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# Executive Orders

## EXECUTIVE ORDER DCT 83-9

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

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

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

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

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

Department of Agriculture  
Commissioner of Agriculture

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

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

7.0 Certification of Commercial Applicators

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

\* \* \* \*

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

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

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

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

\* \* \* \*

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

\* \* \* \*

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

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

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

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

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

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

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

Department of Commerce  
Racing Commission

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

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

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

**LAC 11-6:14.4 CURRENTLY READS:**

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

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

Emergency Rule effective date: May 11, 1983.

S. M. Delaney  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Commerce**

**Racing Commission**

**Rule passed as an emergency May 27, 1983**

**Rule goes into effect June 1, 1983**

**PERMITTED MEDICATION**

LAC 11-6:54

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

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

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

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

Phenylbutazone 165 micrograms per milliliter

Oxyphenbutazone 165 micrograms per milliliter

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

Phenylbutazone 5.0 micrograms per milliliter

Oxphenbutazone 5.0 micrograms per milliliter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54.5 Definitions:

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

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

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

Gordon A. Burgess  
Chairman

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

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

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

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

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

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

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

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

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

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

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

## EMERGENCY RULE

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

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

Roger P. Guissing  
Secretary

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

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

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

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

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

I. GENERAL.

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

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

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

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

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

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

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

E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. The total amount allocated to the State under the Jobs Bill is \$6,142,000. (Of the total Jobs Bill funds allocated to the State of Louisiana up to two percent will be used to administer the program.)

These monies will be divided into two parts, one specifically for Public Facilities applications and the other for Housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category.

F. SIZE OF GRANTS.

(1) Ceilings. The State has established a funding ceiling of \$500,000 for Single Purpose Grant.

(2) Individual grant amounts. Grants for specific grantees will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the State may consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS.

(1) Each eligible unit of general local government may apply for one Single Purpose Housing or Public Facilities Grant under this program.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the

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

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

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

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

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

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

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

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

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

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

C. SINGLE PURPOSE GRANTS.

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

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

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

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

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

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

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

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

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

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

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

INDICATORS  
OF  
UNEMPLOYMENT

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

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

ASSIGNMENT  
OF  
POINTS

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

\* NOTE ON METHODOLOGY

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

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

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

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

1) PUBLIC FACILITIES

i. PROGRAM IMPACT

Maximum Impact 100 points

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

Moderate Impact 65 points

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

Minimal Impact 30 points

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

Insignificant Impact

0 points

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

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

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

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

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

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

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

ii. BENEFIT TO LOW MODERATE INCOME PERSONS

(Maximum Possible Points - 50)

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

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

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

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

2) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points - 75)

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

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

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

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

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

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

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

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

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

loan, grant, acquisition, relocation,

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

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

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

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

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

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

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

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

E. SUBMISSION REQUIREMENTS

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

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

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

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

- i. census tracts and/or enumeration districts;

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

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

F. APPLICATION REVIEW PROCEDURE

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

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

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

G. PROGRAM AMENDMENTS FOR SINGLE PURPOSE

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

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

VI. ADMINISTRATION

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

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

Linton Ardoin  
Secretary

# Rules

## RULE

### Department of Agriculture Livestock Sanitary Board

## RULE

### Department of Agriculture Horticulture Commission

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

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

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

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

#### 9.1 General requirements for Retail Florist

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

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

#### 9.5 General Requirements for Arborist

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

Bob Odom  
Commissioner

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

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

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

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

#### 5. Pseudorabies requirements

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

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

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

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

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

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

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

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

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

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

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

Bob Odom  
Commissioner

## RULE

### Department of Agriculture Market Commission

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

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

Bob Odom  
Commissioner

## RULES

### Board of Elementary and Secondary Education

Rule 3.01.70v(37)

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

Rule 3.01.53.h

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

Rule 7.03.12

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

Rule 4.02.01

Louisiana Annual Special Education Program Plan for 1984-86.

Rule 4.01.40.a

Revised Standards for Approval of Louisiana Montessori Schools.

