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Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Market Commission

Notice is hereby given that, because of severe adverse economic impact on small businesses in the meat industry of Louisiana, the Louisiana Department of Agriculture, State Market Commission, under the authority of LSA 49:953 B, took the following action at its public hearing on August 5, 1981:

Suspension of Rule

Rule 7.4 of the State Market Commission's Rules and Regulations for Certification of Official State Grades of Meat and Meat Products is hereby suspended on an emergency basis to be effective immediately.

Bob Odom
Commissioner of Agriculture

DECLARATION OF EMERGENCY

Department of Agriculture State Entomologist

Source: Acts 1910 No. 36 §2, Acts 1948 No. 57 §2. Title 3: Part II Crop Pests and Diseases, Sections 1651, 1652, 1653 and 1654.

Rule Title: Mediterranean Fruit Fly Rule and Quarantine Specific Reasons For Finding An Immediate Danger To The Public Health, Safety and Welfare

This rule is promulgated to provide a quarantine on the importation of host plants and materials from the State of California or any infested areas to Louisiana and to specify the conditions under which regulated articles have been treated by fumigation or cold treatment and certified as free of the Mediterranean fruit fly.

On July 8, 1981, at a joint meeting of the technical council in California and the U.S. Department of Agriculture, a recommendation was made for the aerial application of Malathion to aid in the eradication program.

The introduction into Louisiana of a single Mediterranean fruit fly larvae-infested orange, peach, grape, nectarine or tomato or any of the many other host plants from California would be sufficient to cause an infestation in the State of Louisiana which may require millions of dollars to eradicate and cause substantial financial damage to Louisiana agricultural interests. Due to the warm semi-tropical climate in Louisiana, this pest may, if allowed to enter the state, become established and overwinter, thereby causing great economic damage on an annual basis. It could also serve as a breeding ground for new infestations to either spread throughout the state or to adjacent states.

In view of the specific facts and reasons above mentioned, and in accordance with the Constitutional and statutory authority of the Commissioner of Agriculture and the Louisiana Department of Agriculture (see Louisiana R.S. 3:1651-1652 Part II), the Commissioner of Agriculture does hereby find that an immediate danger to the public health, safety and welfare exists and declares a quarantine on California host plants and materials as set forth in the emergency rule hereby promulgated.

A copy of the emergency rule may be obtained by writing to Winston Riddick, Legal Office, Department of Agriculture, 21st Floor, The State Capitol, Baton Rouge, Louisiana 70804.

- I. Definitions
- II. Purpose of Rule
- III. Areas Quarantined
 - A. Areas Quarantined by Promulgation of this Rule
 - B. How Additional Areas Will be Added to List of Quarantined Areas
 - C. How Areas Will be Removed from List of Quarantined Areas
- IV. Products Quarantined
- V. Actions to be Taken by Louisiana Agriculture Inspectors
 - A. State Borders
 - B. Produce Establishments
- VI. Penalties for Violation of Quarantine

I. **Definitions.** For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) **Certificate.** An official document stipulating compliance with the requirements of the Louisiana Department of Agriculture or the United States Department of Agriculture.

(2) **Citrus.** All members of the subfamily Aurantioideae, of the family Rutaceae according to Swingle and Reese, including any parts thereof.

(3) **Common carrier.** An individual or corporation licensed to transport persons, goods, or messages for compensation.

(4) **Host plant.** A plant or part thereof known or suspected to be capable of harboring or transporting Mediterranean fruit fly in any of its stages.

(5) **Infested.** Actually harboring Mediterranean fruit fly in any of its stages or so exposed to infestation by Mediterranean fruit fly that it is reasonable to believe that an infestation could exist.

(6) **Interstate movement.** Movement from Louisiana to another state or from another state to Louisiana.

(7) **Mediterranean fruit fly.** The insect known as the Mediterranean fruit fly, *Ceratitis capitata* (Weideman), in any stage of its development.

(8) **Regulated area.** Any state or portion thereof and any portion of the State of California, any county, precinct, city and other minor civil division designated by order of the Department, the USDA, or the affected state as an area infested with or regulated due to the presence of the Mediterranean fruit fly.

(9) **Regulated articles.** Any article, including soil, capable of transporting or harboring the Mediterranean fruit fly.

(10) **Shipment or shipments.** The act or process of transferring or moving products from one point to another, or the products being transferred or moved.

(11) **USDA.** United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS).

(12) **Quarantined Area.** Means any geographical area designed in the official State Journal by the Commissioner of Agriculture and the State Entomologist as being an area infested by the Mediterranean fruit fly.

II. **Purpose of rule.** The purpose of this rule is to prevent introduction of the Mediterranean fruit fly, *Ceratitis capitata*, into the State of Louisiana. Due to the presence of this serious pest in the State of California, or in any area in which it may become established, it is necessary to exclude from entry into Louisiana certain fruit hosts, soil and products which may transport the Mediterranean fruit fly from California or any infested area. The established infestation of the Mediterranean fruit fly in the State of California and the tremendous volume of host fruit and vegetables in the interstate commerce from California to and through Louisiana pose an extremely serious threat to Louisiana's agricultural industry. This rule is promulgated to provide a quarantine on the State of California or any infested area, and to specify conditions under which regulated articles may be certified as free of Mediterranean fruit fly, when moved from the quarantined area to Louisiana.

III. Areas Quarantined.

A. Areas immediately quarantined by this rule. The entire State of California is hereby declared to be quarantined due to the presence of the Mediterranean fruit fly. All movements of regulated products including host fruit and soil from the quarantined area are prohibited entry into Louisiana unless accompanied by:

(1) A certificate issued by USDA-APHIS or a certificate issued by the State of California, Department of Food and Agriculture. Such certificates shall denote compliance with the regulations of the USDA and regulations herein contained.

(2) Certificates may be based on treatment by an approved method of the USDA-APHIS. These methods are listed in the USDA-APHIS Manual under 331.1-9 Treatments.

(a) Soil and plants with soil attached may be certified, if upon inspection, it is determined they are not under the drip line of a host plant, and if the plant to be certified is not a host plant bearing fruit or which has borne fruit in the previous 60 days.

(b) Soil and plants with soil attached may be certified under the following treatment schedule:

1. Hosts and nonhosts without fruit under the drip line of a host and hosts which are bearing or have borne fruit within the previous 60 days.

a. Remove all host fruit.

b. Treat soil with Baytex as follows: Four and one-half ounces of Baytex formulation, 50 percent emulsifiable concentrate, mixed with 20 gallons of water per 1,000 square feet of soil surface. Spray the above mix evenly on the surface of the soil, or on the soil around container-grown or balled plants.

This quarantine extends itself to include all shipments of regulated products from any quarantined area, included are commercial shipments, shipments by common carriers, personal cargo in private vehicles and aircraft, and personal possessions of persons being transported by common carrier.

B. How Additional Areas Will Be Added To Quarantined Areas.

Since the Mediterranean fruit fly is highly reproductive and spreads across geographical areas very rapidly, then it may be anticipated that additional quarantine areas may be designated in order to prevent the spread of the pest to Louisiana. When the Commissioner of Agriculture and the State Entomologist determine that the Mediterranean fruit fly has spread to additional areas, they may designate those areas by publication of a notice in the official Journal of the State of Louisiana that additional areas have been added to the list of quarantine areas. The State Entomologist shall maintain a list of quarantine areas at the office of Agricultural and Environmental Sciences, located at 9181 Interline Avenue, Baton Rouge, LA 70804, which shall be made available to the public.

C. How Areas May be Removed from List of Quarantine Areas.

A quarantined area likely to be infested may be declared free of Mediterranean fruit fly for certification purposes under the following conditions: when traps of the Jackson or Steiner types, baited with Tri-Med lure and placed among host plants, have been operated, inspected for Mediterranean fruit fly in accordance with U.S. Department of Agriculture standards. When the California State Commissioner of Agriculture or the County Commissioner of Agriculture for the quarantined area certifies in writing to the Louisiana Commissioner of Agriculture and State Entomologist that the action required in this part has been completed, then areas may be removed from the list of quarantine areas by publication of notice in the official State Journal.

IV. **Products Quarantined.** Any fruit, berries, or vegetable of the host plants included in the following host list and soil, both separate from or attached to plants or plant parts. The purpose of the list is to provide information as to the preferred hosts of Mediterranean fruit fly; however, it is not to be considered as all-inclusive.

Host list. All fruits, vegetables, or berries of the following plants:

Almond (*Prunus dulcis*) (*P. amygdalus*)
Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado (*Persea americana*)
Barbados cherry (*Malpighia glabra*)
Bell pepper (*Capsicum frutescens*)
Calamondin orange (*Citrus mitis*)
Ceylon-gooseberry, Kei apple (*Dovyalis* spp.)
Cherries (sweet and sour) (*Prunus avium*, *Prunus cerasus*)
Citrus citron (*Citrus medica*)
Coffee (*Coffea arabica*)
Cucumber, muskmelon, melon and other species of genus (*Cucumis* spe.)
Date (*Phoenix cactylifera*)
Fig (*Ficus carica*)
Grape (*Vitis vinifera*)
Grapefruit (*Citrus paradisi*)
Guava (*Psidium guajava*)
Japanese persimmon (*Diospyros kaka*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*)
Litchi (*Litchi chinensis*)
Lime (*Citrus aurantiifolia*)
Logan (*Euphoeia longana*)
Loquat (*Eriobotrya japonica*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Mock orange (*Murraya exotica*)
Mango (*Mangifera indica*)
Mountain apple (*Syzygium mallacense*) (*Eugenia malaccensis*)
Natal plum (*Carissa macrocarpa* and *Terminalia chebula*)
Nectarine (*Prunus persica*)
Olive (*Olea europea*)
Opuntia cactus (*Opuntia* spp.)
Orange (*Citrus* spp.)
Papaya (*Carica papaya*)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Pepper (*Capsicum annuum* and *Capsicum frutescens*)
Pineapple guava (*Feijoa sellowiana*)
Pummelo (shaddock) (*Citrus grandis*)
Pomiform guajava (*Psidium guajava pomiferum*)
Plum (*Prunus domestica*)
Pyriform guajava (*Psidium guajava pyrifera*)
Quince (*Cydonia oblonga*)
Rose apple (*Syzygium jambos*) (*Eugenia jambos*)
Sour orange (*Citrus aurantium*)
Spanish cherry (Brazilian plum) (*Eugenia dombeyi*) (*E. brasiliensis*)
Strawberry guava (*Psidium cattleianum*)
Surinam cherry (*Eugenia uniflora*)
Sweet orange (*Citrus sinensis*)
Tomato (pink and red ripe) (*Lycopersicon esculentum*)
Tangerine (*Citrus* spp.)
White sapote (*Casimiroa edulis*)
Yellow oleander (bestill) (*Thevetia peruviana*)
Any other fruit which is known to be or found to be a host of Mediterranean fruit fly.

V. **Actions to be Taken by Louisiana Agriculture Inspectors.**

A. State Borders

Any quarantined product from a quarantined area shall be prohibited entry at the state border, unless it is accompanied by certifications provided for by this rule.

B. Produce Establishments

Any establishment which has quarantine produce from a quarantined area shall be required to produce evidence that the

products have certificates required by this regulation for entrance into Louisiana. Failure to produce the certifications required herein shall result in the destruction or treatment of the produce.

VI. Penalties for Violation of Quarantine. Louisiana Revised Statutes, Title 3: 1653, provide penalties for violation of rules or regulations as follows:

- A. Civil Penalties: A fine of not less than \$25 and not more than \$500 shall be imposed.
- B. Criminal Penalties: Imprisonment of not less than ten days and not more than six months.
- C. Civil and Criminal Penalties: Both fines and imprisonment may be imposed at the discretion of the court having jurisdiction.

Bob Odom
Commissioner of Agriculture

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education, at its meeting on July 23, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule:

1. The Board adopted as an emergency rule, proposed legislation on teacher tuition exemption (SB 771 and HB 1653), the 1981-82 Revised Guidelines for Tuition Exemption Continuing Education Program for Teachers. (Bulletin 1533)

This emergency action was necessary in order to implement the program at the beginning of the Fall 1981 semester and to comply with the mandates of Legislative Acts 515 and 817 of 1981.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt effective August 28, 1981, the following additional list of drugs for which Maximum Allowable Costs (MAC) are required by Federal Regulations published in the *Federal Register* dated July 14, 1981, Volume 46, Number 134.

