statistics under court order without specific approval by the State Attorney General's Office. These rules and regulations provide for compliance with all procedures set forth by the United States Department of Commerce, or its agencies or instrumentalities, for the confidentiality of fishing statistics collected from individuals or firms by that department, its agencies or instrumentalities. Employees or instrumentalities of the Louisiana Department of Wildlife and Fisheries or members of the Wildlife and Fisheries Commission who have access to confidential statistics shall be subject to the provisions and penalties for unauthorized disclosure.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:301.4.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.  
Chairman

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

**Rule Title: Confidentiality of Fisheries Dependent Data**

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

The proposed rule will have no implementation costs.

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

The proposed rule will have no impact on revenue collections of state or local governmental units.

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

The proposed rule will effect no changes in estimated costs and/or economic benefits to directly affected persons as related to present rule.

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

The proposed rule will have no effect on competition and employment.

Bettsie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

# Potpourri

## POTPOURRI

### Department of Environmental Quality Office of Air Quality and Radiation Protection

The Department of Environmental Quality, Office of Air Quality and Radiation Protection is withdrawing the previously announced changes to the proposed Air Quality Regulations, LAC 33:III.6511 and 6523 (Log #AQ50S). These regulations would have provided for Toxic Air Emission and Application fees. Consequently, the public hearing concerning these regulations scheduled for September 26, 1991, at 1:30 p.m. in Room 341 of the Maynard Ketcham Building at 7290 Bluebonnet Blvd., Baton Rouge, LA has been canceled.

A similar regulation (Log #AQ50A) addressing Toxic Air Emission and Application fees issues is being proposed in this issue.

J. Terry Ryder  
Assistant Secretary

## POTPOURRI

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, published an emergency rule in Volume 17, Number 8, page 766 of the *Louisiana Register* dated August 20, 1991, amending the Medicaid standards for payment for skilled nursing, intermediate care I and intermediate care II levels. Standard 2. has been corrected to read as follows:

2. the ratio of registered nurses to patients shall be 2:6 based on skilled patients;

David L. Ramsey  
Secretary

## POTPOURRI

### Department of Natural Resources Office of the Secretary

#### Fishermen's Gear Compensation Fund

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 61 claims in the amount of \$138,878.28 were received in the month of August 1991, 75 claims in the amount of \$156,300.19 were paid, and five claims were denied.

Loran C coordinates of reported underwater obstructions are:

29030	46918	Plaquemines
28728	47046	Orleans
27325	46944	Iberia
27881	46861	Terrebonne
28518	46854	Jefferson
27916	46863	Terrebonne
28257	46825	Lafourche
28971	46908	Plaquemine
28163	46830	Terrebonne
26670	46978	Cameron
26660	46978	Cameron
28943	47033	St. Bernard
27001	46952	Cameron
28386	46834	Lafourche
28612	46865	Plaquemines
27143	46940	Iberia
28710	47033	Orleans
28742	47034	Orleans
28074	46834	Terrebonne

A list of claimants, and amounts paid, may be obtained from the Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez  
Secretary

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