Rule 3.03.07

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

Rule 4.00.03(2)

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

James V. Soileau  
Executive Director

## RULE

### Office of the Governor Department of Veterans Affairs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

John L. McGovern  
Director

#### **RULE**

#### **Division of Administration Property Control Section**

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

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

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

Dan Pickens  
Assistant Director

#### **RULE**

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

The Department of Health and Human Resources, Office

of Family Security adopts the following Rule.

#### **RULE**

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

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

Roger P. Guissinger  
Secretary

#### **RULE**

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

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

#### **RULE**

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

Roger P. Guissinger  
Secretary

#### **RULE**

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

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

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

#### **Rule**

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**Rule**

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

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

Roger P. Guissing  
Secretary

**RULE**

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

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

**RULE**

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

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

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

Roger P. Guissing  
Secretary

**RULE**

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

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

**RULE**

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

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

Roger P. Guissing  
Secretary

**RULES**

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

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

**RULE**

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

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

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

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

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

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

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

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

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

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

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

**RULE**

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

**RULE**

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**Rule**

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**RULE**

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

Federal regulation 42 CFR 435.1005 allows provisions to

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

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**RULE**

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

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

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

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

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

The above revision in reimbursement methodology applies

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**RULE**

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**Rule**

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

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**RULE**

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

**RULE**

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

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

Roger P. Guissinger  
Secretary

**RULE**

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

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

Eligibility Requirements for Registration:

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

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

B. The biological mother of the adopted child.

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

**Procedures For Registration**

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

**Fees for Voluntary Registration**

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

**Mandatory Counseling Requirement**

Within 30 days of registration with the Office of Human

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

#### Matching the Adopted Person and the Biological Parent(s)

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

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

#### Time Limit on Registration

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

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

#### Confidentiality

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

Roger P. Guissing  
Secretary

### **RULE**

#### **Department of Health and Human Resources**

##### **Office of the Secretary**

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

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

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

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

Roger P. Guissing  
Secretary

### **RULE**

#### **Department of Natural Resources Office of Environmental Affairs Environmental Control Commission**

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

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

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

B. Jim Porter  
Assistant Secretary

### **RULE**

#### **Department of Natural Resources Office of Forestry**

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

D. L. McFatter  
Assistant Secretary

## RULE

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

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

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

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

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

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

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

Carrol L. Herring  
State Fire Marshal

## RULE

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

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

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

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

Carrol L. Herring  
State Fire Marshal

## RULE

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

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

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

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

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

Paul L. Landry, P.E.  
Executive Secretary

## RULES

### Department of Transportation and Development Office of Aviation and Public Transportation

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

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

Definitions.

(1) Ultralight Aircraft. Any vehicle that:

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

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

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

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

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

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

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

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

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

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

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

5. Zoning rules which do not prohibit such action.

B. Class II - suitable for most training activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use of Licensed Airports.

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

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

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

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

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

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

Special Ultralight Aircraft Rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

Requirements are as follows:

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

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

Suspension and Revocation.

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

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

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

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

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

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

Duration of Ultralight Pilot License.

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

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

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

Written and Flight Tests.

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

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

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

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

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

Flight tests will include:

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

## SUBJECT

### OAPT POWERED ULTRALIGHT VEHICLE PILOT/ INSTRUCTOR COMPETENCY AND REGISTRATION PROGRAM

Import of the Office of Aviation and Public Transportation

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

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

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

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

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

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

### POWERED ULTRALIGHT VEHICLE PILOT COMPETENCY AND REGISTRATION PROGRAM

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

The subject of this paper will mean ultralight usage only.

The OAPT program of vehicle and pilot registration consists of:

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

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

I. OAPT Powered Ultralight Pilot Instructor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An OAPT registered instructor shall document the recom-

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

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

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

## II. OAPT Registered Ultralight Pilot.

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

1. Written test.

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

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

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

2. Oral test.

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

3. Flight competency test and demonstrations.

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

1. Execution of procedures and maneuvers within the

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

2. Properly executing the appropriate procedures and maneuvers.

3. Handling the vehicle with smoothness and accuracy.

4. Exercising good judgement.

5. Applying aeronautical knowledge.

b. The content of each demonstration of flight competency, as required by OAPT and AC 103-1 and the amendments which can be expected from time to time, is:

1. Preflight check,

2. Ground handling,

3. Takeoffs and landings,

4. Traffic patterns,

5. Flight at minimum controllable airspeed; and,

6. Emergency procedures.

The basis for issuance of an Ultralight Pilot license is:

1. A written test score not less than 70 percent correct on all questions.

2. Successful completion of the oral examination. Success is attained when the OAPT registered instructor is satisfied that the applicant understands the knowledge areas of incorrectly answered questions on the written test, as well as airspace and conventional aircraft operations related to the primary operational area of the applicant.