The additional MACs that has been established are:

Glutethimide, oral tablet, 500 mg.	\$0.0432
Procainamide HCL, oral capsule 250 mg.	0.0383
Procainamide HCL, oral capsule 375 mg.	0.0505
Procainamide HCL, oral capsule 500 mg.	0.0585
Propantheline Bromide, oral tablet 15 mg.	0.0235

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

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

In accordance with the provision of Louisiana R.S. 49:953B, the Department of Health and Human Resources, Office of Family Security, sets the maximum allowable monthly income limit for long-term care eligibility for an individual at \$794.10, effective July 1, 1981. For a couple occupying the same room in a long-term care facility, the double rate of \$1,588.20 shall apply.

This increase allows the Medical Assistance Programs to be in compliance with federal regulation 42 CFR 435.1005 which sets the maximum income limit before deductions, at 300 percent of the Supplemental Security Income (SSI) payment amount.

On July 1, 1981, the monthly SSI payment was increased to \$264.70. Therefore, it is important that the maximum monthly income limit be increased simultaneously so that some persons receiving or applying for long-term care service will not lose or be denied eligibility.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective August 1, 1981, the following increases in the Aid to Families with Dependent Children (AFDC), General Assistance (GA), the Refugee Resettlement and Cuban/Haitian Entrants grant amounts and to increase the Medically Needy Income Eligibility Standards (MNIES).

I. AFDC

Using a ten percent increase standard for AFDC, the new grant amounts are as follows:

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

Number of Persons	Flat Grant Amount
1	\$ 66
2	123
3	174
4	217
5	259
6	296
7	334
8	373
9	408
10	444
11	482
12	521
13	564
14	606
15	647
16	689
17	729
18	771

For each additional person add \$45 to the flat grant amount.

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

Number of Persons	Flat Grant Amount
1	\$ 72
2	138
3	190
4	234
5	277
6	316
7	352
8	391
9	427
10	462
11	501
12	540
13	580
14	620
15	662
16	707
17	741
18	789

For each additional person add \$48 to the flat grant amount.

II. GA

Using a ten percent increase standard, the new GA grant amounts are as follows:

A. Regular Grant - The maximum amount paid for a regular GA grant shall be:

1. \$91 when only one person is to be included in the certification.
2. \$132 when two or more persons are included in the certification.

B. Special Grant - The maximum amount paid for a special GA grant shall be:

1. \$133 when the budget plan includes an allowance for special diet approved for a special grant and only one person is included in the certification. \$140 when a special diet is approved and two or more persons are included in the certification.

2. \$153 when the budget plan includes an allowance for discharge from a state mental institution.

3. \$145 when the budget includes one person and an allowance is necessary for special care in his own home or home of a relative or in a private home by an unrelated person. \$152 when special care as explained above is necessary and the budget includes two or more persons.

C. Other Grants

1. Financial assistance to persons who were patients in Carville and who ceased to be eligible for OAA, ANB or DA assistance on January 1, 1974, as a result of the SSI program. This is applicable in Iberville Parish only (Effective October, 1975).

Those persons who are currently patients at Carville referred to above, if otherwise eligible, shall be allowed \$43 for basic requirements to provide for personal needs not provided by the hospital.

2. GA receiving SNF care in a skilled nursing home or ICF-I or ICF-II care in an intermediate care facility shall receive a personal care needs allowance of \$26.

E. GA Pre-added Basic Requirements - the new amounts for GA Basic Requirements as follows:

	13 years through Less Than 65 Years	Birth Through 12 Years
Food	\$44	\$30
Clothing	10	8
Incidentals	7	5
Totals	\$61	\$43

III. Refugee Resettlement Program (RRP) and Cuban/Haitian Entrants Program

Persons receiving benefits under the Refugees Resettlement or Cuban/Haitian Entrants Programs will receive benefits as follows:

Households with children will receive payments in accordance with the new AFDC flat grant amounts.

Households without children will receive benefits in accordance with the new payment level applicable to a one person GA certification.

IV. MNIES

In accordance with Federal Regulation 42CFR 435.1007 which sets the Medically Needy Income Eligibility Standards (MNIES) at 133-1/3 percent of the AFDC flat grant amounts, the MNIES were increased as follows:

MNIES for Urban Parishes

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 72	\$ 167	\$ 501
2	138	192	576
3	190	258	774
4	234	317	951
5	277	375	1125
6	316	425	1275
7	352	475	1425
8	391	525	1575
9	427	575	1725
10	462	617	1851
11	501	675	2025
12	540	725	2175
13	580	775	2325
14	620	833	2499
15	662	883	2649
16	707	950	2850

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
17	741	992	2976
18	789	1058	3174
19	837	1117	3351
20	885	1183	3549
21	933	1250	3750
22	981	1308	3924
23	1029	1375	4125
24	1077	1442	4326
25	1125	1500	4500
26	1173	1567	4701
27	1221	1633	4899
28	1269	1700	5100
29	1317	1758	5274
30	1365	1825	5475

MNIES For Rural Parishes

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 66	\$ 150	\$ 450
2	123	167	501
3	174	233	699
4	217	292	876
5	259	350	1050
6	296	400	1200
7	334	450	1350
8	373	500	1500
9	408	550	1650
10	444	600	1800
11	482	650	1950
12	521	700	2100
13	564	758	2274
14	606	808	2424
15	647	867	2601
16	689	925	2775
17	729	975	2925
18	771	1033	3099
19	816	1092	3276
20	861	1150	3450
21	906	1208	3624
22	951	1275	3825
23	996	1333	3999
24	1041	1392	4176
25	1086	1450	4350
26	1131	1508	4524
27	1176	1575	4725
28	1221	1633	4899
29	1266	1692	5076
30	1311	1750	5250

George A. Fischer, Secretary
 Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the Administrative Procedure Act (R.S. 49:953B), the Department of Health and Human Resources, Office of Family Security, will implement the following nursing home rates, effective with the August, 1981 payment for July, 1981 services:

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facilities	\$32.68	\$994.02
Intermediate Care Facilities I	28.38	863.23
Intermediate Care Facilities II	22.78	692.89

This action will allow the Medical Assistance Program to increase payments to nursing homes on a timely basis.

Federal Regulation 42CFR447.273 and the Title XIX State Plan specify that the Medicaid agency must pay for long-term care facility services on a reasonable cost-related basis.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting on July 28, 1981 exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the following as an emergency rule:

In July of 1981, the Department of Wildlife and Fisheries issued ten Experimental Fishery Permits. The permits were issued because there is an increasing interest in the development of a mullet fishery in Louisiana. In late June it became evident that immediate information was required concerning the mullet populations of the coastal waters of eastern Louisiana. To develop this information the Department issued the above mentioned permits on an emergency basis. The harvesting season for mullet had begun; if normal procedures had been followed the season would have been over before the requirements of the Administrative Procedure Act could have been met and the Department would have lost the opportunity to gather data for this year.

Jesse J. Guidry
Secretary

Rules

RULES

Department of Agriculture Market Commission

The Louisiana Department of Agriculture, State Market Commission, pursuant to the authority granted by LSA 3:543 B, as amended by Act 158 of 1981, and in accordance with Notice of Intent published on July 20, 1981, conducted a public hearing on August 5, 1981, at which public hearing the Commission adopted the following Rules and Regulations:

Procedures for Authorization and Administration of Farm Youth Loans and Loan Guarantees

1.0 Definitions

1.1 "Applicant" means a natural person applying for a Farm Youth Loan or for a Farm Youth Loan Guarantee who is a resident of Louisiana and between 10 and 20 years of age.

1.2 "Borrower" means anyone who is granted a Farm Youth Loan.

1.3 "Commission" means the State Market Commission.

1.4 "Commissioner" means the Commissioner of Agriculture.

1.5 "Department" means the Department of Agriculture.

1.6 "Farm Youth Loan" means a loan which shall be used for the purpose of raising, growing, and selling of livestock, poultry, eggs, or agronomic, horticultural, silvicultural, or aquacultural crops.

1.7 "Farm Youth Loan Guarantee" means an agreement that, in the event of default, the State shall pay the Lender 75 percent of the principal and interest due and payable under a Farm Youth Loan secured by a chattel mortgage, crop lien or other security.

1.8 "Lender" means any bank, financial institution or federal agency making loans to any borrower who is eligible for a Farm Youth Loan Guarantee.

1.9 "Supervisor" means any vocational agriculture teacher, home economics teacher, county agent, home demonstration agent or any other person who has responsibility for direct supervision of the project for which the loan funds are used.

1.10 "Compromise Agreement" means any agreement between the borrower and the Commission or Lender, in the case of a guaranteed loan, to satisfy the loan obligation incurred by the borrower.

2.0 Applicant Eligibility Requirements

2.1 The applicant must be a resident of Louisiana and between 10 and 20 years of age, i.e., already having had a tenth birthday but not yet having a twentieth birthday.

2.2 The applicant must be a member in good standing of any 4-H Club, Future Farmers of America, Future Homemakers of America organization, or any other farm youth organization functioning within the state school system.

2.3 The applicant must present a signed statement from the recommending supervisor of the project and/or the school principal, that the applicant's scholastic work is satisfactory.

2.4 The applicant must present a signed statement by the recommending supervisor of the project that in his opinion the applicant has a need for the loan.

2.5 The applicant must present a signed statement by the recommending supervisor that he is a member in good standing of a farm youth organization recognized by the Commission and that (1) the project for which the loan will be used will be closely supervised by the recommending supervisor; (2) the applicant is eligible for the loan; and (3) the loan is recommended.

2.6 The applicant must present a signed statement by his parents or guardian that they approve of his participation in the farm youth loan program and will fully cooperate with the supervisor of the project and the Market Commission.

2.7 The applicant must clearly demonstrate to the Commission that the project for which the loan will be used will generate adequate funds to pay back the loan according to the terms of the loan.

2.8 The applicant must establish a checking or savings account at a bank of his choice for the purpose of receiving and disbursing loan funds to be used for the purposes of the loan.

2.9 The checking or savings account must require joint signatures of the applicant and project supervisor or parent/guardian for the withdrawal of funds to be used to pay expenses

incurred by the project.

3.0 Time and Manner of Filing Application

3.1 Applications may be filed at any time throughout the year and may be personally delivered to the State Market Commission office in Baton Rouge or forwarded through the U.S. Mail.

3.2 An application will be considered filed only upon provision of all information required in Rule 4.0.

3.3 A complete application must be physically on hand in the State Market Commission office at least ten working days prior to the meeting at which the application will be considered by the Commission.

3.4 In the case of an application for a loan guaranty, the application must be jointly executed by the applicant and the Lender on forms provided by the Commission.

4.0 Contents of the Application

4.1 Names and addresses of the applicant and the applicant's parents or guardian.

4.2 Name and address of recommending supervisor of the project.

4.3 Personal financial statement of the applicant, signed by the applicant and parents or guardian, on forms provided by the Commission.

4.4 A budget reflecting estimated expenses, income and repayment of the loan for the term of the loan.

4.5 Signed statements requested of the recommending supervisor and parents or guardian as required in Rule 2.0.

4.6 The name of the bank and the account number to which loan funds shall be deposited and authorized signatures for the withdrawal of funds.

4.7 In the case of loans for the purchase of livestock, a health certificate issued by a veterinarian attesting to the health of the animal(s) to be purchased.

5.0 Conditions for Approval of Application for Farm Youth Loans and Loan Guarantees

5.1 The applicant must meet all criteria for eligibility set forth in Rule 2.0.

5.2 The loan shall have a maximum term of five years.

5.3 The loan shall not exceed a maximum of \$3,000.

5.4 In the case of a guaranteed loan, the guarantee shall not exceed 75 percent of the sums, in principal and interest, due and payable under the mortgage or crop lien, securing the loan.

5.5 No loan for the purchase of livestock shall be approved until issuance of a certificate, to be furnished by the Department of Agriculture, from a licensed veterinarian certifying that the livestock to be purchased is sound, healthy, and free from all diseases.

5.6 The interest rate on any direct loan shall not exceed the interest rate charged by the Farmer's Home Administration on youth project loans.

5.7 The interest rate on any guaranteed loan shall not exceed the average prevailing rate of interest on farm loans made by banks, financial institutions or federal agencies in the community where the loan is made.

6.0 Procedures for Approval or Denial of Loan Applications and Notification of Commission Action.

6.1 An application for a Farm Youth Loan or Loan Guarantee shall be submitted for Market Commission consideration at the first Commission meeting occurring at least ten working days following submission of the completed application.

6.2 The Commission shall approve/deny such application in accordance with the criteria set forth in applicant eligibility requirements, time and manner of filing applications, contents of application, and conditions for approval of applications for loans and loan guarantees.

6.3 Upon approval of an application for a direct loan, the Commission shall immediately notify the applicant by letter of the approval along with procedures for disbursement of funds to the

applicant.

6.4 Upon approval of an application for a guaranteed loan, the Commission shall immediately notify the Lender and applicant by letter of the approval along with procedures for execution of the Loan Guarantee Agreement.

6.5 Upon denial of an application for a direct loan or loan guarantee the Commission shall immediately notify the applicant, and Lender if applicable, by letter stating the reason(s) for such disapproval by the Commission.

7.0 Re-application; Review of Determination

7.1 An applicant whose application has been denied by the Commission may reapply at any time whenever his circumstances change whereby the reasons for denial have been corrected.

8.0 Conditions for Disbursement of Loan Proceeds to the Borrower

8.1 Prior to the disbursement of loan funds all legal instruments must be examined and approved by the Department Attorney.

8.2 On the date of disbursement of loan proceeds the borrower must execute a note secured by a chattel mortgage or crop lien payable to the Market Commission setting forth the terms and conditions under which the loan will be repaid.

8.3 On the date of disbursement of loan proceeds the borrower must execute a chattel mortgage or crop lien payable to the Market Commission, which instrument shall contain, but not be limited to, the following:

(a) the amount loaned

(b) the rate of interest

(c) the repayment schedule

(d) description of items offered as security

(e) provision for executory process

(f) provision for payment of all costs of foreclosure, including attorney's fees at 25 percent of the principal balance and interest accrued at foreclosure.

8.4 The Commission of Agriculture or his designee, as official representative of the State Market Commission, shall execute all necessary legal instruments at the time of disbursement of loan proceeds.

8.5 The disbursement of loan proceeds shall be by check and shall be deposited into the bank account number on behalf of the borrower as designated on the loan application.

9.0 Conditions for Concurrence in Loan Guarantees

9.1 The borrower must provide for the Market Commission file record a copy of the note and the chattel mortgage or crop lien payable to the Lender and any other data deemed necessary by the Market Commission staff.

9.2 The Loan Guarantee Agreement shall be executed by the borrower, the Lender, and the Commissioner of Agriculture, or his designee, as official representative for the State Market Commission.

10.0 Procedure Upon Default for Non-Payment

10.1 The Commission shall send written notice within 30 days to any borrower or a direct loan after any default on any payment of principal and/or interest and shall request an explanation or reason for delinquency of payment.

10.2 Within 60 days of default of any payment of principal and/or interest on a direct loan the Commission shall enter into such compromise agreements as it deems necessary to recover the sums due and payable on the loan unless prior arrangements have been made with the borrower to fulfill his loan obligation.

10.3 Any Lender, who receives a loan guarantee from the Commission on a farm youth loan shall notify the borrower and the Commission by letter within 30 days of any default on any payment of principal and/or interest and shall request of the borrower an explanation or reason for delinquency of payment.

10.4 Within 60 days of default of any payment of principal and/or interest on a guaranteed loan, the Lender shall notify the Commission by registered letter of any compromise agreement entered into between the borrower and the Lender to recover the sums due and payable on the loan or of arrangements made between the borrower and Lender to fulfill his loan obligation.

10.5 The Commission may, by formal vote, offer to pay off the mortgage or the interest of the Lender, on any defaulted loan covered by a loan guaranty agreement and become subrogated to the interest of the lending agency if the Commission determines that this action will protect the interest of the State in any property mortgaged to secure the loan guarantee.

Bob Odom
Commissioner of Agriculture

RULES

Department of Agriculture Market Commission

The Louisiana Department of Agriculture, State Market Commission, pursuant to the authority granted by LSA 3:405 and in accordance with Notice of Intent published on July 20, 1981, conducted a public hearing on August 5, 1981, at which public hearing the Commission adopted the following Rules and Regulations:

Rules and Regulations

Governing Operation of Produce Assembly Centers

1.0 Operation of center

1.1 The produce assembly center will be operated by the Louisiana Department of Agriculture; the center manager will be a State employee.

1.2 Only produce for consignment will be marketed through the produce assembly center.

1.3 Official grading services will be available through the produce assembly center.

1.4 The produce assembly center will arrange for transportation of the produce from the produce assembly center.

1.5 The produce assembly center will not operate during months when no produce is available for consignment. At least 15 days advance notice of closure of the center will be given by publication in a newspaper of general circulation in the area in which the produce assembly center is located.

2.0 Requirements for produce to be marketed through the produce assembly center

2.1 All produce must be graded by official graders at the produce assembly center.

2.2 Only USDA #1 and USDA #2 grades will be accepted for consignment.

2.3 All produce must be packaged in containers which are acceptable in the produce trade. Containers will be available at cost at the produce assembly center.

3.0 Consignment of produce and payment policy

3.1 A commission of five percent of the selling price will be charged on all produce marketed through the produce assembly center. Fees will be used to defray the operating expenses of the center.

3.2 The five percent commission will be due and payable upon receipt by the seller of the purchase price of the produce.

3.3 The produce assembly center manager will deduct the commission of five percent from the sales revenues received from the buyer and pay over the remainder to the seller.

3.4 The revenues from sales of produce will be paid over

to the seller by the produce assembly center manager immediately upon receipt of the sales revenues from the buyer, but no later than 30 days after delivery of the produce to the produce assembly center.

3.5 In any circumstances where the sales revenues are not received by the produce assembly center manager within 30 days after delivery of the produce to the center, the produce assembly center reserves the right to pay over only 75 percent of the agreed-upon selling price, subject to correction upon receipt of revenues from the sale of the produce.

3.6 Separate accounting records will be maintained on transactions for each seller, and any seller may examine the accounting records for his account at any time during regular business hours of the center.

4.0 Marketing advisory service

4.1 The produce assembly center manager will establish and maintain contact with major produce buyers throughout the country to determine the most advantageous crops for marketing.

4.2 Results of the produce assembly center manager's surveys of produce buyers will be posted at the center and will be made available to producers in the area.

4.3 At least once each year, prior to planting season, the State Department of Agriculture and the Cooperative Extension Service will conduct an informational forum to disseminate information on potential markets for produce. General information meetings may be held at other times throughout the year as deemed appropriate by the Department of Agriculture.

5.0 Right of refusal

5.1 The produce assembly center will not accept any produce for consignment which does not meet USDA #1 or USDA #2 grade standards, according to the findings of official graders.

5.2 The produce assembly center will not accept any produce for which no markets are available.

Bob Odom
Commissioner of Agriculture

RULE

Department of Commerce Office of Financial Institutions

The Commissioner of Financial Institutions hereby issues the following change in the Rule which contains instructions for completing an application for permission to establish a new State-chartered bank or a branch office by an existing State-chartered bank.

The following entire paragraph, under the General Provisions section, is to be eliminated:

“Evidence of publication in an area news media must be furnished the Commissioner prior to the acceptance of the application. Upon receiving proof of publication, and after the application is completed to the satisfaction of the Commissioner, the application may be accepted for filing.”

The following corrected paragraph is to replace the original paragraph stated above:

“After the application is completed to the satisfaction of the Commissioner, the application may be accepted for filing. Evidence of proof of publication in an area news media must be furnished the Commissioner after acceptance and prior to the investigation of the application.”

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE

Department of Culture, Recreation and Tourism Office of the State Library

The Department of Culture, Recreation and Tourism, Office of the State Library, pursuant to the authority in R.S. 25:14, and in accordance with the Notice of Intent published on July 20, 1981, has adopted amendments regarding State Aid to Public Libraries Grant.

IV. Maintenance of local effort

D. For each item of library material purchased with state and grant funds and added to the library's shelf-list, up to two dollars in local funds is allowable to use in covering processing costs of shelf-listed items. Local funds, for the purpose of this paragraph, are those which are used to "maintain local effort" through the purchase of library materials.

V. Distribution of supplemental grants.

A. The State Librarian shall grant funds under the provisions of this Part to any library or consolidated library system which makes application therefor and which is eligible for such funds as provided herein. Grants shall be made on an annual basis and distributed quarterly, the first no later than August 31 of each year; except that for Fiscal Year 1979 when the first and second quarterly payment shall be made simultaneously no later than October 31, 1978. In succeeding fiscal years, quarterly payments shall be issued in the months of August, October, January and April. The foregoing payment schedule may be modified at the discretion of the State Librarian when such modifications are deemed to be in the best interest of the state. No funds shall be granted to any library which is not eligible for such funds under the provisions of this Part, as determined by the State Librarian.

Thomas F. Jaques, State Librarian

RULES

Board of Elementary and Secondary Education

Rule 6.01.13a

Amend Bulletin 1525 to remove all references to categories (probationary or permanent) and provide that any certified and/or professional employee shall be evaluated annually for three years and, thereafter, at least triennially or as the need dictates or arises, provided however, that whenever an employee is promoted, the process shall begin anew.

Rule 4.00.04 (Replaces present regulations in effect)

The Board adopted the Regulations for implementation of Act 754 (Revised, 1981), as amended to provide that the pupil-teacher ratio in resource rooms be lowered from 14-27 to 12-23.

Rule 3.01.84

Amend Policy 3.01.84 to read as follows:

"Textbooks shall not promote discrimination on the basis of sex, race, color, creed, national origin, or against the handicapped."

Rule 4.00.20

The Board adopted as policy, "A document is considered to be 'filed' on the date it is received in the offices of the State Board."

Rule 3.01.70u(15)

Amend Bulletin 746 to include certification requirements for preschool handicapped as follows:

A. For institutions offering graduate programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a six semester hour graduate level practicum to be accepted in lieu of the twelve semester hour student teaching requirement specified for the undergraduate program, provided

that students in the graduate program are degreed teachers and have had student teaching. For persons in the program who do not hold kindergarten certification, an additional three hour kindergarten practicum shall be required.

B. For institutions offering graduate level programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a two hour nutrition course in lieu of the three semester hours of nutrition required in the undergraduate program.

Rule 4.01.71

The Board adopted the Implementation Guidelines for Training in the Standards for Evaluation of Educational Programs, Projects and Materials with the addition of the following amendment:

"To insure an effective program for training program evaluators in the interpretation and application of the Standards for Evaluation of Educational Programs, Projects and Materials, an annual review of these guidelines will be conducted and necessary revisions will be made. Submission for approval will be made to the appropriate governing authorities."

Rule 3.01.51.bb

Amend Bulletin 741, Page 73, Item 14, with the proposed new policy to read: "The maximum enrollment allowed in any class or section in grades K-3 is 30 students and in grades 4-12, 33 students, except in certain activity type classes such as physical education, music, art, etc. It is recommended that this policy become effective with the 1982-83 school year. The nonpublic schools are allowed to continue with their present maximum of 35."

Rule 3.08.00

The Board adopted the Home Study Guidelines as presented by the State Department of Education as follows:

I. **Definition** — A home study plan for the purposes of these Guidelines is a program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor.

II. **Eligibility** — Any child eligible by Louisiana law to attend Louisiana elementary or secondary schools shall be eligible to participate in a home study plan. The home study plan does not replace the provisions of the State home-bound law.

III. **Application Process** — Before the student's instruction in a home study plan begins, the parent or tutor shall submit a home study plan to the local and/or city superintendent for review, recommendation and forwarding to the Louisiana Department of Education. Acceptance of the home study plan shall be at the discretion of the State Board of Elementary and Secondary Education.

IV. **Instructor Qualifications** — A parent or tutor may be permitted to provide instruction in a home study plan. An instructor, other than the child's parent or tutor, shall be eligible to teach according to standards for public or nonpublic schools as found in Bulletins 741/746. The instructor must teach within his/her areas of certification or eligibility.

V. **Curriculum** — The curriculum for elementary and secondary students shall be as found in Bulletin 741 for nonpublic schools.

In order to receive a Louisiana State equivalency diploma, the student must pass the General Educational Development test.

VI. **Monitoring** — Continuation of a student in a home study program shall be considered based upon an annual submission of a home study plan which reflects the progress of a student based upon performance of the student on a standardized achievement test and other relevant factors.

VII. **Transfer Provisions** — The local public school system shall have a written policy to receive any student from a home study plan, and shall use whatever means are applicable to arrive at an appropriate placement in the local school system.

VIII **Due Process** — The due process procedures for resolution of disagreements at the local level pertaining to the application and reauthorization of the home study plan shall follow the procedures established by the State Board of Elementary and Secondary Education in their Policies and Procedures Manual.

IX. All reasonable costs directly attributable to the home study program shall be borne by the parents.

James V. Soileau
Executive Director

RULE

Division of Administration Architects Selection Board

The Louisiana Architects Selection Board hereby adopts the following rules governing the selection of architects for emergency projects. These rules are identical to those published in the *July State Register*.