3. Completion of the flight competency evaluation by an OAPT examiner designee. Each OAPT registered examiner will use OAPT standards when he/she is conducting a flight competency evaluation. Each OAPT registered examiner will be supplied with a flight evaluation form, from the OAPT examiner, to be used when evaluating flight competency. This form will include the standards for reference.

An ultralight pilot license will expire two calendar years from the date of issuance, unless the ultralight pilot successfully completes a re-evaluation by an OAPT registered instructor and/or attends a biennial flight clinic. The re-evaluation may include any portion of the original OAPT ultralight pilot competency evaluation, but normally would be comprised of an oral and flight evaluation only. The purpose is to determine that the pilot has maintained his/her knowledge level and is aware of changes that may have occurred in the airspace and in conventional aircraft operations related to the primary operational area of the pilot.

### III. Documentation and registration numbers.

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

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

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

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

## OAPT POWERED ULTRALIGHT VEHICLE REGISTRATION PROGRAM

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

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

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

### REGISTRATION PROGRAM

A. This program will be conducted by the OAPT.

B. The person responsible for this program will be Dr. Bobby Wicker, Director of Safety Operations and Information Systems, Telephone (504) 925-7742.

C. Administration and conduct of the program:

1. This program will be conducted statewide and announcements will be made via a variety of new state publications and direct mail programs. This registration system will be mandatory of all owners of ultralight vehicles. A registration fee will be charged.

2. All registration transactions will be accomplished via mail, with processing being done at OAPT Headquarters.

3. Registration prerequisites. All applicants must conform to the following prerequisites before registering an ultralight with the OAPT:

a. Compliance with FAR Part 103. An applicant must possess an ultralight vehicle that meets the criteria prescribed in state regulations and FAR Part 103.

b. Proof of ownership. The applicant for registration of an ultralight must submit proof of ownership with this application. A copy of the bill of sale for the ultralight or kit is usually sufficient proof. If the applicant did not purchase the ultralight from the last registered owner, the applicant must submit conveyances completing the chain of ownership from the last registered owner to the applicant. If the ultralight is amateur-built, a notarized affidavit describing the vehicle and stating that it was amateur-built should be submitted as proof of ownership instead of a bill of sale.

4. Registration numbers. The registration numbers will consist of two letters (LA) followed by one to five numbers. Registration numbers will be randomly assigned unless a special number is requested. An additional fee is charged for requested numbers.

5. Visible marking requirements. A registration number must be displayed on each registered aircraft as follows:

a. Characters shall be in Arabic numerals and upper case (capital) letters in a Roman style typeface.

b. Characters must be six inches high and four inches wide, except the number "1" which must be one inch wide. Characters must be formed by solid lines one inch thick.

c. The registration number shall be permanently affixed to the underside of the lowest left wing. The number shall be oriented spanwise with the top of the characters pointing forward. The center

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

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

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

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

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

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

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

7. Registration Certificate content, see Appendix.

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

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

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

a. Ultralight vehicle ownership identify for the purpose of:

1. Theft recovery,

2. Identity of an offender,

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

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

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

1. Accurate accident statistics,

2. Identification of geographic areas of concentrated ultralight activity,

3. Identification of areas of flight safety problems,

4. Identification of generalized maintenance problems;

and,

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

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

## APPENDIX

### GUIDELINES FOR THE OPERATION OF ULTRALIGHT AIRCRAFT AT EXISTING AIRPORTS

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

#### I. AIRPORT SURFACE OPERATIONS

##### A. Dedicated Takeoff and Landing Area

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

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

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

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

##### B. Simultaneous Operations From A Single Runway

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

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

##### C. Ground Support Activities

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

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

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

#### II. FLIGHT OPERATIONS

##### A. Traffic Patterns

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

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

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