1. Notification of emergency to the Division of Administration by the User Agency is received.
2. Chairman of the Board is notified by the Division of Administration that an emergency does exist.
3. The Chairman of the Board then:
 - a. Authorizes the advertisement; and,
 - b. Sets date for meeting for selection within 72 hours after advertisement is printed, not including Saturdays, Sundays, and holidays.
4. Meeting will convene at 10:00 a.m. on the day designated pursuant to 3(b) above to receive applications.
5. Applications will be distributed as the first order of business.
6. Meeting will then adjourn and reconvene one hour later (11:00 a.m.) after review of applications and then selections shall be made.

Cornelius A. Lewis
Assistant Commissioner

RULE

Governor's Special Commission on Education Services Loan/Grant Division State Student Incentive Grant Program

6. Grant Limits — Full Academic Year
 - (a) The amount of SSIG for any academic year shall not be more than \$1,500, nor less than \$200. If student does not qualify for at least \$200 annually, student is ineligible for any SSIG.

Richard W. Petrie
Director, Land/Grant Division

RULE

Governor's Special Commission on Education Services

The Governor's Special Commission on Education Services adopted the following as a rule:

Act 807 of 1980 provided for establishment of the Rockefeller Scholarship for students at Louisiana state-supported universities that have curricula in Wildlife, Fisheries, Forestry, Marine Sciences or study in curricula related to these subjects and ending in a degree.

Mona H. Durham
Director

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development hereby adopts the following amendments to the Client Placement Program policy.

3-210 A (2) Population To Be Served By Office of Human Development, Division of Evaluation and Services

Exceptional children seeking initial placement, when the child is age 25 or younger, and his physical, mental, or neurological condition so deviates from the normal that they cannot without special therapy, or protective care satisfactorily participate in community living.

Exceptional persons of any age when that person is already in a restrictive placement; and continuation of restrictive placement is certified by qualified professionals to be necessary to the physical and/or emotional well-being of the exceptional persons; and a review by the Regional Review Committee establishes that a plan of independent living is inappropriate to the best interests of the client.

3-610 E Mandatory Review When an Exceptional Child in Placement Approaches Age 25

The cases of exceptional children already in placement shall be referred for review by the Regional Review Committee at least 60 days prior to the child's 25th birthday. The purpose of the review is to determine whether continued restrictive placement is in the best interests of the client. Qualified professionals (a psychiatrist and/or a psychologist) shall be consulted. The Regional Review Committee shall decide whether the placement must continue. Any decision to discontinue agency funding of the placement of an exceptional child shall be supported by a statement in writing from the qualified professionals consulted that the physical and/or emotional well-being of the client will not be adversely affected by the discontinuance. The format for referral to the Regional Review Committee is outlined in 3-625 (B).

A copy of the results of all such reviews shall be forwarded to Division of Evaluation and Services State Office, Attention: Alternate Care Specialist.

The requirement that a pre-release review of such cases be made by qualified professionals will prevent the arbitrary release from a residential facility of persons unable to function independently when they have reached age 25. Such a review appears to be required by La. R.S. 40:2127 (Exceptional Children's Act). The policy will expand the population served by the client placement system to include those persons already in facilities who become age 25, when a review of their case situation indicates that independent living is not a feasible alternative.

George A. Fischer, Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development, hereby adopts Intercounty Adoptions Policy. This policy authorizes certain consenting licensed private child placing agencies to conduct and certify the validity of home studies; to contract with qualified professionals to complete home studies; and to certify the validity of home studies completed by professionals under contract with them to complete home studies; certifying to the U.S. Immigration and Naturalization Service that

the Louisiana prerequisite of a valid home study has been completed as required before an intercountry adoption can be consummated.

George A. Fischer, Secretary
Department of Health and Human Resources

RULE

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

The Department of Health and Human Resources, Office of Human Development, hereby adopts the following guidelines for the Respite Care Program.

RESPITE CARE DEFINITION:

Respite care is the temporary in or out of home care provided for up to 30 days (720 hours) within a six-month time frame to a developmentally disabled or handicapped individual normally living at home under the daily care of family members for the purpose of providing the family with relief, whether during emergency or planned periods, from the special responsibilities associated with caring for this family member. Respite care does not attempt to supplant the potential and mandates of existing programs (i.e. homemaker services, day care, nursing home care). Respite care is emphasized as one family support service in the array of the state services network.

The thrust of respite care is twofold:

- to support the family in maintaining the family home as the caregiving resource for the family member with the handicapping condition thus preventing institutionalization.
- to provide appropriate quality care to persons receiving respite services while assuring physical safety and emotional well-being in a non-restrictive setting convenient to the family.

RECIPIENT ELIGIBILITY REQUIREMENTS

Eligibility requirements for recipients of OHD respite care services shall focus on both the individual and the reason for the requested service. Only those persons meeting the following criteria shall be considered as proper respite care clients:

1. The individual must have a severe chronic disability which is attributable to a physical and/or mental impairment, is not primarily a result of the aging process, is likely to continue indefinitely, and results in substantial limitations in at least three of the following major life activities: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; and g) economic sufficiency.
2. The individual's disabling condition must be documented by a physician's statement and must require a sequence of special interdisciplinary, or generic care, treatment, or other individually planned and coordinated long term service.
3. The individual normally resides in the home of his/her family and is cared for by them on a daily basis at the time of request.
4. The individual has received less than 1440 hours of respite care during the state's fiscal year. No more than 720 hours of respite care shall be received by an individual in a six-month time period without prior approval from the OHD Assistant Secretary.
5. The request for respite services is to avoid institutionalization, reduce undue tensions and pressures necessitated by the continuous and special care of the individual or to provide opportunity to adequately deal with crises or emergencies.

TYPES OF SERVICE

Respite services as funded through OHD fall into two categories; In-Home and Out-of-Home. Functionally, these services are described by the setting in which care is provided. In-Home

services are provided in the client's home by a skilled caretaker associated with a respite placement agency. Such agencies must sponsor, train and maintain a register of caretakers to link to families in need. Respite Care Out-of-Home services are provided in a certified facility. Such facilities may be community respite centers, residential treatment facilities, pediatric hospitals, nursing homes, intermediate care facilities, day care centers, day developmental training centers, etc.

PRIORITIES FOR SERVICE

In those instances in which respite care service requests exceed availability, the ranking of requests for service consideration shall adhere to the following prioritization:

1. Emergency situations and crises
2. Preventing institutionalization
3. Requests from severely disabled individuals
4. Planned rest, activity or vacations

Therefore, individuals requesting respite to deal with a crisis shall have priority over individuals requesting the service for a planned rest and a rescheduling shall be offered for this affected party. Documentation shall be maintained as to each service request and reason for request. This shall include unmet requests due to staffing and/or facility limitations.

UNIT OF SERVICE

The reportable unit of Respite Care Out-of-Home service is an hour of care provided to a handicapped client in the provider's facility.

The reportable unit of In-Home service is an hour of care provided in the client's home.

For billing and reporting purposes, client service unit totals shall be recorded in whole number figures only. A fraction of an hourly unit at or in excess of 35 minutes shall be counted as one complete unit. A fraction of an hourly unit less than 35 minutes shall be discounted.

LIMIT ON SERVICE USAGE

Under ordinary circumstances, Respite In-Home and Out-of-Home services shall not exceed 720 hours of care in a six-month period. This limitation applies to respite services provided after June 30, 1981 through 100 percent state funded contracts with OHD. Adherence to the 720 hour limitation shall be monitored by maintaining for each client a cumulative total of service units provided per six-month period of provider contract. Although a client's usage actually begins with the initial date of service to a client, the six-month period for tracking usage shall coincide with the state's fiscal year halves (July 1 through December 31 and January 1 through June 30).

Example: A client first received respite care services on August 15, 1981. During August and the following months, service units were provided to the client at the following rate:

	Units Provided	Cumulative Total
August	100	
September	200	300
October	300	600
November	120	720 maximum usage
December	not eligible	

The client would not again be eligible for respite services until January 1, 1982. If the next date on which services are provided to the client is April 15, 1982, the second service usage period subject to the 720 hour limitation would extend from the beginning date of April 15, 1982 through June 30, 1982. Thus client usage tracking commences with first use following July 1 or January 1 as applicable ends on December 31 or June 30 as applicable regardless of date client begins receiving service or number of hours of service received during that tracking period.

In exceptional circumstances, respite services may be extended beyond the 720 hour per six-months limit with prior

approval of the Assistant Secretary, Office of Human Development. A request for an extension should be submitted by a provider when need is evidenced and as early as possible in advance of reaching the 720 hour service limit. The request must be submitted in writing, contain justifying documentation as to the need for an extension, and shall be directed to: Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804, Attention: Planner, Respite Care Services.

SERVICE REPORTING

The Respite Service Reporting Form shall be utilized by the provider of State Funded Respite Care Services to report information on clients served and services delivered for each month of program operation. The form is completed in duplicate. The original is forwarded to the Office of Human Development, Attention: Resource Development Section, by the fifteenth of the following month. A copy of the service reporting form is to be retained in the provider's files.

George A. Fischer, Secretary
Department of Health and Human Resources

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The following revision to the Air Quality Regulations was approved July 23, 1981 by the Environmental Control Commission:

Add the following sentence to the end of Section 22.3.2:
22.3.2 . . . In addition, the provisions of Section 22.3 do not apply to JP-4 jet fuels stored in horizontal, underground tanks.

Copies of the above revision are available from the Department of Natural Resources (National Resources Building - Sixth Floor), Office of Environmental Affairs, Air Quality Division, Box 44066, Baton Rouge, LA 70804.

B. Jim Porter
Assistant Secretary
Office of Environmental Affairs

RULES

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

In Volume 7, Number 6 of the *Louisiana Register*, dated June 20, 1981, a Notice of Intent was published concerning proposed changes to the Louisiana Radiation Regulations by the Environmental Control Commission. In accordance with the notice, a public hearing was held on July 23, 1981, during which the Environmental Control Commission adopted and promulgated the following revisions to the Louisiana Radiation Regulations:

Section D.301(b) is changed as follows:

(b) as authorized pursuant to Section D.106, D.302, D.303, D.304, D.305 or D.306.

Section D.305 is revised as follows:

Sec. D.305 DISPOSAL BY INCINERATION. No licensee shall incinerate radioactive material for the purpose of disposal or preparation for disposal except for materials listed in Sec. D.306 or as specifically approved by the Assistant Secretary pursuant to Sections D.106 and D.302.

A new section D.306 is added:

Sec. D.306 DISPOSAL OF SPECIFIC WASTES. Any licensee may dispose of the following licensed material without regard to its radioactivity:

(a) 0.05 microcuries or less of hydrogen-3, carbon-14 or iodine-125, per gram of medium, used for scintillation counting;

(b) 0.05 microcuries or less of hydrogen-3, carbon-14 or iodine-125, per gram of animal tissue averaged over the weight of the entire animal; provided however, tissue may not be disposed of under this section in a manner that would permit its use either as food for humans or as animal feed.

(c) Nothing in this section, however, relieves the licensee of the requirement for maintaining records showing the receipt, storage, transfer and disposal of such radioactive material as specified in Sec. A.4(a) of these regulations; and

(d) Nothing in this section, however, relieves the licensee from complying with other applicable federal, state and local regulations governing any other toxic or hazardous property of these materials. Organic solvents for liquid scintillation counting shall not be placed in a sanitary sewerage system.

NOTE: The Office of Conservation intends to consider applications for disposal of organic solvents used for scintillation counting only in Class I injection wells.

At the public hearing held on July 23, 1981, members of the public gave oral testimony before the Commission. In addition, several written comments were submitted at the hearing. All substantive comments were given careful consideration, and the proposed revision received no adverse comments at the public hearing. The Environmental Control Commission, therefore, announced the adoption and promulgation of these revisions to the Louisiana Radiation Regulations, to take effect immediately upon publication of such notice in the *Louisiana Register*.

Copies of this change to the Louisiana Radiation Regulations may be obtained after printing from: Office of Environmental Affairs, Nuclear Energy Division, Box 14690, Baton Rouge, Louisiana 70893.

B. Jim Porter,
Assistant Secretary
Office of Environmental Affairs

RULE

Department of Transportation and Development Office of the General Counsel

Secretary's Policy and Procedure Memorandum No. 47

SUBJECT: Escort Requirements for Oversize and/Overweight Vehicles or Loads

INSTRUCTIONS: This memorandum supersedes all other memoranda and manuals in conflict herewith.

The Department of Transportation and Development is authorized to administer this policy and to enforce its provisions, including the issuance of the necessary permit and decal for properly equipped escort vehicles.

Escort vehicles may be furnished by the permittee or by private escort service, provided the following regulations are complied with:

I. GENERAL PROVISIONS

a. An oversize and/or overweight permit is required for each escort movement. The driver of the escort vehicle shall make certain that a permit has been issued and shall familiarize himself with and abide by requirements of the issued permit. The Department of Transportation and Development has authority to require and to regulate escorts under the provisions of R.S. 32:327, Paragraph C, and R.S. 32:387, Paragraph B(3).

b. The escorting vehicle shall be registered in accordance

with Louisiana Statutes or Reciprocal Agreement. Automobiles used as escort vehicles are no longer private passenger vehicles and, therefore, must carry commercial plates. If escort vehicle is domiciled outside the State of Louisiana, escorting is limited to interstate movement only as intrastate movements are not allowed.

c. All statutory provisions must be complied with; except those waived by the permit or "Escorting Procedures" stipulated herein.

d. All escort vehicles shall post with the Department of Transportation and Development Weights and Standards Office a certificate of insurance with a "Louisiana Special Endorsement" for not less than \$50,000 for bodily injury to or death of one person in any one accident, \$100,000 for bodily injury to or death of two or more persons in any one accident, and \$50,000 for injury to or destruction of property to others in any one accident.

e. An escort driver, domiciled in Louisiana, must be licensed with at least a Class "B" Louisiana Chauffeur's License when operating a two-axle vehicle.

Note: Reciprocal agreements with other states will be honored concerning operator's and/or chauffeur's license on self-escorted loads.

f. The driver of the escort vehicle must be able to read and understand this directive.

g. The driver of the escorting vehicle is responsible for the movement and shall ensure that the escorted vehicle is operated in a manner consistent with these provisions and all provisions on the permit. In the event the driver of the escorted vehicle does not, or refuses to operate in accordance with these stipulations, the driver of the escort vehicle shall terminate the movement and report this action to the proper company officials or local police authority or to the Department of Transportation and Development Weights and Standards Police Headquarters in Baton Rouge, (504) 342-7503.

h. It shall be the responsibility of the driver of the escort vehicle to operate as a warning vehicle only. The driver shall not run traffic lights, fail to stop at stop signs, improperly pass, etc. His authorization to warn motorists of danger shall not imply that the vehicle is or should be used as a police and/or emergency vehicle.

i. Escorts and flagmen (when flagmen are required) engaged in escorting loads on the highway of the State of Louisiana shall present a neat appearance and shall be courteous in their contact with the motoring public at all times.

j. All costs incidental to escorts, such as telephone calls, telegrams, etc. shall be borne by the escorter or permittee.

k. The equipment required on escort vehicles shall be available for inspection on demand of proper authorities.

l. Payment for escort service shall be determined by the escorter and the permittee.

m. Self or private escorts shall not escort any movement in excess of 14 feet wide on two-lane highways, or 16 feet wide on multi-lane highways. Escorts must be furnished for all movements in excess of 12 feet in width or in excess of 90 feet in length and for any other movement when so designated by the Department of Transportation and Development or the Office of State Police.

n. No current full-time employee of the Department of Transportation and Development, shall be used for or engage in self or private escort service. Under the existing policy of the Department of Public Safety, Office of State Police, an off-duty trooper working in uniform may serve as escort for movements of oversize and/or overweight loads.

o. In the event a State Police escort is required, the permittee shall pay the escort fee, or any portion thereof, in addition to the overtime pay of the off-duty trooper.

p. Escorts of house movements, overweight loads when required by the Department of Transportation and Development, and other loads needing police authority during movement, shall

be escorted by the Office of State Police, unless made within a city's limits where the authority may be the City Police.

q. The owner and/or operator of the escort vehicle agrees to hold harmless the Department of Transportation and Development and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the authority to escort an oversize load.

r. The Department of Transportation and Development Weights and Standards Police or the Office of State Police, will determine that proper escort procedures are complied with and shall have full authority to enforce all provisions of the permit and escort regulations. The authority to revoke the "Escort Vehicle Permit" shall rest with the Department of Transportation and Development.

2. EQUIPMENT REQUIRED

a. In accordance with the requirements of R.S. 32:327, the escort vehicle shall display an approved 360 degree emergency warning lamp. Approval is gained from a list of certified safety devices furnished to the Department of Transportation and Development by the Department of Public Safety. This list includes bar, strobe, revolving, and stationary lamps.

The warning lamp shall be amber in color and shall meet SAE J845 and SAE J595 "Standard and Specifications for Use and Performance," however, a dome type lamp must have a lens (clear portion) of not less than 9 inches in diameter and 4 inches in vertical height to meet "Escort Vehicle Permit" equipment requirements for the State of Louisiana.

The base of the warning lamp shall be mounted at a point atop the vehicle at a minimum of sixty inches from the roadway.

b. There shall be two solid red flags, 18 inches square, mounted other than vertical or horizontal atop the escort vehicle (40 degrees - 70 degrees angle preferred). These flags are not to extend more than 6 inches on either side of the vehicle and shall in no event exceed 8 feet 0 inches in width.

The escort vehicle must have the name and address of the company/owner of the escort vehicle on each front door of the vehicle, plainly legible and visible to the motoring public.

d. The escorting vehicle shall be equipped with two rear view mirrors, one on each side, so as to provide vision to the rear to ensure movement is progressing safely.

e. Headlights and rear lights on the escort vehicle and the vehicle being escorted shall be lighted during movement.

f. The escort and towing vehicle shall be equipped with radios such that communication between vehicles is possible. The escort vehicle will be responsible for advising the towing vehicle of any conditions arising that may require cautionary action such as reducing speed, pulling off the roadway, etc.

g. The escorting vehicle shall be equipped and have readily accessible a 10 pound Dry Chemical type fire extinguisher, four 15-minute burning flares and two red hand-held flags.

In addition, the vehicle must have four red flags that are 18 inches square and two signs with the wording "OVERSIZE LOAD". These signs must be 18 inches high and seven feet in length. The lettering must be black on a yellow background and is to be 10 inches high with 1-5/8 inch brush stroke.

h. For all overheight loads it is strongly recommended that a clearance bar of some design be attached to the escort vehicle to warn of clearance problems of the load being escorted.

3. ESCORTING PROCEDURES

a. Speed limit, for the escort load is to be determined by the issuing authority, and in any event shall not exceed 45 mph.

b. Movement shall be made on only those highways designated on the permit. Alternate routes shall not be used unless approved by the issuing authority.

c. Restricted permit movement hours must be adhered to on specifically designated sections of the Interstate System and the

Greater New Orleans area bridges.

d. Movement shall be made only on dates and/or during times shown on the permit. No movement shall be made during hours of darkness unless prior approval is obtained from the issuing authority and the Office of State Police.

e. An escorted movement approaching any bridge structure which cannot be traversed safely because of inability to distinguish potential hazards by sight shall be parked (off the roadway where possible) and the escort vehicle shall proceed across said bridge (hill or incline). Adequate time shall be allotted to allow the escort vehicle to stop oncoming traffic before the oversize movement traverses said bridge, hill or incline.

f. Escorted movements will not impede the normal flow of traffic whenever possible. Whenever vehicular traffic to the rear becomes congested, it is required that the escort driver cause the movement to be halted onto the shoulder or safe location. The movement shall remain off the main-traveled portion of the roadway until traffic has cleared. Movement may then continue until congestion re-occurs.

g. Movement shall not be made during severe inclement weather (rain, fog, etc.). When the movement is in progress and severe inclement weather occurs, it shall be the responsibility of the escort driver to have the oversize load removed from the traveled portion of the highway to a safe location.

h. The operator of the escort vehicle will ensure that the oversize movement is not allowed to park on the main-traveled portion of the highway unless absolutely necessary or in case of extreme emergency. Anytime the combination is parked on the highway right-of-way, it shall be adequately protected by flares, flags, flagmen, etc.

i. The escort vehicle shall travel to the rear of the overwidth movement on multi-lane highways and in front of the escorted load on two-lane highways. The escort must be behind overlength vehicles and loads.

j. The oversize load shall travel as near to the right side of the roadway as is safely possible to insure that traffic will be able to pass safely. The escort and escorted load shall not infringe upon the opposite bound lane whenever possible.

k. A single escort may be used to escort one or two overlength loads in one movement.

l. An escort will be required for each overwidth load which needs escorting.

m. The number of escort vehicles needed for overweight escort loads and critical off-road equipment will be stipulated by the Department of Transportation and Development in their authorization to move the load, as well as any additional restrictions.

n. The escort vehicle shall maintain a sufficient distance from the movement to warn oncoming traffic of the potential danger, but not so far as to hinder control over the movement.

o. Violators of these provisions or requirements shall be subject to all penalties provided by law and may have any and all escort permits revoked.

ESCORT WARNING VEHICLE (LOUISIANA SPECIAL ENDORSEMENT)

The policy shall include the obligation of the names insured under Act 113, Louisiana Regular Session, 1977, as amended to protect the State of Louisiana, the Department of Transportation and Development and all political corporations and subdivisions of the State of Louisiana from any liability, responsibility or damage resulting from the use of the motor vehicle described below, during the policy period, under (any Permit) issued under said law, subject to the following provisions:

1. The total limit of the company's liability for damages arising out of the use of any one motor vehicle is not less than \$50,000 for bodily injury to or death of one person in any one

accident, \$100,000 for bodily injury to or death of two or more persons in any one accident, and \$50,000 for injury to or destruction of property to others in any one accident.

2. Cancellation of or change in the policy affecting the insurance under this endorsement shall not become effective until 30 days after written notice has been given to the Secretary of the Department of Transportation and Development through the Enforcement and Truck Permits Administrator.

3. The named insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of the policy except for the agreement contained in this endorsement, if the company would not have been obligated to make such payment because of any exclusion, condition or endorsement of the policy.

Description of Motor Vehicle:

NOTE: Matter in brackets is to be amended to read: "the permit described below," when premium is not charged for the full policy period.

In the Description of Motor Vehicle space enter "all motor vehicles owned or used" by the named insured if the policy covers such motor vehicles or enter "all owned motor vehicles" or "all owned or hired motor vehicles" if the policy covers only such motor vehicles or enter "all motor vehicles covered under this policy" or specifically describe the motor vehicle for which coverage is desired, if all owned or hired motor vehicles are not covered under this policy.

This endorsement shall take effect on the _____ day of _____ 19____ and shall terminate with the policy.
(12:01 a.m. Standard Time)

Subject in all other respects to all the declaration, insuring agreements, exclusions and conditions of this Policy.

This endorsement, when signed by an authorized agent of the Company and attached to Policy No. _____ issued to _____ shall be valid and shall form part of said Policy.

Countersigned at _____ Date _____

BY: _____
Authorized Agent

Paul J. Hardy
Secretary

RULE

Department of Transportation and Development Office of the General Counsel

Except as provided in R.S. 51:784(B), Louisiana approved regular gasoline shall be a refined volatile hydrocarbon mixture, having a tag closed cup flash point below 110 degrees F., and shall be free from water and suspended matter.

A clean copper strip shall not be darker than No. 1 on the ASTM copper strip Corrosion Scale, when submerged in the gasoline for three hours at 122 degrees F.

When the thermometer reads 167 degrees F. not less than 10 per cent shall be evaporated. When the thermometer reads 284 degrees F. not less than 50 per cent shall be evaporated. When the thermometer reads 392 degrees F. not less than 90 per cent shall be evaporated. The end point shall not be higher than 437 degrees F. The residue shall not exceed 2 per cent. Recovery shall not be less than 95 per cent. Per cent evaporation shall be found by adding the distillation loss to the amount collected in the receiver at

each specification temperature.

The vapor pressure (Reid Method), shall not exceed 13.5 lbs. Sulphur shall not exceed 0.25 per cent.

Louisiana approved gasoline shall meet all the foregoing specifications and in addition thereto, shall have an octane rating index as follows:

Grade of Gasoline	Octane Rating Index
	$\frac{R+M}{2}$
Premium, Super, Extra	91.0 (Minimum)
Regular, Leaded	89.0 (Minimum)
Regular, Unleaded	87.0 (Minimum)

The instruments and procedures used in testing the above rules shall be those of the American Society for Testing and Materials.

Paul H. Hardy
Department of Transportation
and Development

RULE

Department of Transportation and Development Office of the General Counsel Oilfield Equipment Permits

Oilfield Equipment Permits are for empty lowboys which are designed to transport oilfield equipment and which exceed legal length and width limitations. These permits allow the empty lowboy (tractor/trailer) combination a maximum length of 70 feet and a maximum width of 10 feet on all state highways except the Interstate system and a maximum length of 70 feet and a maximum width of 8 feet on the Interstate System.

A lowboy (tractor/trailer) combination with dimensions in excess of those permitted by an oilfield equipment permit must obtain a standard oversize or overweight permit. Vehicles with Oilfield Equipment Permits are not prohibited from traveling on Sundays after 1:00 p.m., on holidays, at night, or during moderate rain. Oilfield Equipment Permits may be issued on regular forms (P-forms), transmitted forms (telecopies) or control forms (C-forms).

The fee for an Oilfield Equipment Permit is \$15 per month.

Paul J. Hardy
Department of Transportation
and Development

RULES

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution Adopted by the Louisiana Wildlife and Fisheries Commission at the Regular Meeting held in New Orleans, Louisiana on Tuesday, July 28, 1981

WHEREAS, the Louisiana Department of Wildlife and Fisheries has the authority under the Endangered Species Act to establish an alligator season, and

WHEREAS, the alligator population in Louisiana has been determined by biologists of the Department to be capable of sustaining an annual harvest of surplus animals, and

WHEREAS, the removal of surplus animals is considered to be a wise use of this natural resource of the State of Louisiana,

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules, regulations, and guidelines for administering the 1981 alligator season.

Alligator Regulations

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with the Louisiana Revised Statutes and/or appropriate federal laws:

1. **Open Area** - The entire state of Louisiana; with harvest quotas being rigidly controlled according to alligator population estimates within all of the state's wetland habitat types. Over 450,000 alligators are present in this area outside of refuges.

2. **Harvest season** - The open season shall run for a 31-day period beginning on August 31, 1981, and continue through September 30, 1981. Size - no alligators under four feet in length may be taken.

3. **Harvest methods** - Alligators may be taken only during daylight hours, between one-half hour before official sunrise to one-half hour after sunset. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Department will be considered illegal and will be confiscated by Department personnel. Pole hunting is prohibited to protect the nesting female population.

4. **Licenses** - An alligator hunter must have a valid commercial alligator hunter license to take, transport, or sell alligators or their skins. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have resided in Louisiana for one year preceeding the season. He must complete application forms provided by the Department and furnish proof that he owns the land or has an agreement with the landowner to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided. Applications must be submitted beginning August 1, 1981. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Non-resident hunters must coordinate their hunt through landowners and licensed resident hunters. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealers license is required of anyone purchasing alligator parts (other than hides) for resale, manufacturing, processing, and distribution; excluding retailers and restaurants. Persons or firms entering alligators in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, or alligator skins and/or parts to another state must do so in accordance with the regulations of that state.

5. **Tagging** - In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of \$5. The tags must be attached in the last six inches of the tail. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Official alligator tags will be issued only to alligator hunters and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the area and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of Department biologists. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number, and the tag numbers issued to each hunter will be recorded. Unused tags must be returned to the Department. Lost or stolen tags will not be

replaced but must be reported. Tags can be used only on the lands applied for and approved on the applications. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligator meat/parts upon transfer by a hunter or farmer.

6. **Alligator Farmers and Breeders** - Licensed alligator

farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators.

7. **Harvest Rates** - Tags will be issued on the following basis, with the exception of alligator farmers, breeders and the nuisance complaint program.

Parish	Tag Allotment/Marsh Type		
	Brackish	Intermediate	Fresh
Cameron Calcasieu	1:225	1:100	1:100
Vermilion	1:400	1:100	1:300
Iberia	1:250	1:200	1:125
St. Mary	1:250	1:200	1:225
Terrebonne	1:400	1:175	1:200
Lafourche St. Charles St. Bernard	1:400	1:100	1:100
Jefferson	1:400	1:225	1:150
Plaquemines	1:400	1:100	1:250
St. Tammany	1:300	1:200	1:125
Orleans	1:400		
Jeff Davis Tangipahoa St. John the Baptist			1:100
Swamp Dewatered Marsh	1:500		

1981 NON-MARSH ALLIGATOR HARVEST BY DISTRICT AND PARISH

DISTRICT	PARISH	HABITAT	ACRES	TAG ALLOTMENT	ACRES/TAG	REMARKS
I	CADDO	CROSS LAKE	500	10	50	EXPERIMENTAL SEASON
	DESOTO	CLEAR LAKE	3,000	60	50	"
SUB TOTAL			3,500	70		
II	OUACHITA	BLACK BAYOU LAKE	720	15	50	"
SUB TOTAL			720	15		
III	GRANT	IATT LAKE	3,000	15	200	"
	RAPIDES	INDIAN CREEK LAKE	500	20	25	"
		COTILE LAKE	400	10	40	"
		KINCAID LAKE	550	15	36.6	"
		VERNON	ANACOCO	1,000	15	67
		VERNON	400	10	40	"
	NATCHITOCHES	BLACK LAKE	2,400	15	160	"
WINN	SALINE LAKE	2,400	15	160	"	
SUB TOTAL			10,650	115		
IV	TENSAS	LAKE ST. JOSEPH	500	25	20	"
		PARISH BRAKES	10,480	35	300	---
	MADISON	PARISH BRAKES	4,000	13	300	---
	CALDWELL	BOEUF W.M.A.	700	15	50	"
	CONCORDIA	PARISH BRAKES	7,000	23	300	---
SUB TOTAL			22,680	111		

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1981 NON-MARSH ALLIGATOR HARVEST BY DISTRICT AND PARISH (CONT'D.)

DISTRICT	PARISH	HABITAT	ACRES	TAG ALLOTMENT	ACRES/TAG	REMARKS
V	EVANGELINE	LAKE CHICOT	1,625	15	100	EXPERIMENTAL SEASON
	BEAUREGARD	BUNDICK LAKE	1,750	15	100	"
SUB TOTAL			3,375	30		
VI	AVOUELLES	GRASSY LAKE W.M.A.	760	15	50	"
		SPRING BAYOU W.M.A.	3,240	30	100	"
		PARISH BRAKES	19,200	76	300	---
SUB TOTAL			23,200	121		
416	IBERVILLE	ATACHAFALAYA BASIN	86,540	58	1,500	---
		SWAMP	29,880	60	500	---
	LAFAYETTE	SWAMP	1,200	2		---
	ST. LANDRY	BASIN	17,240	11	1,500	---
	ST. MARTIN	BASIN	113,550	76	1,500	---
	W. BATON ROUGE	SWAMP	7,040	14	500	---
SUB TOTAL			247,210	221		
VII	ASCENSION	SWAMP	40,320	81	500	---
	E. BATON ROUGE	SWAMP	2,000	4	500	---
	LIVINGSTON	SWAMP	66,720	133	500	---
	ST. TAMMANY	SWAMP	28,457	118	240	EXPERIMENTAL
	TANGIPAHOA	SWAMP	71,181	142	500	---
SUB TOTAL			206,678	478		

1981 NON-MARSH ALLIGATOR HARVEST BY DISTRICT AND PARISH (CONT'D.)

DISTRICT	PARISH	HABITAT	ACRES	TAG ALLOTMENT	ACRES/TAG	REMARKS
VIII	ASSUMPTION	SWAMP	98,560	197	500	---
	LAFOURCHE	SWAMP	112,350	225	500	---
	ST. CHARLES	SWAMP	39,340	79	500	---
	ST. JAMES	SWAMP	76,960	154	500	---
	ST. JOHN	SWAMP	104,320	209	500	---
	ST. MARTIN	BASIN	80,000	54	1,500	---
	ST. MARY	BASIN	13,560	9	1,500	---
		SWAMP	60,190	120	500	---
	TERREBONNE	SWAMP	43,014	86	500	---
	IBERIA	BASIN	39,980	27	1,500	---
SWAMP		31,550	63	500	---	
SUB TOTAL			699,824	1,922		
GRAND TOTAL			1,153,712	2,384		
TOTALS - BY TYPE (ACRES TO BE HUNTED)		LAKES	64,125	462		
		SWAMPS	813,082	1,687		
		BASIN	350,870	235		
GRAND TOTAL			1,228,077	2,384		

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RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution Adopted by the Louisiana Wildlife and Fisheries Commission at the Regular Meeting held in New Orleans, Louisiana on Tuesday, July 28, 1981

WHEREAS, the fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and

WHEREAS, this resource is a renewable natural one, which has proven under wise management to increase in importance in our state; and

WHEREAS, an annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management; and

WHEREAS, technicians of the Fur and Refuge Division have sufficient field research available to recommend earlier opening and closing dates for the northern part of Louisiana; and

WHEREAS, a convenient dividing line could be established for ease of enforcement by utilizing the Interstate 10 and Interstate 12 highway system which runs across the state in an east/west direction;

NOW, THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish the 1981-82 fur bearers trapping season for the northern zone as being November 20, 1981 through February 15, 1982 and the southern zone as being December 1, 1981 through February 28, 1982; and

BE IT FURTHER RESOLVED, that experimental harvest areas can be established in the southern zone after November 20, 1981 to evaluate quality of fur in *Bidens Laevis* ("fourchette") producing areas.

This is to certify that the above and foregoing is a true copy of the excerpt of the meeting of the Louisiana Wildlife and Fisheries Commission held in New Orleans, Louisiana on Tuesday, July 28, 1981.

Jesse J. Guidry,
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

WHEREAS, the natural oyster reefs ("Public Oyster Seed Grounds") under the managerial supervision of the Louisiana Department of Wildlife and Fisheries must open on the first Wednesday following Labor Day, September 9, 1981, as provided for by Louisiana Law Title 56, Section 433, and

WHEREAS, "Public Oyster Seed Reservations" are small portions of the "Public Oyster Seed Grounds" managed and controlled for seed oyster production which are used as a reserve supply and opened on alternate years, and

WHEREAS, The Louisiana Department of Wildlife and Fisheries had clam shells deposited in an area commonly referred to as Bay Craba/Plaquemine Parish and Hackberry Bay/Jefferson Parish to provide clutch material for oyster setting and it will take approximately one year for this plant to materialize.

8. **Sale of Alligator Skins** - All alligator skins taken during the alligator season must be authenticated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Unused tags will be returned to Department personnel no later than 15 days after the close of the season. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

9. **Buyer/Dealer Hide Records** - All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number, date, and length. Dealers will submit reports as required by the Department for all hides purchased/sold.

10. **Shipment** - All shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the Department. Forms provided must be filled out completely and returned to the Department within 15 days following the close of the season.

11. **Sale of Meat and Parts** - Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Health Department regulations, Louisiana Department of Wildlife and Fisheries regulations, and Federal laws. Anyone purchasing alligator parts for resale, manufacturing, processing and distribution, excluding retailers and restaurants, shall purchase an alligator parts dealers license from the Department for \$50. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases, and sales on forms provided by the Department. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the Department. Hunters, farmers, and dealers shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

A statewide alligator nuisance removal program will be administered on an annual basis. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. Alligators taken under this program must be taken in accordance with state regulations and local regulations/ordinances. Skinning instructions issued by the Department will be for one calendar year. This nuisance removal program depends upon close cooperation of state, parish, and local authorities.

Tags may be issued to a local governing body and hunters may be selected by them. The number of tags issued will be based on the number of complaints received and the quantity and quality of alligator habitat involved. The Commission is hopeful this program will lessen the threat to people and property by reducing human/alligator contact.

The administrative responsibility for conducting this season shall rest with Jesse J. Guidry, Secretary of the Louisiana Department of Wildlife and Fisheries.

This is to certify that the above and foregoing is a true copy of the excerpts of the meeting of the Louisiana Wildlife and Fisheries Commission held in New Orleans, Louisiana on July 28, 1981.

Jesse J. Guidry,
Secretary

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries does hereby set the season in the "Bay Junope Oyster Seed Reservation" on September 9, 1981 and the season in the "Bay Gardene and Sister Lake Oyster Seed Reservation" one half hour before sunrise on Monday, October 12, 1981 utilizing a permit system.

BE IT FURTHER RESOLVED that the "Sister Lake Oyster Seed Reservation" will open only for a 20-day period and will close November 1, 1981.

BE IT FURTHER RESOLVED that the area of Bay Crabe will remain closed during this 81-82 season to allow the shell plant area to mature.

BE IT FURTHER RESOLVED that the "Hackberry Bay Oyster Seed Reservation" will remain closed for the entire season.

Jesse Guidry
Secretary

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education intends to adopt the following as policy at its September meeting:

1. Proposed Bulletin 1508, *Pupil Appraisal Handbook*.
2. Guidelines for the Required Services Act (Act 205, 1980 R.S.).
3. The Board adopted the following policy relative to a pay schedule for day-to-day substitute teachers in Special School District #1:

\$50 - certified teacher
\$45 - college graduate
\$40 - some college/high school

4. The Board adopted the 1981 Revised Edition of Bulletin 1525, *Personnel Evaluation*.

5. The board approved as an addition to Bulletin 741, a Policy Statement on *School Calendar* and *Pupil Activity Days* as follows:

A. A pupil activity day is defined as the period of time during which a pupil is under the direction or supervision of a teacher or school official for school related purposes; this day must equal one half of the normal school day designed to meet the instructional objectives of the school.

B. School systems must notify the Board of Elementary and Secondary Education immediately when the minimum number of student activity days as specified in their original school calendar cannot be met and an alternate proposal for meeting the required days must be offered.

C. Each case of a school system not meeting the minimum number of student activity days shall be examined individually by the Board of Elementary and Secondary Education.

1. In cases of crisis circumstances such as fire, natural disasters, desegregation orders, teacher strikes, construction delays, etc., the minimum pupil activity days' requirement may be waived and no penalty assessed.

2. If a local school board does not adequately justify failure to meet the minimum 175 student activity days, the Board of Elementary and Secondary Education shall:

a. Require the local system to adjust its calendar to meet the minimum pupil activity days requirement by such means as Saturday classes, reduced holidays, expanded calendar length, etc., or

b. Require the local school board to reimburse 1/180 of its minimum foundation funding to the state for each pupil activity day missed.

Interested persons may review the above documents and comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., September 3, 1981, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, LA 70804

James V. Soileau
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
None, all revenues are fixed through the appropriations bill.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None, all revenues to local school districts are fixed through the appropriations bill.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No cost. Each of the 67 school systems will be affected. Through these changes students will be more accurately identified and more efficiently evaluated as to their educational needs. The revised procedures are designed to reduce the amount of time spent by students waiting for an evaluation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None, as the rules will only have effect on the conduct of individual evaluations.

Geo. Byron Benton
Deputy Superintendent

Jean S. Perry
Legislative Fiscal Analyst

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Implementation of R.S. 17:361-17:365

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

One-half annual salary Accountant I	\$6,066
Equipment - Desk, Chair, calculator, etc.	2,000
Office supplies	1,000
Printing	500
Benefits	667
	\$10,233

- II ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

1979-80 -	2,800,000
1980-81 -	8,000,000
1981-82 -	12,000,000

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
1979-80 - \$2,000 reporting \$2,800,000 for cost incurred
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Jean S. Perry
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Day-by-Day Substitute Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs or savings to Special School District #1.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The implementation of this pay schedule will enable Special School District # 1 to hire more and better qualified substitute teachers at an increased cost of \$99,865.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is anticipated that this pay schedule will allow Special School District # 1 to more readily obtain day-by-day substitute teachers since the new rates will be more competitive with those paid by the parish school systems.

Ray Reech
Superintendent,
Special School District # 1

Jean S. Perry
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 1525**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
- | | |
|-------|------------|
| 80-81 | \$ 500.00 |
| 81-82 | \$4,250.00 |
| 82-83 | \$ 500.00 |
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Revise document for utilization by local school systems in the development of mandated personnel evaluation programs to be disseminated by State Department of Education, Bureau of Accountability.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

George Byron Benton
Deputy Superintendent

Jean S. Perry
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: School Calendar and Pupil Activity Days**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There should not be any additional costs to the local school systems nor savings to the state because state funds are allotted for teachers for 180 days in a school year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There should be no effect on costs and benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect in this area.

George B. Benton
Deputy Superintendent

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to amend its policies and procedures for inclusion of the provisions of Act 378 of the Louisiana Legislature, as follows:

- (1) To establish a new class of independent student borrower with annual loan limits of \$3,000 and cumulative loan limits of \$15,000;
- (2) To increase cumulative loan limits of dependent undergraduate student borrowers to \$12,500;
- (3) To increase cumulative loan limits of graduate or professional college students to \$25,000;
- (4) To establish a student loan program for parents of dependent undergraduate students eligible to borrow under the state student loan program.

A copy of the proposed changes will be available for inspection at the office of the Commission, 4637 Jamestown Avenue, Baton Rouge, Louisiana, until September 5, 1981. Persons who desire to do so may submit comments or suggestions in writing to Mr. Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70804.

Richard W. Petrie
Director, Loan/Grant Division

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Guaranteed Loan Program**

Special Commission on Education Services, Box 44127, Baton Rouge, Louisiana 70804.

Richard W. Petrie
Director, Loan/Grant Division

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendments of Policies and Procedures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Amendments (1), (2), and (3) will have no estimated implementation costs. Amendment (4) will have minimal implementation costs which will be absorbed by annual appropriations made to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs to affected groups. Benefits to students and student parents will result from increased loan limits available from private lenders.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Items 1-6 in the Notice of Intent are already in effect and have no implementation cost.
Item 7 would have minimal effect which can be handled within normal appropriations.
Items 8-13 adopt Federal provisions necessary to maintain Federal financial Assistance to the program and will have no additional implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on Revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Adoption of the federal requirement for a student loan origination fee will cost the student 5 percent of loan principal.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Richard W. Petrie
Director

Jean S. Perry
Legislative Fiscal Analyst

Richard W. Petrie
Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to amend its policies and procedures to include provisions of Act 815 of 1980 and other adjustments to policies directed by the Commission, as follows:

- (1) Increase loan for all graduate students to \$5,000 annually;
- (2) Establish eligibility for half-time students;
- (3) Establish loan limits for half-time students;
- (4) Establish eligibility for non-residents;
- (5) Establish eligibility for lenders not domiciled in State;
- (6) Establish authority for post-secondary schools and lenders;
- (7) Establish eligibility for proprietary students attending 600-hours or 6-month courses and schools applicable loan limits;
- (8) Adopt Federal provisions on deferments;
- (9) Adopt Federal provisions on eligibility of non-citizens and resident aliens;
- (10) Adopt Federal provisions applicable to interest on student loans;
- (11) Adopt Federal minimum monthly repayment of \$50;
- (12) Adopt Federal requirement of student loan origination fee;
- (13) Adopt Federal academic requirements of good standing and satisfactory progress as determined by school official.

A copy of proposed changes will be available for inspection at the office of the Commission, 4637 Jamestown Avenue, Baton Rouge, Louisiana until September 5, 1981. Persons who desire to do so may submit comments or suggestions in writing to Mr. Richard W. Petrie, Director, Loan/Grant Division, Governor's

NOTICE OF INTENT

**Office of the Governor
Office of Elderly Affairs**

The Office of the Governor proposes to adopt rules and regulations which will comply with the Older Americans Act of 1965. These rules are being enacted under the authority granted to the Governor by the Department of Health and Human Services, Administration on Aging.

804: Requirements for Certification in the Louisiana Nursing Home Ombudsman Program

804.1: Certification as a nursing home ombudsman will be based on three components:

- (1) Qualifications
- (2) Training
- (3) Internship

804.2: Qualifications

A. Nursing Home Ombudsman Coordinator Job Description:

1. Characteristics of Work — Mobilize new or existing resources to establish an organization of local citizens to advocate for quality nursing home care. Work will involve coordination with local service agencies to establish a community-based complaint mechanism for nursing home residents.

2. Examples of Work — The development of an ombudsman program would include, but is not limited to, the following tasks:

- (a) Establish focal point for handling complaints;
- (b) Observe care in nursing homes;
- (c) Recruit, train, and supervise interested volunteers;
- (d) Explain program to nursing home administrators;
- (e) Negotiate problems of residents with nursing home staff;
- (f) Encourage residents' self-advocacy;
- (g) Organize interested families;
- (h) Coordinate program with agencies serving nursing homes;
- (i) Educate the public regarding nursing home issues;
- (j) Report to state ombudsman; and
- (k) Monitor federal and state policies affecting nursing homes.

3. Qualifications — The coordinator must have a bachelor's degree and two years' experience or four years of experience working with people. He/she must have leadership ability, an ability to work with people, and be self-motivated.

B. Nursing Home Ombudsman Volunteer Job Description:

1. Characteristics of Work — Under the supervision of the Ombudsman Coordinator, the Nursing Home Ombudsman Volunteer will visit an assigned nursing home at least once a week for the purpose of getting to know patients and staff and of identifying nursing home problems.

2. Examples of Work

(a) To make frequent visits to assigned nursing home to talk with nursing home residents and be available to receive complaints.

(b) To provide a service to the residents: reading, writing, assisting with activities.

(c) To assess the nursing home environment and identify problems in patient care.

(d) To discuss nursing home problems with the nursing home administrator and/or Director of Nursing.

(e) To refer those problems that cannot or are not resolved by the nursing staff to the Ombudsman Coordinator.

(f) To follow up on complaints referred to another agency and to report back to complainant.

(g) To record complaints received and action taken to resolve complaints on standardized forms.

3. Qualifications — An ombudsman must have volunteer or paid experience working with people. He/she must have a commitment to the program, ability to learn, patience, confidence, persistence, and understanding.

804.3 Requirements

A. Training for Nursing Home Ombudsman Coordinators — This training will be provided and/or arranged by the State Nursing Home Ombudsman and/or educational institution. Required training includes, but is not limited to, the following topics and content areas:

1. TOPICS

- (a) Process of Aging
- (b) Institutionalized Elderly
- (c) Nursing Homes
- (d) State and Federal Long Term Care (LTC) Regulatory

System

- (e) Patients' Rights
- (f) Reimbursement Programs
- (g) Nursing Home Ombudsman Program
- (h) Complaint Resolution
- (i) Community Resources/Support Systems
- (j) Volunteer Management

2. Content Areas — Content areas for each topic are listed

below:

- (a) Processes of Aging — Biological; Sociological; and

Psychological.

(b) Institutionalized Elderly — Characteristics of nursing home residents; General needs of residents.

(c) Nursing Homes — History/overview; types of nursing homes, SNF, ICF I, ICF II; ownership, management and administration of nursing homes; programs of care - required services; and levels of care.

(d) State and Federal Regulatory System procedures: Licensing; Inspection/Enforcement; and Utilization review.

State agencies: Department of Health and Human Resources, Office of Family Security, Long Term Care Unit; Department of Health and Human Resources, Licensing and Certification; and Bureau of Civil Rights.

(e) Patients' Rights — Entitlements under SNF and ICF Regulations; enforcement; problem areas: transfer and discharge, personal funds, privacy, freedom of association; competency proceedings (interdiction and involuntary commitment); and confidentiality and consent.

(f) Reimbursement programs — Medicare/Medicaid: program requirements; resident: Respective Program requirements; Eligibility: medical, financial; Benefits; Utilization Review; Appeal Procedures; Nursing Homes; Certification standards/procedures/agencies; and De-certification procedures/agencies.

(g) Nursing Home Ombudsman Program — History of federal nursing home ombudsman initiative; 1978 Older Americans Act Amendments; and Background/update on Louisiana's nursing home ombudsman program.

(h) Complaint Resolution — Issue identification and analysis; development of resolution strategies; complaint investigation; observation skills — listening, interviewing; Negotiation/representation skills; referral and follow-up; documentation; and reporting.

(i) Community Resources/Support Systems — Area agencies on Aging and Councils on Aging; legal services; health systems agencies; community mental health centers; public health units; senior citizens organizations; and civic/church groups.

(j) Volunteer Management — Attitudes toward volunteers; Needs assessment; Job description; Recruitment; Screening and placement; Orientation and training (design and application); Supervision and evaluation; Record-keeping; and Motivation and recognition.

B. Training for Community Ombudsman — This training will be provided and/or arranged by the State Nursing Home Ombudsman and Nursing Home Ombudsman Coordinator or educational institution. Required training includes, but is not limited to the following topics and content areas:

1. TOPICS

- (a) Process of Aging
- (b) Institutionalized Elderly
- (c) Nursing Homes
- (d) State and Federal Long Term Care (LTC) Regulatory System
- (e) Patients' Rights
- (f) Reimbursement Programs
- (g) Nursing Home Ombudsman Program
- (h) Complaint Resolution
- (i) Community Resources/Support Systems

2. CONTENT AREAS — Content areas for each topic are listed below:

(a) Processes of Aging — Biological; Sociological; and Psychological.

(b) Institutionalized Elderly — Characteristics of nursing home residents; general needs of residents.

(c) Nursing Homes — History/overview; Types of nursing

homes, SNF, ICF I, ICF II; Ownership, management and administration of nursing homes; Programs of care - required services; and Levels of care.

(d) State and Federal Regulatory System Procedures: Licensing; Inspection/enforcement; and Utilization review.

State Agencies: Department of Health and Human resources, Office of Family Security, Long Term Care Unit; Department of Health and Human Resources, Licensing and Certification; and Bureau of Civil Rights.

(e) Patients' Rights — Entitlements under SNF and ICF Regulations; Enforcement; Problem areas: transfer and discharge, personal funds, privacy, freedom of association; competency proceedings (interdiction and involuntary commitment; and confidentiality and consent.

(f) Reimbursement Programs — Medicare/Medicaid: Program requirements; resident: Respective program requirements; Eligibility: medical, financial; benefits; utilization review; appeal procedures; nursing homes; certification standards/procedures/agencies; and de-certification procedures/agencies.

(g) Nursing Home Ombudsman Program — History of federal nursing home ombudsman initiative; 1978 Older Americans Act Amendments; and background/update on Louisiana's Nursing Home Ombudsman Program.

(h) Complaint Resolution — Issue identification and analysis; development of resolution strategies; complaint investigation; observation skills; communication skills: listening; interviewing; negotiation/representation skills; referral and follow-up; documentation; and Reporting.

(i) Community Resources/Support System — Area agencies on aging and councils on aging; legal services; health systems agencies; community mental health centers; public health units; senior citizens organizations; and civic/Church groups.

804.4 Internship

A. Following completion of the training, the nursing home ombudsman will be required to spend 12 hours in a nursing home, preferably accompanied by an experienced nursing home ombudsman. This time will be used to acquaint the prospective ombudsman with the workings of a nursing home, the type of residents, and the relationships between staff and residents. (Previous experience in a nursing home may be substituted for the internship).

B. The Substate Nursing Home Ombudsman Coordinator shall observe the ombudsman for at least four hours to determine his/her skills in interaction with staff and residents.

C. Upon successful completion of the internship, the ombudsman shall be issued an identification card, certifying him/her as a community ombudsman.

Written comments concerning this proposed rule may be submitted through September 3, 1981 at the following address: Larry Kinlaw, Director, Governor's Office of Elderly Affairs, Box 44282, Baton Rouge, Louisiana 70804.

Larry Kinlaw, Director
Office of Elderly Affairs

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Notice of Intent Policy Manual

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

The publication of these policies will not effect implementation costs for programs administered by the Office of Elderly Affairs. These policies or similar policies have been in effect for a number of years and are being published to comply with State and Federal Requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There are no monetary costs or benefits to affected groups. The purpose of these policies is to ensure the availability of consistent policies and procedures to local organizations who plan, coordinate and deliver services to the elderly statewide.

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

There will be no effect on competition and employment.

Ronald Bloreau
Deputy Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Telecommunications Management

Notice is hereby given that the Office of Telecommunications Management intends to amend the Administrative Rules and Regulations of the Office of Telecommunications Management. Proposed amendments are as follows:

Add to Section 1.1 the following definition:

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

Amend Subsection 4.3.1 to read:

Any member of the State Legislature will be provided at his designated legislative office location, an off premise extension from the nearest electronically switched system. A secretarial or a residential extension of that line will be allowed. Costs associated with these lines and extensions will be billed directly to the appropriate accounting section responsible for each legislative body. During legislative sessions, legislators will be provided a Baton Rouge off premise extension in their temporary residences. Add a new Subsection 4.3.2 to read:

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

By adding the new Subsection 4.3.2, the present Subsection 4.3.2 will become Subsection 4.3.3 and the present Subsection 4.3.3 will become Subsection 4.3.4.

Amend Subsection 4.4.1 to read:

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

Interested persons may direct inquiries to Ms. Alexis M. Holstead, Director, Office of Telecommunications Management,

Box 44280, Baton Rouge, Louisiana 70804, telephone number (504) 342-7057. Written comments on the proposed amendments of rules will be received through September 3, 1981, at the above address.

Alexis M. Holstead, Director
Office of Telecommunications Management

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

**Rule Title: Rules and Regulations of the
Office of Telecommunications Management**

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

The costs associated with implementation of the proposed rule changes will be minimal and can be absorbed within the agencies operating budget.

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

The Office of Telecommunications Management is a revolving fund with income being obtained from state agencies' appropriations and being realized by the Office of Telecommunications Management as self-generated revenue. The addition allowing judges of state courts would, therefore, increase the amount of collections.

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

The estimated benefits to judges of state courts would be a cost savings of approximately \$3.60 monthly per line for local service and 43 cents per minute on all calls placed over the LINC network.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

There will be no effect on competition and employment.

Alexis M. Holstead
Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners intends to adopt at its September 18, 1981 meeting the following amendment to its rules and regulations.

Section I

**7. Rules for Adjudication and License Suspension and Revoca-
tion Proceedings**

7-1 All adjudication proceedings (as defined in Louisiana Revised Statutes, Title 49, Section 951) and license suspension and/or license revocation or probation proceedings conducted by the Board shall be in accordance with the Administrative Procedure Act, Louisiana Revised Statutes, Title 49, Section 955 et seq.

7-2 All proceedings calling for a suspension, revocation or probation of a licensee, shall begin with the receipt of a complaint

by the Board. This complaint shall be in writing and signed by the complainant.

7-3 This complaint shall be investigated by the Executive Director, his designee and/or staff.

7-4 The complaint against the licensee may be concluded at an informal proceeding without a hearing if the director does not feel that the complaint is sufficiently serious and the licensee does not request a formal hearing. The informal resolution of a complaint may be done by correspondence between the Executive Director and the licensee, by conference of the Executive Director with the licensee, by consent order between the Board and the licensee, or by a settlement between the complainant and the licensee.

7-5 If a complaint is concluded by this informal procedure, any result and/or recommendations shall be submitted by the Executive Director to the Board for approval.

7-6 If a matter is not concluded by informal procedure and a hearing is deemed necessary or requested by the licensee, a hearing shall be scheduled before the Hearing Officer designated by the Board.

7-7 Formal hearing procedures shall commence by a formal notice of complaint outlining the charges against the licensee sent to the licensee at his last known address. This notice shall require a response by the licensee within 21 days.

7-8 The licensee shall return his response to the complaint to the Board within 21 days or shall be deemed to have waived his right to hearing. In this response, the licensee shall either deny or admit the allegations of the complaint and shall either request a hearing before the Hearing Officer or waive his right to said hearing.

7-9 If the licensee waives his right to a hearing or does not respond in writing within the time allotted, the Hearing Officer shall decide the case forthwith. The Hearing Officer shall make specific findings of fact, conclusions of law and make recommendations to the Board.

7-10 If the licensee requests a hearing before the Hearing Officer, the licensee shall be afforded the opportunity to present evidence and cross-examine witnesses. The testimony of the witnesses shall be transcribed. The hearing shall be conducted according to the Administrative Procedure Act.

7-11 After the hearing is concluded, the Hearing Officer shall issue a report containing his findings of fact, conclusions of law and recommendations. This report shall be presented to the Board.

7-12 The Board shall make a decision based on the Hearing Officer's Report and determine what sanctions if any should be imposed and issue an appropriate order with respect thereto.

7-13 This Order of the Board shall be sent to the licensee. Interested persons may submit written comments through September 4, 1981 to Mrs. Helen W. Sheehan, R.N., Executive Director, Louisiana State Board of Practical Nurse Examiners, 1408 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana 70112.

Helen W. Sheehan, R.N.,
Executive Director

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

**Rule Title: Repeal of Adjudication and
License Suspension**

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

No cost involved.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No revenue involved.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No effect.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect.

Helen W. Sheehan, R.N.
Executive Director

Mark C. Drennen
Legislative Fiscal Officer.

NOTICE OF INTENT
Department of Natural Resources
Office of Conservation

In accordance with the provisions of LRS 49:951, et seq., the Administrative Procedure Act, and the authority given in LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 9:00 a.m., Wednesday, September 23, 1981, in the Conservation Hearing Room, First Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana.

The purpose of this hearing will be to consider the revision of Statewide Order No. 29-N (disposal of waste products in the subsurface by means of a disposal well) and Statewide Order No. 29-B, Section XV (Pollution Control). These revisions are proposed to allow the Office of Conservation to seek primacy (primary enforcement responsibility) under the provisions of the Safe Drinking Water Act of 1974 (Public Law 93-523).

A copy of these proposed rules and regulations may be obtained by writing Mr. Fritz L. Spencer, Jr., Office of Conservation, Box 44275, Baton Rouge, Louisiana 70804, or by request in person at Room 233, Natural Resources Building, North and Riverside, Baton Rouge, Louisiana.

Written comments will be accepted up to and including September 19, 1981, or may be presented in person at the hearing. All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing in accordance with LRS 49:953.

R. T. Sutton
Commissioner

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 29-N-1

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Estimated costs of the Underground Injection Control Program are based on the creation of a new division within the Office of Conservation to handle regulation of injection wells and the addition of eleven staff positions. The cost of the program is to be supported by 25% State Funds and 75% Federal funds.

The estimated cost of the program for FY 81-82 is \$389,289 (State - \$97,322; Federal - \$291,967). The total cost of the program for FY 82-83 is estimated at \$519,052.

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

It is estimated that additional Federal grant funds of \$291,967 in FY 81-82 and \$389,289 in FY 82-83 will be provided as the Federal match for support of the Underground Injection Control Program.

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

There are no estimated costs or benefits to affected groups.

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

There is no estimated effect on competition and employment.

R. T. Sutton
Commissioner

Jean S. Perry
Legislative Fiscal Analyst

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

In accordance with the Louisiana Revised Statutes 49:951, et seq., notice is hereby given that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors intends to revise its rules and adopt new rules in accordance with the provisions of Act 568 of 1980. The Act requires that the Board adopt rules of professional conduct for professional engineers and land surveyors, rules to establish additional engineering branches, and rules and regulations governing the use of seals. Many provisions of rules adopted prior to September 12, 1980 are now contained in Act 568 of 1980. These provisions may be deleted from the rules. Some provisions of the present rules in conflict with Act 568 must be revised or deleted.

Copies of the complete set of proposed revised rules may be obtained from the office of the Board. These rules contain the following sections: Definitions, Requirements for Certification and Registration of Individuals, Rules Governing Corporations, Applications and Fees, Branches of Engineering, Education, Experience, Examinations, Use of Seals, Expiration and Renewals, Rules of Professional Conduct for Professional Engineers and Land Surveyors, Disciplinary Actions.

Interested persons may submit written comments or offer amendments to the proposed rules to the Board at its office, 1055 St. Charles Avenue, Suite 415, New Orleans, Louisiana 70130 at any time prior to September 15, 1981. The Board proposes to consider and take action on the adoption of the complete set of rules at a meeting in its office at 10:00 a.m. on September 22, 1981.

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

Paul L. Landry, P.E.
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Adoption of New Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There should be no implementation costs or savings to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect on revenue collection is anticipated.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No changes in costs and benefits to affected groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There should be no effect on competition and employment.

Paul L. Landry
Executive Secretary

Jean S. Perry
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administration Rules
Rule Title: Amend Plan Document**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no additional costs nor will there be any savings to this agency as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
This proposed rule will have no apparent impact on revenues.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no additional cost to any affected group.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

James D. McElveen
Executive Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the provisions of R.S. 49:951, et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees, at its regular monthly meeting on September 30, 1981, intends to amend Article 3, Section VI, Subsection B of the Plan Document of Benefits of the State Employees Group Benefits Program to read as follows:

B. Primary Plan and Secondary Plan

All benefits provided under this Article 3, Medical Benefits, are subject to coordination of benefits.

This provision is applicable when the total benefits that would be payable by this plan in the absence of any coordination of benefits provision and the total benefits payable under all other plans insuring a covered person, exceed expense incurred during a claim determination period.

One of the two or more plans involved is the primary plan and the other plan(s) are secondary plan(s). The primary plan pays benefits first and without consideration of the other plan(s). The secondary plan(s) then provide the difference up to, but not to exceed, the total allowable expenses. No plan will pay benefits greater than it would have paid in the absence of coordination of benefits.

If an individual is covered by more than one plan, the order of benefit determination shall be in accordance with the coordination of benefits guidelines, as amended, established by the National Association of Insurance Commissioners.

Interested persons may submit their views and opinions to Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, La. 70804, until 4:30 p.m. on September 4, 1981.

James D. McElveen
Executive Director

Potpourri

POTPOURRI

**Department of Labor
Office of Employment Security**

Pursuant to Act No. 664 of the Regular Session of the 1974 Louisiana Legislature and Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which both the maximum unemployment compensation weekly benefit amount and the maximum workmen's compensation weekly benefit amounts will be based effective September 1, 1981, has been determined by the Louisiana Department of Labor to be \$274.35.

Debra R. Bowland
Secretary of Labor

POTPOURRI

**Department of Natural Resources
Fishermen's Gear Compensation Fund Claims**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979, and in particular Section 700.4 thereof, regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, and also the rule of the Secretary of this Department, notice is hereby given that 16 completed claims were received during the month of July, 1981, amounting to \$15,208.12. Public hearings to consider these and previously completed claims will be held as follows: