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Executive Orders

EXECUTIVE ORDER NO. DCT 83-18

WHEREAS, drug abuse is one of the major causes of violent and nonviolent crimes in the State of Louisiana; and

WHEREAS, the Governor and the Legislature of Louisiana recognize this serious problem and have enacted legislation in the past three years which has been designed to assist law enforcement agencies in the seizure of illegal drugs and in the pursuit, apprehension and conviction of those persons engaged in their sale; and

WHEREAS, such legislation, considered by many to be effective weapons in the war on illegal drugs, has enabled state and local law enforcement officials to seize a significantly greater volume of illegal drugs and apprehend those who attempt to distribute them; and

WHEREAS, it is important to determine the effect of such legislation and to develop additional legislation, if necessary, to enable law enforcement officials to combat the sale of illegal drugs even more effectively;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority and power invested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Drug Enforcement.

Such task force shall study the applicable statutes pertaining to drug enforcement, assess the effectiveness of such statutes, consider alternative measures to combat the sale of illegal drugs, develop legislation, if necessary, to implement such options; and report its recommendations to the Governor prior to April 14, 1984.

Such task force shall be composed of a chairman and members who shall be appointed by the Governor and shall serve at his pleasure.

The task force shall be organized under the Office of the Governor.

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 24th day of August A.S., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-20

Charity Hospital in New Orleans has long played an important role in the delivery of health care to indigent and other eligible persons. Because of changing circumstances over the past several years, principally the effect that changing federal policies have had, and will have in the future, there is a need for a current assessment of all aspects of the role which Charity Hospital is playing, and which it should play in the future.

TO THAT END, and pursuant to the authority vested in me as Governor by the Constitution and laws of this state, I am hereby

establishing a task force on the future of Charity Hospital in New Orleans, and charge the task force as follows:

1. Evaluate the present role of Charity in the delivery of medical services in the New Orleans area, and identify and make recommendations with regard to the efficient delivery of medical services at Charity.

2. Assess, evaluate and make recommendations regarding the administration and management of Charity Hospital.

3. Survey, assess and evaluate the various studies and proposals which have been made with regard to the physical facilities of Charity Hospital

The task force should take into account the educational role of Charity as a teaching hospital associated with the Tulane and LSU medical schools, and how well Charity will continue to meet the needs of these two schools.

The task force is requested to provide me a report by January 16, 1984, in order that it may be considered prior to the next regular session of the Louisiana Legislature. However, I will welcome any interim report, particularly with respect to resolution of any current operational problems which may be identified in the course of the study and deliberations of the task force.

The task force should be made up of, but not limited to, the following:

Lee Frazier, State Representative and former director of Charity Hospital, Chairman

Charles Mary, M.D., former director of Charity Hospital

John Walsh, Chancellor, Tulane Medical School

Allen Copping, Chancellor, Louisiana State Medical School

Robert Burch, M.D., President of Orleans Parish Medical Society

Merril Hines, M.D.

Armand LeGardeur

Rosemary Loving

Mitty Terral

Paul Montelepre

Tipton McKnight, M.D., Deputy Secretary of DHHR.

The Department of Health and Human Resources shall provide whatever staff is necessary and appropriate for the task force, and all agencies of state government are hereby directed to cooperate fully in providing information and other assistance to the task force.

The task force shall be organized in the Department of Health and Human Resources.

IN WITNESS WHEREOF, I have herewith set my hand officially and consent to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of September, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-21

WHEREAS, pursuant to Executive Order No. 83-13, a Task Force on Saltwater Finfish Management was created, and

WHEREAS, it has come to my attention that additional representation from interested groups is desired and appropriate while still maintaining a balance of interests being represented,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, do hereby amend Executive Order 83-13

to add three additional members, one to be appointed to represent each of the following:

- (a) commercial fishing interests,
- (b) sports fishing interests, and
- (c) seafood restaurant interests.

IN WITNESS WHEREOF, I have herewith set my hand officially and consent to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 20th day of September, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-22

WHEREAS, the United States Government, pursuant to Presidential Executive Orders 12372 and 12416, wishes to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development; and

WHEREAS, the Louisiana State Planning Office, at my direction and in consultation with Federal, State, and local government officials, has developed a process for State and local government review and coordination of Federal financial assistance applications, Federally required State plans, and proposed Federal direct development activities; and

WHEREAS, the Louisiana State Planning Office, by its mandates in L.R.S. 49:1054 et seq., is the State's plan and program review and coordination agency, thereby making it the appropriate agency to administer the aforementioned review process;

NOW THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct the Louisiana State Planning Office to establish and maintain the process it has developed for State and local government review and coordination of Federal financial assistance applications, Federally required State plans, and proposed Federal direct development activities.

FURTHER, I, DAVID C. TREEN, Governor of the State of Louisiana, do, in accordance with the Federal agencies' regulations implementing the President's executive orders, designate the Louisiana State Planning Office through its Executive Director, as this state's single point of contact between the state and the Federal agencies, for purposes of carrying out this review process.

IN WITNESS WHEREOF, I have hereunto set my hand and officially caused to be affixed, the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of September, A.D. 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Board of Examiners of Certified Shorthand Reporters

The Board of Examiners of Certified Shorthand Reporters, at a regular meeting held on September 29, 1983, unanimously adopted an amendment to Rule XI C, increasing the fee for renewal of certificates for 1983 from \$25 to \$50. The Board found that imminent peril to public welfare requires adoption of the Rule change as an Emergency Rule pursuant to R.S. 49:953B for the following reasons:

Until its amendment by Act 612 of 1983, R.S. 37:2558 limited the renewal fee to \$20. The board recognized long ago that it could not discharge its responsibilities to the state and to the public unless it could increase its fee collections. As soon as Act 612 of 1983 became effective the Board moved to increase its fee, but unless immediate relief is obtained it can no longer operate. Current liabilities slightly exceed current assets and without the increase in renewal fees the board will be forced to give up its office space and terminate its only (part-time) employee. Effective regulation of the court reporting profession will come to an end as will the Board's ability to administer the provisions of R.S. 37:2551 et seq.

Patrick M. Schott
Chairman

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of September 22, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following item as an Emergency Rule:

Revision of school credit for college courses in Vocational Education as required in Bulletin 741 (page 35-b) as follows:

HIGH SCHOOL CREDIT FOR COLLEGE COURSES IN VOCATIONAL EDUCATION

(Applies to Students Attending College Part-Time)

1. The granting of high school credit for college courses shall be limited to students who have earned 12 or more high school units of credit toward graduation.
2. These students shall be in attendance in at least one high school class while enrolled in college courses.
3. The principal of the school shall approve the advanced offering to be taken by the student in college.
4. The high school administrator shall establish a procedure with the college to receive reports of the students' class attendance and performance at six- or nine-week intervals.
5. The awarding of Carnegie units of credits will be in accordance with individual program requirements as stated in Bulletin 741.

If the course content is equivalent to the content of a vocational education course offering listed under Standards 2.105.23--2.105.31, the unit(s) of credit shall be reported on the student's transcript by that title. If the course content is not equivalent to a course listed under Standards 2.105.23 — 2.105.31, the unit(s) of credit shall be reported by the postsecondary title.

6. College courses shall be counted as high school subjects for students to meet eligibility requirements in order to participate in extracurricular activities governed by voluntary State organizations.

This item was adopted as an Emergency Rule because students from St. Bernard, Orleans and Jefferson Parishes are enrolled in Trade and Industrial Education courses at Delgado Community College. The present policies of Bulletin 741 do not allow these students to receive Trade and Industrial Education credit. Therefore, there was a dire need to revise Bulletin 741 and allow these students to continue in these programs; otherwise, the schools would have had to reschedule them at this late date into other courses.

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, Offices of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R. S. 49:953B, to adopt the following amendment to a Rule Published in Volume 8, Number 1, page 89 of the January 20, 1982 *Louisiana Register* regarding Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This amendment is adopted effective September 15, 1983 in order to timely implement provisions of this Rule.

EMERGENCY RULE

Beginning September 27, 1983, recipients whose cases were closed for failure to submit a complete monthly report by the final due date but who submit a complete monthly report by the tenth day of the next month, or the next working day if the tenth day of the month is a holiday or weekend shall have their eligibility for benefits determined without being required to reapply.

Office of Family Security policy shall be amended accordingly.

This Emergency Rule is necessary in order to comply with the decision entered August 23, 1983, in the *French vs. Fischer* suit, 81-4853, Section G, United States District Court, Eastern District of Louisiana.

Roger P. Guissingier
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Offices of Family Security, has exercised the emergency provisions of the

Administrative Procedure Act, R.S. 49:953B, to amend the Emergency Rule promulgated on September 2, 1983, and published in the *Louisiana Register* Vol. 9, Number 9, dated September 20, 1983 regarding Retrospective Budgeting and Monthly Reporting in the Food Stamp Program as mandated by Federal Regulations 7 CFR 272 et seq., as published in the *Federal Register* of Tuesday, May 25, 1982, Vol. 47, No. 101, pages 22684-22701, regarding Monthly Reporting and Retrospective Budgeting. In order to timely implement the provisions of this Rule, this amendment is effective September 15, 1983.

RULE

Beginning September 27, 1983, recipients whose cases were closed for failure to submit a complete monthly report by the final due date but who submit a complete monthly report by the tenth day of the next month, or the next working day, if the tenth day of the month is a holiday or weekend, shall have their eligibility for benefits determined on the basis of the information supplied in that report without being required to reapply.

The Office of Family Security policy shall be amended accordingly.

This Emergency Rule is necessary as a result of the decision entered August 23, 1983, in the *French vs. Fischer* suit, 81-4853, Section "G", U.S. District Court, Eastern District of Louisiana.

Roger P. Guissingier
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to adopt the following Rule in the Food Stamp Program as mandated by federal regulations as published in the *Federal Register*, Tuesday, June 21, 1983, Vol. 48, No. 120, pp. 28190-28193. The Rule entitled "Standard Utility Allowance for the Food Stamp Program" which was published in the *Louisiana Register* of February 20, 1983, Vol. 9, No. 2, page 64, is hereby amended.

Effective October 1, 1983, the standard utility allowance in the Food Stamp Program shall be \$145.

A cooling cost is a verifiable utility expense relating to the operation of air conditioning systems or room air conditioners.

It is necessary to adopt this Emergency Rule to allow for timely implementation of federally mandated regulations.

Roger P. Guissingier
Secretary

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. 49:953B, to adopt the following amendment to a Rule published in Volume 8, Number 1, Page 89 of the January 20, 1982, *Louisiana Register* regarding

Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This amendment is adopted effective September 15, 1983, in order to timely implement the provisions of this Rule. This amendment is authorized by 45 CFR 233.37 (c) as published in the *Federal Register* of Friday, February 5, 1982, Volume 47, Number 25, pages 5679 and 5680.

EMERGENCY RULE

Beginning October 1, 1983, timely reporting for AFDC and Refugee recipients shall be defined as follows:

AFDC and Refugee recipients will meet the timely requirement if:

(1) Changes in circumstances are reported within 10 days of the knowledge of the change

AND

(2) Earned income is reported and verified monthly on a monthly report received by the monthly reporting timely due date.

If an AFDC or Refugee recipient fails without good cause to report earned income in accordance with the above, the earned income disregards shall not be applied to the earning not timely reported.

GOOD CAUSE

Good Cause (reason) for failure to timely report in accordance with the above shall exist when circumstances beyond the recipient's control, which could not have reasonably been anticipated, prevent the client from timely reporting.

OFS policy shall be amended accordingly.

This Emergency Rule is necessary in order to comply with the decision entered August 23, 1983, in the *French vs. Fischer* suit. 81-4853 Section G, U.S. District Court, Eastern District of Louisiana.

Roger P. Guissing
Secretary

Rules

RULE

Department of Commerce Board of Examiners of Certified Shorthand Reporters

The Board of Examiners of Certified Shorthand Reporters, pursuant to Notice of Intent published in the *Louisiana Register* on April 20, 1983, and in accordance with the authority granted under La. R.S. 32:2551, et seq., adopted the following Rules and Regulations at a public hearing held on September 29, 1983, at 7:30 p.m. at the offices of the Board, 4441 Utica Street, Suite 200, Metairie, LA. 70002:

RULES AND REGULATIONS OF THE BOARD OF EXAMINERS OF CERTIFIED SHORTHAND REPORTERS

I. APPLICATION FOR CERTIFICATION

An applicant for a certificate shall file an application on a form provided by the Board, accompanied by any applicable fees, and such evidence, statements or documents required by said

form. If an examination is required, said application must be filed with the Board at least 14 days prior to an examination date. A new application is required for each examination.

II. QUALIFICATIONS FOR CERTIFICATION

Any person over the age of 18 years, who has not committed any acts or crimes constituting grounds for suspension or revocation of license described in R.S. 37:2557(A), who has a high school education or its equivalent as determined by the Board, and who has satisfactorily passed the examination described in Section III below, shall be entitled to a certificate.

III. EXAMINATIONS

A. Applications for Examinations

1. Examinations shall be held at such times and places as the Board may designate.

2. Applications must be received by the Board at least 14 days prior to the examination date.

3. In order to qualify to take an examination, the applicant must present a certificate from a licensed court reporting school, certifying that the applicant has passed a qualifying examination. The qualifying examination must consist of five minutes of two-voice testimony, new material, at 225 words per minute, standard word count, with 95 percent accuracy. The qualifying examination must be taken within one year of the Board examination date.

4. Applicants who have been found to be qualified for the examination shall be notified in writing of the time and place of their assigned examination.

5. An applicant who fails to timely appear for examination after being notified of his eligibility shall be deemed to have abandoned his application. In order again to become eligible for an examination, such person shall file a new application, and otherwise comply in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

6. An applicant who commences but does not finish his assigned examination, or who otherwise fails such examination, shall not be eligible for any future examination except upon filing a new application and otherwise complying in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

B. Examination to Be Under Direction of the Board

1. The examination shall be under the direction and control of the Board, but the Board may employ assistants to prepare the questions, conduct the examination and submit recommended grades.

2. Examination questions, together with the answers or keys, shall not be disclosed prior to the announced results of the examination.

3. The identity of each candidate shall be and remain unknown to the Board until after final results are announced. Before the commencement of the examination an identifying number shall be assigned to each candidate. The candidate shall enter such number on each group of papers used in the examination and shall not enter his name at any place on the examination papers.

C. Notification

Each examinee shall be notified in writing whether he has passed or failed the examination.

D. Content of Examination

The examination shall consist of (i) A general knowledge test; (ii) Dictated tests at the following speeds: (aa) Five minutes at 180 WPM (Literary, one voice); (bb) Five minutes at 200 WPM (Jury charge, one voice); (cc) Five minutes at 225 WPM (Q & A, two voices).

The medical portion of the general knowledge test will consist of the dictation of 25 medical terms, to be transcribed with the use of a medical dictionary or any other reference materials

applicant desires to bring, and will be dictated immediately following the dictated tests. The sections of the general knowledge test on English grammar, spelling, punctuation and legal terminology will be multiple choice and the use of reference materials will not be allowed. These sections along with the dictated medical section will constitute 100 percent of the general knowledge test.

Completion time for the written general knowledge test is one hour. One and one-half hours is allowed for transcribing each of the three segments of the dictated tests. Transcription time for the medical section is one hour. Transcripts must be typed.

Candidates may be required to read aloud any part of the dictated matter required by the Board.

No candidate will be allowed to use electronic recording equipment, except stenomask, during the examination.

Upon completion of the examination all shorthand notes, transcripts and other examination papers shall become the property of the Board

E. Grading of Examination

Each candidate's examination will be graded on the basis of his ability to accurately transcribe his notes; the time occupied in the transcription; his knowledge of court reporting procedure and its related terminology, spelling, and punctuation; and the general style of the transcript.

Seventy-five percent accuracy is required on the general knowledge test.

Ninety-five percent accuracy is required on the dictated and transcribed portions of the test.

If an examinee passes one portion of the examination (general knowledge portion or dictated portion) but fails the other, he will be exempt from taking the passed portion at the next examination. If the failed portion is not passed at that examination, both portions must be taken thereafter.

For purposes of grading, errors will be assessed in accordance with the guidelines accepted by the National Shorthand Reporters Association.

F. Review of Examinations

Examinees will have a period of 90 days from the release of the test results to review examinations in the offices of the Board. Written notification of an examinee's intent to review his examination must be received at the Board's office five days prior to the review of the examination. Examinations may be reviewed only during normal working hours.

G. Failure of Examination

1. Petition for Regrading. Within 15 days after receipt of notice from the Board that applicant has failed the examination, the applicant may petition for regrading by sending a written notice of the request for regrading to the Board.

2. Review Committee. Within 30 days of receipt of a petition for regrading, the Board shall submit applicant's examination to a Review Committee approved by the Board.

3. Regrading Procedure. The applicant's prenumbered examination shall be submitted to the Board with no indication as to applicant's identity. The Review Committee shall review the entire examination of any applicant requesting a regrading. The Review Committee may raise applicant's grade, leave the grade as originally determined by the graders, or lower the grade.

4. Request for Hearing. If the applicant is not satisfied with the results of the Review Committee's action, the applicant may request a hearing before the Board. Such request for hearing shall be in writing and shall be filed with the Board within 10 days after receipt of notice of the Board.

5. Hearing Procedures. The rules set forth in Section X hereof shall govern appeals taken by an applicant who fails an examination.

H. Reapplication to Take Examination

An applicant denied certification by reason of failure to pass

the examination administered by the Board may apply for re-testing at any time such tests are conducted in the future.

IV. NSRA EXAMINATIONS

The Board will accept as an examination under Section 2554 A an NSRA-RPR and/or a CM examination with the equivalent or higher standards than the CSR examination given in January 1983. Upon proper application, and upon satisfactory proof that applicant has passed such an examination, a certificate shall be issued.

V. EXPIRATION OF CERTIFICATE

All certificates shall be suspended as of 12 p.m. on December 31 of each year if not, in each instance, renewed. To renew a certificate, the certificate holder shall, on or before the date on which the certificate would otherwise be suspended, pay the renewal fee established by the Board. A suspension under this paragraph shall be effective until all delinquent fees have been paid in full.

VI. TEMPORARY CERTIFICATES

A. Upon proper application, those persons who are practicing general reporting or free lance reporting and who hold a valid C.S.R. Certificate from another state, will be issued a 15 month temporary certificate.

B. Upon a proper application, those persons who present satisfactory proof of passing a qualifying examination as defined in Paragraph II.A.3. of these Rules will be issued a temporary certificate which shall expire upon receipt of the results of the next CSR examination. Provided, however, that if such an application is received within the 30 days preceding a CSR examination, such temporary certificate will expire on release of the test results from the second CSR examination given subsequent to the filing of the application.

VII. CAUSE FOR SUSPENSION, REVOCATION, OR NON-ISSUANCE OF CERTIFICATE

The causes for suspension, revocation, or non-issuance of certificate shall consist of one or more of the following:

- A. Conviction of a felony;
- B. Conviction of misdemeanor involving moral turpitude;
- C. Fraud, dishonesty, corruption, willful violation of duty, or gross incompetency in the practice of the profession.

VIII. HEARINGS

The Board may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation, investigate the actions of any person who applies for, or holds or represents that he holds a certificate. Such person is hereinafter called the accused.

The Board shall, before refusing to issue, suspending or revoking any certificate, at least 10 days prior to date set for the hearing, notify in writing the accused of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by mailing the same by registered or certified mail to the address last theretofore specified by the accused person in his last notification to the Board. At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place at which hearing shall have been continued, the Board shall continue such hearing for a period not to exceed 30 days.

- A. Subpoena of Witnesses-Administration of Oaths.

The Board shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Chairman, and any member of the Board shall each have power to administer oaths to witnesses at any hearing which the Board is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Board.

B. Attendance of Witnesses.

Upon the application of the accused person or complainant or of the Board, by order duly entered, the Board may require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of certificate or registration, and the Board may compel obedience to its order by proceedings for contempt.

C. Record of Proceedings.

The Board, at its expense, shall provide a shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate may be revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motion filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Board shall be the record of such proceedings. The Board shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of \$3 per page for each original transcript and \$1.50 per page for each carbon copy thereof ordered with the original.

D. Report of Findings and Recommendations.

The Board shall present to the Chairman its written report of its findings and recommendations. A copy of such report shall be served upon the accused person and the complainant, either personally or by registered or certified mail.

E. Appeal.

An appeal of the decision of the Board must be filed with a court of competent jurisdiction within 30 days from notice of either suspension, revocation, or refusal.

F. Expiration of Appeal Time.

At the expiration of the time specified for filing an appeal in a court of competent jurisdiction the Chairman shall have the right to take the action recommended by the Board. Upon the suspension or revocation of a certificate, certificate holder shall be required to surrender his certificate and seal to the Board, and upon his failure or refusal so to do, the Board shall have the right to seize the same.

G. Restoration of Certificate.

At any time after the suspension or revocation of any certificate, the Board may restore it to the accused person without examination but only at an official meeting of the Board, after written notice, and by vote of a majority of the members of the Board present and voting.

H. Other Remedies.

Nothing herein shall be deemed to limit the Board's authority to seek enforcement of the law through a court of competent jurisdiction.

IX. FEES

The following fees shall be paid the the Board:

A. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate as a certified shorthand reporter is \$30. Any applicant failing to pass his examination shall have the right to be reexamined once within two years without further fee.

B. The fee to be paid upon the issuance of a certificate or registration without examination is \$30.

C. The fee to be paid upon the renewal of the certificate or registration is \$20.

D. The fee to be paid for the reinstatement of a certificate shall be the payment of all delinquent fees.

E. The fee to be paid for regrading an examination shall be \$30.

Patrick M. Schott
Chairman

RULE

**Department of Commerce
Office of Financial Institutions**

Pursuant to authority granted by LSA-R.S. 6:170, the Commissioner of Financial Institutions adopts the following Rules for the purpose of providing a record retention schedule for those banks subject to his supervision.

Rule

Bank Records Retention Schedule

1. The following periods of time for the retention of records shall apply to all banks subject to the supervision of the Office of Financial Institutions:

TYPE OF RECORD	RETENTION PERIOD
Accounting and Auditing	
Accrual Records	3 years
Assessment Report	7 years
Audit Reports	2 years
Bank Call Reports	3 years
Bills Paid/Expense Vouchers	10 years
Consolidated Financial Statements	10 years
Daily Reserve Computation	1 year
Difference Record	2 years
Income and Dividends	3 years
Reconcilements of Bank (due to) Reports	1 year
Reconcilements - Bank Control Records	1 year
Reports to Directors/Executive Committee	6 years
Securities Vault (in and out tickets)	1 year
Tax Records	7 years
Fixed Asset Record	permanent

Administrative	
Attachments/Garnishments	2 years from close
Bank Examiners Reports	permanent
Chargeoff Asset Records	5 years
Court Case Records	10 years from close
Minute Books of Meetings	permanent
Articles of Incorporation, By-laws	permanent
Insurance Records	10 years
Capital	
Stock Certificates (records, stubs, receipts)	10 years
Stock ledger	permanent
Stock Transfer Ledger	10 years
Dividend Checks/Register	6 years
Proxies	3 years
Deposits - Certificate of Deposits	
Certificates Paid	5 years
Ledger Cards, Computer Cards, Reports	5 years
Trial Balance	5 years
Deposits - Checking	
Account Analysis	3 years
Checks Paid (microfilm)	6 years
Deposit Tickets (microfilm)	6 years
Daily Report of Overdrafts	4 years
Short Lists (bookkeepers daily list of checks charged in total to customer accounts)	2 years
Undelivered Statements	5 years
Stop Payment Orders	2 years
Resolutions	10 years
Signature Cards (closed accounts)	10 years
Statement Receipt Cards	2 years
Deposits - Savings	
Signature Cards (closed accounts)	10 years
Deposit and Withdrawal Slips	5 years
Ledger Sheets	5 years
Regulation E Statement of Compliance	2 years
Trial Balances (if no alternate record)	5 years
Christmas Club Accounts	5 years
Collections	
Collection Receipts (carbon)	2 years
Installment Contract Records	3 years
Letters	1 year
E or EE Bond Materials	2 years
Loans	
Applications - Accepted	5 years
Applications - Rejected	25 months
Collateral Purchase Agreements	7 years
Credit Files (closed)	5 years
Statement of Borrower (federal regulation U, Z, etc.)	5 years
Liability Ledger	5 years
Loan Committee Minutes	10 years
Note or Discount Register/Tickler	5 years
Journal as Original Entry Book	5 years
Resolutions	5 years
Coupon Receipts (collateral)	10 years
Bankruptcy Notices	permanent
Letter of Credit Applications/Ledger Sheets	6 years
Customer Service	
Broker Correspondence	2 years
Night Depository Receipts	1 year
Safekeeping Records	5 years
Credit Cards	
Applications	2 years
Sales Tickets (microfilm)	5 years

Statements (microfilm)	5 years
Merchants Agreements (closed)	2 years
Accounts	2 years
Credit File (closed)	5 years
Due From Banks	
Advices from Correspondent	6 months
Bank Statements	2 years
Drafts	5 years
Draft Register	5 years
Reconcilements Register	1 year
Due to Banks	
Copies of Advices	optional
Country Bank Ledger	5 years
Cash Letters	2 years
Resolutions, Signature Cards	5 years
General Ledger	
General Journal (if book of original entry)	5 years
General Ledger Sheets	15 years
General Ledger Tickets	5 years
Official Checks and Drafts	
Cashier Checks (paid)	5 years
Cashier Checks Register	5 years
Certified Checks (paid)	5 years
Certified Checks Register	5 years
Drafts and Register	5 years
Expenses Checks (paid) and Register	5 years
Expenses Vouchers	6 years
Money Orders and Registers	5 years
Personnel	
Attendance Records	3 years
Records for Employees (terminated)	6 years
Applications Rejected	2 years
Salary Ledger	3 years
Salary Receipts	3 years
Affirmative Action Records	6 years
EEO Information	permanent
OSHA Reports	5 years
W-2, Etc.	5 years
Safe Deposit Vault	
Access Tickets	2 years
Cancel Signature Cards (closed account)	10 years
Copies of Rent Receipts	2 years
Leases or Contracts, Closed Accounts	2 years
Correspondence	2 years
Records and/or Contents of Drilled Box	10 years
Registered Mail Record	3 years
Trust Department	
Advices of payment	
Securities Department Bond and Coupon Collections	6 months
Amortization schedules	Destroy when securities are disposed of
Buy and Sell Orders	3 years
Canceled Bonds and Canceled Coupons	return to issuing corporation or cremate, retaining receipt or cremation certificate until the account is closed
Cash Trial Balances	6 months
Corporate Trust Ledger	7 years
Correspondence	
Corporate Trust (bond issues)	3 years
Dividend	3 years

General	3 years
Irregular Transfer	3 years
Cost, Cards, Securities	5 years
Coupon Collection Record	3 years
Coupon Envelopes	3 years
Daily Statement of Trust Department	3 years
Dividend Check Tapes (adding machine)	optional
Dividend Record Cards (closed)	8 years
Dividend and Coupon Ledger	until closed
Dividend and Interest Disbursement Checks	5 years
Dividend and Interest Disbursement List	optional
Document Files	3 years
Fee Cards	until closed
Journal Sheets, Accounting Division and Stock Transfer	5 years
Ledger Records: asset ledger, cash ledger, investment ledger; stock transfer ledger and mutual income foundation	5 years after close
Listing for Form 1099	1 year after filing
Minute Books, Trust Committee and Trust Investment Committee	50 years
Original Trust Entries (daily debits and credits and multiple forms)	2 years
Paid Invoices: tradesman, professional (excluding attorney) and miscellaneous	3 years
NOTE: In probate accounts retain three years after expiration of time of appeal from order closing account.	
Probate Slips	destroy original when account is closed destroy duplicate after circulation
Registered Mail Report	3 years
Registered Journals	until closed
Rent Collections, Mortgage and Land Contract Collection (file accountant's copy)	5 years
Signature Files	7 years
Stock Transfer Change-of-address Authority	3 years
Stock Transfer Memos	2 years
Stock Transfer Receipts	3 years
Stockholders List	optional
Supporting Papers to Transfers	10 years
NOTE: Except recorded instruments and agreement from banks - return to transferor.	
Surety Bonds	10 years
Tax Returns	
Ad Valorem Tax Returns	2 years after filing
Estate Tax Returns	15 years after filing
Federal and State Income Tax Returns	5 years after filing
Intangible Tax Returns	2 years after filing
Social Security Returns	5 years after filing
Tellers' Daily Blotter	18 months
Transfer Instructions	5 years
Transfer Journal Tapes	2 years
Transfer Tax Waivers	until closed
Trust Checks	until closed
Trust Register	until closed
Vouchers, Probate Trust	3 years after expiration of time of appeal from order closing account

2. The provisions of this Rule shall apply to National banks to the extent permitted by federal law.

Hunter O. Wagner, Jr.
Commissioner

RULE

**Department of Culture, Recreation and Tourism
Office of Cultural Development
Division of the Arts**

The Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, and Louisiana State Arts Council, pursuant to the authority in LRS 49:951, et seq., Act 687 of 1983, and in accordance with the Notice of Intent published in the July 20, 1983 issue of *Louisiana Register*, adopted the amendments to the program guidelines for the funding and administration of the state's arts grant program.

Copies of the complete set of grant program guidelines, as amended for 1984-85, are available from the Division of the Arts, 666 North Foster, Baton Rouge, LA. The revisions of the guidelines for 1984-85 consist of: Changing deadlines and requirements for submitting applications for grants-in-aid, including a change from two to one deadline per year for Sponsorship applications; changing the name from "Sponsorship" to "Presenter" program and adding a new professional advisory panel for reviewing Presenter applications; adding a new Folklife Program; changing base of allowable request under Block Grant Program to 25 percent of organization's prior year actual income instead of prior year actual expenditures; establishing a set amount of \$5,000 for each artist fellowship under newly specified categories; adding a "State-Local Partnership Program" under Special Services; and other minor changes of a technical nature to clarify and/or improve narrative in current guidelines.

Interested persons may obtain a copy of the revised *Program Guidelines for State Arts Grants: 1984-85* by written request from the Division of the Arts, Box 44247, Baton Rouge, LA 70804.

Mrs. Lawrence H. Fox
Secretary

RULE

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators
(Louisiana R.S. 37:2501-2511)**

In accord with provisions of the Administrative Procedure Act, R.S. 49:951 et seq., the Louisiana State Board of Examiners for Nursing Home Administrators has adopted the following Rules and Regulations relating to the practice of nursing home administration.

The following Rules and Regulations are adopted:

RULE 10: C

"The Board may periodically conduct courses on Nursing Home Administration, especially designed for licensure applicants, when the demand is sufficient to defray expenses. Applicants who desire this course will pay \$5 per hour of instruction."

RULE 27: Code of Ethics

"Every person licensed as a nursing home administrator shall subscribe to and practice by the Code of Ethics established by the Board. The Board shall supply Code of Ethics forms to each administrator."

Winborn E. Davis
Executive 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 amendment to a Rule published in Volume 8, Number 1, Page 89 of the January 20, 1982 *Louisiana Register* regarding Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This amendment is authorized by 45 CFR 233.36 (a) and (b) as published in the *Federal Register* of Friday, February 5, 1982, Volume 47, Number 25, Page 5679. This Rule formally adopts the Emergency Rule published in the September 20, 1983, *Louisiana Register*, Volume 9, Number 9, Page 608.

Effective October 1, 1983, only AFDC and Refugee Resettlement recipients included in certifications with the following characteristics shall be included in Monthly Reporting:

- (1) Earned income.
- (2) Stepparent in the home.
- (3) Voluntary Contributions.
- (4) Unemployment compensation.
- (5) Certifications in which deprivation is based on incapacity.
- (6) Cases with recent work history (defined as those cases certified in which any member of the income unit was employed within the three prior months).

(7) AFDC and Refugee Resettlement cases in which the payee is the head of an NPA Food Stamp household required to monthly report.

(8) Cases losing characteristics (1) through (5) above will remain in monthly reporting for 3 months subsequent to the loss of the characteristic.

NOTE: AFDC and E related Medically Needy Program certifications and discontinued AFDC and E type cases are excluded from Monthly Reporting. AFDC categories to be included in Monthly Reporting are based on waiver requests submitted to and approved by the United States Department of Health and Human Resources.

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, hereby amends the Title XIX State Plan, Methods and Standards for Payment for Medical and Remedial Care and Services - Skilled Nursing and Intermediate Care Facilities.

Effective July 28, 1983, Attachment 4.19-D, Page 103 after paragraph 4 and Page 114 after paragraph 4 D. was amended as follows:

RULE

Page 103.

5. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

Page 114.

4.E. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

The intent of the regulation is to ensure reasonable rates for care provided during the FY 83-84.

As a result of problems identified in establishing allowable costs and the time required to resolve these conflicts, this method is established.

This Rule became effective July 28, 1983, by use of the Emergency Rulemaking provision of the Administrative Procedures Act. The Emergency Rule was published in the August 20, 1983, issue of the *Louisiana Register*, Volume 9, No. 8, page 533.

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, shall adopt amendments to the following Rules regarding Retrospective Budgeting and Monthly Reporting in the Food Stamp Program as mandated by Federal Regulations 7 CFR §271 et. seq., as published in the *Federal Register* of Tuesday, May 25, 1982, Vol. 47, No. 101, pp. 22684-22701 regarding Monthly Reporting and Retrospective Budgeting. This Rule formally adopts the Emergency Rule published in the *Louisiana Register*, September 20, 1983, Vol. 9, No. 9 pages 608-609.

Rule

The Rules entitled "Implementation of Monthly Reporting and Retrospective Budgeting in the Food Stamp Program", which were published in the *Louisiana Register* Vol. 8, No. 7, page 342, dated July 20, 1982, and in Vol. 8, No. 12, page 649, dated December 20, 1982, are hereby amended in their entirety.

A. Effective October 1, 1983, only the following Food Stamp households shall be required to monthly report:

(1) Households containing at least one member receiving earned income.

(2) Households containing at least one member receiving contributions.

(3) Households containing at least one member receiving Unemployment Compensation Benefits.

(4) Households whose head of household is required to monthly report for AFDC purposes.

(5) Households containing at least one member who is subject to work registration and who has recent work history. "Recent Work History" is defined as having been employed within the three months prior to the month of application.

Households in Mail Codes 10 and 11 with one of the above characteristics will continue to monthly report without interruption.

Any household which loses one of the stated Monthly Reporting inclusion characteristics will remain in Monthly Reporting for three months subsequent to the loss in accordance with OFS policy.

Food Stamp recipients subject to monthly reporting will be required to submit a monthly report of household circumstances including verification of income to the local Office of Family Security (OFS).

The monthly reports shall be submitted to the local Office of Family Security by the tenth day of each month or the next working day if the tenth is a holiday or weekend. Failure to submit a complete report, including verification each month, may result in suspension or closure of the case.

Migrant farmworker households, as defined in Section 12-200 of the OFS Food Stamp Program Operating Guidelines, shall not be subject to the monthly reporting requirement, while in the migrant job stream.

Households that have no earned income and in which all adult members are elderly or disabled as defined in Section 12-200 of the Food Stamp Program Operating Guidelines shall not be subject to the monthly reporting requirements.

The categories of recipients to be included in Monthly Reporting are based on a waiver received from the United States Department of Agriculture.

(B) Effective October 1, 1983, all food stamp households shall be subject to retrospective budgeting except migrant farmworker households, as defined in the Section 12-200 of the OFS Food Stamp Program Operating Guidelines, while in the migrant job stream.

Eligibility will be determined prospectively. The amount of benefits for food stamp recipients will be based on the actual income or circumstances which existed in the second prior month, with the exception of the following types of income which require special treatment:

(1) Income from self-employment which is received other than monthly shall be annualized as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-239;

(2) Annual income received by contract in less than one year shall be prorated over the period the income is intended to cover as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-237; or

(3) Non-excluded scholarships, deferred educational loans, fellowships, veterans educational benefits, and other educational grants shall be prorated over the period they are intended to cover as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-236.

Roger P. Guissing
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Louisiana Department of Health and Human Resources (DHHR), Office of Family Security has amended the application for the Low Income Home Energy Assistance Program (LIHEAP) Block Grant federal funding for FY 1983-84 by adding a new Section I to the Block Grant application as follows:

RULE

I. Low cost weatherization activities are provided through the Weatherization Assistance Program administered by the Louisiana Department of Urban and Community Affairs, Office of Community Services. Fifteen percent of the Low Income Home Energy Assistance Program's total Block Grant amount will be allocated to the Department of Urban and Community Affairs for residential weatherization of eligible low income households.

The LIHEAP Block Grant is administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493.

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 hereby adopts the following Rule in the Medical Assistance Program.

Rule

Effective for service beginning November 1, 1983, the Medical Assistance Program shall increase the amount paid for mileage for Ambulance Transportation providers to \$2 per mile. Emergency mileage is not to exceed 25 miles beyond the provider's geographical base region. In exceptional situations approval for payment of mileage in excess of 25 miles may be approved by the State Office of Family Security if evidence is submitted by the provider which clearly establishes that the hospital is the nearest one with appropriate facilities for the necessary care.

Roger P. Guissinger
Secretary

RULE

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

The Office of Family Security in coordination with Office of Human Development and Department of Labor shall implement the Work Incentive Program in East Baton Rouge parish effective November 1, 1983.

The Work Incentive Program (WIN) is currently operative in Caddo, Ouachita, Rapides, and Orleans Parishes. The WIN Program is a means of assisting parents or other relatives supporting dependent children to develop the capability for obtaining employment which will lead to self-support and ultimate removal from the welfare rolls. The WIN Program is regulated by 45 CFR 224. The WIN Program in East Baton Rouge will be governed by existing WIN Policy.

Roger P. Guissinger
Secretary

RULE

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, Division of Narcotics and Dangerous Drugs, has adopted the following revisions to Regulations pertaining to Controlled Dangerous Substances as authorized by R. S. 40:972.

PART I

Section 1

(a) Licensing of manufacturers, wholesalers, distributors, researchers or dispensers of controlled dangerous substances. Any person who manufactures, distributes or dispenses controlled dangerous substances must be licensed by the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, as of the anniversary date of initial licensing each year.

(b) Any person who engages or proposes to engage in any of the activities mentioned in "a" above in more than one establishment where controlled dangerous substances are routinely stored (warehoused) must hold a valid license for each such establishment.

(c) Exemption from license requirements:

1) A workman contract carrier, warehouseman or any employee thereof whose handling of controlled dangerous substances is in the usual course of his business or employment.

2) Any person who obtains or possesses a controlled dangerous substance pursuant to a valid prescription, either for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

3) A pharmacist who dispenses controlled dangerous substances in a pharmacy which has been licensed by the State Board of Pharmacy, and has a valid narcotic license issued by the State of Louisiana, Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

4) An agent or employee of any licensed manufacturer, distributor, wholesaler, dispenser or researcher in the course of his employment and only in the premises of his employer, but not a sales representative, detail man or manufacturer's medical service representative.

Section 1.1 Term of license.

This license shall be issued on a yearly basis and shall extend for one year from the date of its issuance, unless sooner revoked in accordance with the provision of the Uniform Controlled Dangerous Substance Law and the regulations, and shall be renewed annually thereafter on the anniversary of its issuance unless revoked, suspended, or surrendered in the interim.

Section 2 Applications for Licensure.

Persons wishing to obtain a license to engage in any activity for which a license is required must send an application to the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs. This form is obtainable at the Division of Narcotics and Dangerous Drugs Office, Box 3776, Baton Rouge, LA 70821.

Section 2.1

The application shall be completed in full by the applicant and forwarded to the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs at least 30 days prior to the expiration date stated in his current license. The applicant will enclose a check or money order (no cash) made payable to the State of Louisiana in an amount proportional to his class of business which shall be as follows:

(a) Manufacturer	\$100.00
Broker	50.00
Hospital	50.00
Wholesaler (Distributor)	50.00
Practitioner	20.00
Researcher	30.00
Manufacturer's Medical Service Representative (also known as Detail Man or Sales Representative)	20.00

(b) Persons who knowingly or intentionally submit a false or fraudulent application, or an application any part of which is false or fraudulent, shall be deemed to have committed a prohibited act under Section 975 of the Act.

Section 3 Denial of application for license.

(a) The Secretary of the Department of Health and Human Resources may deny application for license if the applicant has committed a prohibited act under Section 975 of the Act, or if he has not qualified as provided in these regulations.

(b) If the Secretary of the State Department of Health and

Human Resources denies an application for licensure, it shall so inform the applicant, in writing of this denial within 30 days after receipt of application. The notification shall state the basis for denial.

Section 4 Surrender of license.

(a) Any person or firm holding a valid license to engage in any activity described in Section 1 who ceases to engage in this activity shall surrender said state license to the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs at the time he ceases to engage in this activity.

(b) Upon surrendering the said license, all controlled dangerous substances and any unused order forms in his possession or under his control shall be forwarded to the United States Drug Enforcement Administration as provided by Federal regulations.

Section 5 Definitions.

1) "Prescription". In addition to the term "prescription" as defined in the Statute, R.S. 40:961 (30) the following is adopted for clarification in administering this Act. A prescription means an order issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.

The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment, or in legitimate and authorized research is not a prescription within the meaning and intent of this Part and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for by R.S. 40:971.

2) "Distribute" means to deliver a controlled dangerous substance whether by physical delivery, administering, subterfuge, furnishing a prescription, or by filling, packaging, labeling or compounding the substance pursuant to a lawful order of a practitioner. "Distributor" means a person who delivers a controlled dangerous substance as herein defined.

Section 6 Required inventories.

(a) All licensees handling controlled dangerous substances in Schedules I, II, III, IV or V shall prepare a complete and accurate inventory of each such substance in his possession or under his control on January 1, 1971. All licensees will have records open for inspection by Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

(b) This inventory shall list the common or established name of each such controlled dangerous substance.

(c) If the controlled dangerous substances are in dosage unit form, it will fully identify the form (e.g., amphetamine sulfate, 10 mg. tablets), and record the number of dosage units. If the controlled dangerous substance is an ingredient in a powder, crystalline, liquid, bead or other form, this inventory will fully identify the form, (e.g., dextro amphetamine sulfate, elixir, 5 mg. per five cc's) and record the amount of each form.

(d) This inventory shall be placed on a record separate from other business, professional or required records.

(e) This record shall be prepared, dated and signed by a responsible official of the establishment.

(f) This record shall be kept for a period of at least two years from date of preparation. Inventory records shall be prepared in accordance with the provisions of this paragraph every two years on the anniversary of the date of the initial inventory.

These inventories may coincide with the licensee's regular fiscal inventory, provided that he maintains his records of receipt, distribution and dispensing in such a manner as to facilitate complete accounting for his handling of controlled dangerous substances (perpetual inventory control).

(g) A licensee failing to comply with (a), (b), (c), (d), (e), or

(f) above shall be deemed to have committed a prohibited act as provided in Section R.S. 40:971.

Section 7 Obtaining controlled dangerous substances.

(a) All licensees handling controlled dangerous substances in Schedules I and II shall maintain a file of the duplicate copies of all order forms used to obtain controlled dangerous substances within these classes.

1) This file shall be kept separate from the licensee's other business or professional records. All purchasing records or procurement records for Phentermine and Phendimetrazine shall be kept with this file.

2) This file shall be a complete and accurate record of the licensee's receipt of controlled dangerous substances within Schedules I and II (excluding those controlled dangerous substances received pursuant to an import permit).

3) Each duplicate copy of any order form used to order controlled dangerous substances shall be kept in this file for a period of at least two years from the date this order form was completed.

(b) All licensees handling controlled dangerous substances in Schedules III, IV or V shall maintain complete and accurate records of all receipts of these substances for a period of at least two years from the date of each such receipt. These records shall contain the full name, address and license number of the supplier, the common or established name of the controlled dangerous substance, its dosage form and strength, the amount, and the date of receipt.

(c) A licensee failing to comply with (a) or (b) above shall be deemed to have committed a prohibited act as provided in Section 976 of the Act.

Section 8 Manufacture of Controlled Dangerous Substances.

(a) A license is required for out of state manufacturers transporting or selling controlled dangerous substances within the state of Louisiana.

(b) All licensees in Louisiana engaged in the manufacture of controlled dangerous substances within Schedules I, II, III, IV, or V shall prepare a complete and accurate record of the date of manufacture, the theoretical and actual yields, the quantity of loss during manufacture (if any), the quantity used for quality control, the identity of batch numbers or other appropriate identification, and the quantity of any product reworked for any reason for each manufactured batch of controlled dangerous substances or each manufactured batch of drugs in which a controlled dangerous substance was used as a raw material.

(c) The licensee shall maintain manufacturing records in such a manner that the identity of a batch of controlled dangerous substance finished product can be matched to the identity of the controlled dangerous substance raw material used to make that product.

Likewise, these manufacturing records shall be maintained in such a manner that the identity of a controlled dangerous substance raw material can be matched to the identity of the batch of controlled dangerous substance finished product made from that raw material.

(d) The licensee shall maintain any other such records as are necessary to account for all controlled dangerous substances used in the manufacturing process.

(e) A licensee failing to comply with (a), (b), (c) or (d) above shall be deemed to have committed a prohibited act as provided in Section 971 of the Act.

Section 9 Distribution of Controlled Dangerous Substances

(a) All licensees handling controlled dangerous substances in Schedules I or II shall maintain a file of the original copies of all order forms received and filled by them for orders of controlled dangerous substances within these classes.

1) This file shall be kept separate from the licensee's other

business or professional records.

2) This file shall be a complete and accurate record of the licensee's distribution of controlled dangerous substances within Schedules I and II (excluding those controlled dangerous substances distributed pursuant to an export permit or pursuant to or by a valid prescription.)

3) Each original copy of an order form filled by the licensee shall be kept in this file for a period of at least 2 years from the date the order was filled.

4) All licensees will maintain their records open for inspection by the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

(b) All licensees handling controlled dangerous substances in Schedules III, IV and V shall maintain complete and accurate records of all distributions of these substances for a period of at least two years from the date of each such distribution. These records shall contain the full name, address and registration number, if any, of the distributee, the common or established name of the controlled dangerous substance, its dosage form and strength, the amount, and the date of the distribution.

(c) A licensee failing to comply with (a) or (b) above shall be deemed to have committed a prohibited act as provided in Section 971 of the Act.

Section 10 Dispensing Controlled Dangerous Substances

(a) Except when administered by a practitioner, all licensees engaged in the dispensing of Schedule II substances shall do so only by or pursuant to a written, valid prescription. Prescriptions for Schedule II substances may not be refilled.

(b) In the case of a bona fide emergency situation wherein there is an immediate medical need, a pharmacist may dispense a Schedule II substance upon receiving an oral authorization of a practitioner provided that:

1) The quantity be limited to that amount sufficient to last the ultimate user until he can be brought to a physician.

2) The dispensation be reduced to writing by the pharmacist and signed by him. This document shall contain all information required in a valid prescription except for the physician's signature. It will also contain a brief statement of the circumstances supporting the nature of the emergency and what measures the pharmacist took to assure that the ultimate user was brought to a physician.

3) This document shall be kept for a period of at least two years from the date of the dispensation.

(c) Each registered individual practitioner required to keep records and institutional practitioner shall maintain inventories and records of controlled substances in the manner prescribed in Section 9 and 10 of these regulations. All records will be open for inspection by the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

(d) Except when administered by a practitioner, all licensees engaged in the dispensing of Schedule III, IV and V substances shall do so only by or pursuant to a valid prescription. Oral prescriptions for Schedule III, IV and V substances shall be reduced to writing by the pharmacist at the time of their filling and signed by him.

Prescriptions for Schedule III, IV and V substances may not be refilled more than five times nor later than 6 months after the date of the prescription. Additional quantities of Schedule III, IV, and V substances may only be authorized through issuance of a new prescription.

(e) Each refilling of a prescription for a Schedule III, IV and V substance shall be indicated on the prescription document. Such indications will state the date of each such refill, the amount dispensed if less than the full prescription and the initials of the pharmacist.

(f) Each registered pharmacy shall maintain the inven-

ories and records of controlled substances as follows:

1) Inventories and records of all controlled substances listed in Schedules I and II shall be maintained separately from all other records of the pharmacy, and prescriptions for such substances shall be maintained in a separate prescription file; and

2) Inventories and records of controlled substances listed in Schedules III, IV and V shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy, and prescriptions for such substances shall be maintained either in separate prescription file for controlled substances listed in Schedules III, IV and V only or in such form that they are readily retrievable from the other prescription records of that pharmacy. Prescriptions will be deemed readily retrievable if, at the time they are initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" no less than 1-inch high and filed either in the prescription file for controlled substances listed in Schedules I and II or in the usual consecutively numbered prescription file for non-controlled substances.

(g) The following Schedule III controlled dangerous substances are exempt from the prescription requirements of Section 978 (B) of the Act:

1. Anti-diarrheal preparations containing not more than 500 milligrams of opium per 100 milliliters or per 100 grams, with one or more of the following active non-narcotic anti-diarrheal ingredients in recognized therapeutic amounts:

1. Albumin Tannate
2. Bismuth Subsalicylate
3. Kaolin
4. Pectin
5. Sodium Carboxymethylcellulose

(h) The following Schedule V controlled dangerous substances are exempt from the prescription requirements of Section 978 (C) of the Act:

1. Anti-diarrheal preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams in combination with one or more of the following non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable anti-diarrheal qualities other than those possessed by the narcotic drug alone:

1. Albumin Tannate
2. Bismuth Subsalicylate
3. Kaolin
4. Pectin
5. Sodium Carboxymethylcellulose

The above listed controlled dangerous substances (g) and (h) may be dispensed only for a legitimate medical purpose by a pharmacist and not by an employee of a pharmacist. However, once the pharmacist has fulfilled his legal and professional duties as set forth below, the actual financial transaction may be completed by an employee of the pharmacist.

(i) Schedule III and V controlled dangerous substances, exempted from the prescription requirements by these regulations, may only be dispensed without a prescription to a person at least 18 years of age. The pharmacist must require every dispensee of a Schedule III and V controlled dangerous substance to furnish suitable identification (include proof of age, when appropriate).

Not more than 8 ounces of any Schedule III and V controlled dangerous substances enumerated above may be dispensed to the same consumer in any given 48 hour period without a prescription.

(j) A complete and accurate record shall be prepared and maintained of each dispensation of a Schedule III and V controlled dangerous substance enumerated in Section 10 (g) and (h) of

these regulations using the following continuous format:

Date	Name of Recipient	Address	Name of Substance	Amount

All records will be open for inspection by the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

Section 11 Order Forms

Controlled dangerous substances in Schedule I and II shall be distributed only by a licensee, pursuant to an order form. Phentermine, Phendimetrazine and Pentazocine are exempt from the requirement of distribution by a licensee pursuant to an order form. Compliance with the provisions of Federal laws regulating such substances respecting order forms shall be deemed compliance with this section.

Section 12 Disposal of excess or undesired stocks of controlled dangerous substances

(a) Licensees shall not destroy excess or undesired stocks of controlled dangerous substances without prior notification and approval of the State Department of Health and Human Resources. Upon notification, the State Department of Health and Human Resources will contact the United States Drug Enforcement Administration and will then employ a witnessed or unwitnessed disposal procedure in implementing the destruction of undesired stocks of controlled dangerous substances. The method of disposal will depend upon the circumstances, the substances involved and the quantity.

Under no circumstances shall controlled dangerous substances be destroyed or, otherwise, disposed of without the approval of the Division of Narcotics and Dangerous Drugs and the United States Drug Enforcement Administration.

The licensee shall keep the original copy of the inventory form supplied by the United States Drug Enforcement Administration for a period of at least two years, and forward one copy to the Division of Narcotics and Dangerous Drugs office and two copies to the United States Drug Enforcement Administration.

(b) Failure to conform with provisions of this Section. A licensee who fails to conform with the provisions of this Section shall be deemed to have committed a prohibited act under Section 971 of this Act.

Section 13 Reporting Thefts or Unexplained Losses of Controlled Dangerous Substances

(a) Notification and reporting. A licensee shall immediately notify the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, of any theft or unexplained loss of any controlled dangerous substance in his custody. The original copy of the notification will be kept by the licensee for a period of at least two years from the date of such theft or unexplained loss. If the date of the theft or unexplained loss is not known, then the original copy of the notification will be kept for a period of at least two years from the date of notification of the Division of Narcotics and Dangerous Drugs.

(b) Custody of in-transit substances. For the purpose of implementing this Section, controlled dangerous substances stolen or lost while in-transit, are deemed to be in the custody of the consignor until actual delivery to the consignee.

(c) Failure to notify and report. A licensee who fails to fulfill the provisions of (a) above shall be deemed to have committed a prohibited act under Section 971 of the Act.

Section 14 Physical Security Controls for Non-Practitioners.

Compliance with the provisions of Federal Laws regulating physical security controls for non-practitioners shall be deemed compliance with this Section.

Section 15 Physical Security Controls for Practitioners.

Compliance with the provisions of Federal Laws regulating physical security controls for practitioners shall be deemed compliance with this Section.

Section 16 Labeling and Packaging Requirements for Controlled Substances.

Compliance with the provisions of Federal Laws regulating the labeling and packaging requirements for controlled substances shall be deemed compliance with this Section.

Section 17 Criteria applicable to terms used or defined in Section 963 of the Act.

(a) In determining whether a drug has a "stimulant effect" on the central nervous system, the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

1. Extended wakefulness
2. Elation, exhilaration, or euphoria (exaggerated sense of well-being).
3. Alleviation of fatigue.
4. Insomnia, irritability, or agitation.
5. Apprehension or anxiety
6. Flight of ideas, loquacity, hypomania or transient deliria.

(b) In determining whether a drug has a "depressant effect" on the central nervous system, the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

1. Calming effect or relief of emotional tension or anxiety.
2. Drowsiness, sedation, sleep, stupor, coma, or general anesthesia.
3. Increase of pain threshold.
4. Mood depression or apathy.
5. Disorientation, confusion, or loss of mental acuity.

(c) In determining whether a drug is "habit forming" the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

1. A psychological or physical dependence on the drug (compulsive use).
2. Euphoria (exaggerated sense of well-being).
3. Personality changes.
4. Transient psychoses, deliria, twilight state, or hallucinosis.
5. Chronic brain syndrome.
6. Increased tolerance or a need or desire to increase the drug dosage.
7. Physical dependence or a psychic dependence evidenced by a desire to continue taking the drug for the sense of improved well-being that it engenders.
8. Pharmacological activity similar or identical to that of drugs previously designated as habit forming.

(d) In determining whether a drug has a "hallucinogenic effect," the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, will consider, among other relevant factors, whether there is substantial evidence that

the drug may produce hallucinations, illusions, delusions, or alteration of any of the following:

1. Orientation with respect to time or place.
2. Consciousness, as evidenced by confused states, dreamlike revivals of past traumatic events, or childhood memories.
3. Sensory perception, as evidenced by visual illusions, synesthesia, distortion of space and perspective.
4. Motor coordination.
5. Mood and affectivity, as evidenced by anxiety, euphoria, hypomania, ecstasy, autistic withdrawal.
6. Ideation, as evidenced by flight of ideas, ideas of reference, impairment of concentration and intelligence.
7. Personality, as evidenced by depersonalization and derealization, impairment of conscience and of acquired social and cultural customs.

(e) The Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:

1. There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or
 2. There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or
 3. Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or
 4. The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.
- Section 18 Combination drugs; exemptions from certain requirements of Section 976 of the Act.

The list of combination drugs which are exempt from specified requirements of Section 965 of the Act will be supplied by the Louisiana Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, which is charged with the duty of continuously revising said list.

Roger P. Guissinger
Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1051 et seq., Section 1124 B, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures to amend Section 6.4.5. B (3) of the Louisiana Solid Waste Rules and Regulations, at

its June 23, 1983, meeting. The proposed amendment was forwarded to and found acceptable by the Joint Committees of Natural Resources. A Notice of Intent was published in the July 20, 1983, *Louisiana Register*.

Upon the acceptance by the Joint Committees on Natural Resources, the ECC adopted the amendment at its September 22, 1983 meeting. The amendment reads as follows:

6. 4. 5. Solid Waste Fee System
 - B. Annual Permit Maintenance Fee
 3. Fees for other types of solid waste sites shall be calculated according to the following schedule:
 - a. Base Fee-\$250.
 - b. Weight Fee-\$0.025/ton of solid waste which exceeds 75,000 tons/year of solid waste received for disposal at the site.
 - c. Volume Fee-\$0.01/cubic yard of compacted solid waste which exceeds 250,000 cubic yards/year of compacted solid waste received for disposal at the site.
- Note: Each cubic yard of uncompacted solid waste shall be divided by a factor of three to arrive at a density equivalent to that of compacted solid waste.
- d. Maximum Annual Permit Maintenance Fee-\$2,500.
 - e. The calculated weight fee or volume fee shall be added to the Base Fee to determine the total Annual Permit Maintenance Fee.
 - f. Publicly operated water supply treatment plant sludge facilities, and domestic sewage sludge facilities and agricultural sludge facilities shall be assessed the Base Fee only, not to exceed a total of \$250 per entity or community.

Persons requesting copies of the amendment and/or further information concerning the Rule may contact Barbara Delatte, Solid Waste Management Division, Office of Environmental Affairs, Post Office Box 44066, Baton Rouge, LA. 70804, or telephone (504) 342-1216.

Theresa A. Walters, Clerk
Environmental Control Commission

RULE

Department of Public Safety Office of State Fire Marshal

RULE

ADDITION OF NEW SECTION L.A.C. 17-4:7.12

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

L.A.C. 17-4:7.12 IPIA and DAPIA Fees

1. IPIA (In Plant Inspection Agency) fees for the inspection of the construction of manufactured housing within this state shall be as follows:
 - A. \$20 for each manufactured home constructed within Louisiana.
 - B. \$23 per hour for each hour that a field inspector monitors the manufactured housing construction within the Louisiana manufacturing facility.
 - C. \$30 per hour for each hour the administrative personnel (architect and/or engineer) monitors the mobile home construction within the Louisiana manufacturing facility.
2. DAPIA (Design Approval Primary Inspection Agency) fees shall be \$35 per hour for each hour the administrative personnel (architect and/or engineer) perform plan and specification reviews for mobile home designs.

3. The fees required shall be paid to the Office of State Fire Marshal, made payable to the Department of Public Safety, State of Louisiana.

Carrol L. Herring
State Fire Marshal

RULE

Department of Public Safety Office of State Fire Marshal

AMENDMENT TO L.A.C. 17-4:19
Addition of Sections 17-4:19.2

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

L.A.C. 17-4:19.2 Retail Fireworks Sales

In addition to the requirements of Louisiana Revised Statutes including but not limited to Louisiana Revised Statutes 51:650 et seq. and more specifically Section 653 and 654 as well as Louisiana Revised Statutes 40:1563 et seq. and more specifically 1578.6, 1605, and 1603, licensed retail sellers of fireworks are required to comply with the following requirements:

1. There shall be no open flame heating devices in any location from which the sale of fireworks is made at retail.

2. There shall be no sleeping within the facility in which fireworks are sold, offered for sale or stored.

3. In any place where retail fireworks sales are made or offered or retail fireworks are stored there shall be a minimum of one unobstructed exit.

4. The physical facility, such as a fireworks stand, retail fast food outlet or any other similar facility out of which fireworks are sold, offered for sale or stored shall not be located less than 75 feet from any facility or mechanism in which flammable liquids are dispensed and/or stored above ground. Additionally, no fireworks shall be exploded within 75 feet from any facility or mechanism where flammable liquids are dispensed and or stored above ground.

5. In any retail outlet except those which sell only fireworks, no fireworks shall be stored, displayed, or offered for sale within ten feet of any required exit unless the fireworks are stored or contained within a container which will resist fire from any outside source.

6. No facility for the retail sale or storage of fireworks shall be located less than 25 feet from a public roadway.

7. All of the wiring in any facility for the retail sale or storage of fireworks shall be in accordance with the National Electric Code.

8. Any facility for the retail sale or storage of fireworks shall have available one servicable fire extinguisher in accordance with N.F.P.A. 10 and L.A.C. 17-4:21.

Carrol L. Herring
State Fire Marshal

RULE

Department of Public Safety Office of State Fire Marshal

ADDITION OF NEW SECTION L.A.C. 17-4:25

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

L.A.C. 17-4:25 Specification for Flammable and Combustible Liquid Containers

1. All flammable liquid (Class I) containers shall meet the

requirements of N.F.P.A. 30, Chapter 4-2.1, 1981 edition except as otherwise provided herein.

2. Non-reusable polyethylene containers made of DOT Type III plastic, treated if necessary to prevent permeation, having a minimum overall thickness of 0.010 inches, a rated capacity not over 2.5 gallons, a 15 percent maximum outage over mark capacity meeting the closure and testing requirements of, and containing combustible products authorized by DOT Specification 2U, shall be acceptable for Class II and Class III fuels.

3. All containers must be labeled to verify ANSI-ASTM D 3435-78 for Class I liquids and DOT Specification 2U for Class II and Class III liquids.

Carrol L. Herring
State Fire Marshal

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting held in New Orleans on Tuesday, September 27, 1983, adopted the following Rule.

WHEREAS, the Louisiana Department of Wildlife and Fisheries received the Rockefeller Wildlife Refuge under a conditional Deed of Donation in 1920; and

WHEREAS, provisions of the original Deed of Donation and the Memorandum of Agreement permit recreational use of the area; and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has been permitting sport fishing and other recreational use of the area for 25 years without interference with the wildlife management programs on the area; and

WHEREAS, numerous regulations have been adopted by the Louisiana Wildlife and Fisheries Commission to control public use of the wildlife refuge area; and

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the following Rules and Regulations to govern the use of the Rockefeller Wildlife Refuge for sport fishing and other recreational uses.

1. The visiting season on the Rockefeller Wildlife Refuge will extend from March 1 through December 1 throughout the refuge except those restricted areas designated to prohibit interference with research activities. Use of Humble Canal; Joseph Harbor Bayou; Headquarters Canal; Union Producing Canal; Deep Lake; East End Boundary Canal; and Rollover Bayou shall be year-round. In addition to this access, sport fishermen shall be permitted to enter the Refuge from the Gulf side in East Constance Bayou, East Little Constance Bayou, Big Constance Bayou, Little Constance Bayou. Access through these bayous will be permitted only as far inland as the existing water control structures. The remainder of the Refuge shall be restricted during the winter months and will be closed to all trespassing.

2. Use of the Refuge will be allowed from one-half hour before official sunrise until official sunset. This includes access routes through the Refuge.

3. Overnight camping is prohibited.

4. Hunting, molesting or intentional disturbing of wildlife is prohibited.

5. Trawling on the Refuge is prohibited. Trotlines, trammel and gill fish nets are prohibited. All commercial fishing is prohibited. One-hundred pounds of shrimp per boat is allowed during the inside open shrimp season as established by the Loui-

siana Wildlife and Fisheries Commission annually. Ten pounds of shrimp for bait purposes may be caught during the closed season. Shrimp can be harvested only by cast net on the Refuge and only for sport fishing or home consumption use.

6. Crawfish may be harvested from the open portion of the Refuge and one-hundred pounds per boat or vehicle is allowed. Set nets or traps may be used but must be attended and removed from the Refuge daily. No commercial harvest allowed.

7. Oysters may be harvested from the natural reefs. One gallon per boat is allowed and oysters must be opened at the reef and the shells returned to the reef.

8. The burning of the marshes is prohibited. Water control structures are not to be tampered with or altered by anyone other than employees of the Louisiana Department of Wildlife and Fisheries.

9. Bringing firearms, bows and arrows, liquor and controlled substance narcotics onto the Refuge is prohibited. All boats and vehicles are subject to search by all authorized employees of the Louisiana Department of Wildlife and Fisheries at any time.

10. Boat travel on the Refuge will be maintained at a minimum and boats shall be operated so as to create a minimum of wave wash. Speed boat racing and water skiing is prohibited.

11. No littering is allowed. Visitors must remove their litter or place in appropriate litter disposal sites. Cleaning of fish on the Refuge is allowed, however, remains must be properly disposed of.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Secretary is hereby authorized to publicize this change in regulations through the news media.

Jesse J. Guidry
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following resolution was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, LA, September 27, 1983.

WHEREAS, studies conducted by the Louisiana Department of Wildlife and Fisheries on Toledo Bend Reservoir have demonstrated the detrimental effects that the use of certain types of commercial fish nets have on gamefish populations; and

WHEREAS, a survey conducted prior to the initial net ban request of August, 1981 indicated a moderate commercial fishery does exist in Toledo Bend Reservoir, however, the majority of commercial fishermen fished only on a part time basis, and the primary fish sought after were catfishes; and

WHEREAS, commercial fishermen on this lake can still effectively take catfish with the use of hoop nets, slat traps, setlines, bush lines, and trot lines; and

WHEREAS, to protect and enhance the viable sportfishery that now exists in Toledo Bend Reservoir.

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby extends the prohibition on gill nets, trammel nets, flag webbing and fish seines in the Louisiana portion of Toledo Bend Reservoir and

FURTHER BE IT RESOLVED, that the closed season on hoop nets continue during the period March 1 through May 15 each year only in that portion of Toledo Bend Reservoir from a point north of Logansport where the lake enters Texas, and south to a point of the Lake where the Texas Duck Refuge Canal

intersects the old channel of the Sabine River. The extension of this Rule will remain in effect for a three year period until October 20, 1986.

Jesse J. Guidry
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting held in New Orleans on Tuesday, September 27, 1983, adopted the following Rule.

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

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

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

WHEREAS, fur prices were depressed for a second year during the 1982/83 trapping season as a result of the world economic situation; and

WHEREAS, this depressed price level combined with winter flooding both in upland and coastal areas produced a dramatic drop in trapper success, trapper effort and the resulting harvest; and

WHEREAS, federal restrictions imposed by the Endangered Species Office concerning out-of-state shipment for otter and bobcat furs will again require placement of a possession tag by trappers or buyers to insure state origin; and

WHEREAS, the zonation concept during the past two seasons has proved workable and beneficial in reducing late caught unprime furs and has produced favorable comments generated within the fur industry; and

WHEREAS, legislation during the 1983 session allows a licensed hunter to take raccoon and/or opossum during daylight hours during the open squirrel season; and

NOW, THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish the 1983-84 fur bearers trapping season for the northern zone as being November 20, 1983, through February 15, 1984, and the southern zone as being December 1, 1983, through February 28, 1984, and sets a bag limit for daytime and nighttime raccoon and opossum hunting outside the trapping season as one raccoon and/or opossum per hunter per day or night; and

BE IT FURTHER RESOLVED, that the following regulations governing the buying, tagging and shipment of bobcat and otter pelts are adopted for the 1983-84 trapping season.

Bobcat and Otter Tagging Requirements

In order to obtain federal approval to export bobcat and otter out of the United States, the Louisiana Department of Wildlife and Fisheries is required to insure that only Louisiana trapped otter and bobcat are tagged with Louisiana export tags.

In order to accomplish this, a special possession tag will be made available to fur buyers.

A blue tag for otter and a red tag for bobcat must be filled out by the trapper at the time the pelt is sold.

The information required includes trapper name, trapper license number, parish caught in and date trapped.

No bobcat or otter pelt shall be purchased from a trapper or be in the possession of a fur buyer without a possession tag.

Dealers shall not purchase bobcat or otter pelts without a possession tag attached.

No bobcat or otter pelt shall be shipped from the state without an export tag attached.

Dealers will obtain export tags for bobcat and otter by providing to the Department one completed possession tag for each pelt to be shipped from the state.

It shall be illegal to falsify possession tags or attach Louisiana export tags to out-of-state bobcat or otter pelts.

Once possession tags have been received and counted by Department personnel, export tags will be mailed immediately.

Trappers shipping bobcat or otter out of state must provide completed possession tags to the Department in order to receive export tags.

Jesse J. Guidry
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Agricultural Commodities Commission

In accordance with the provisions of R.S. 49:951, et seq., the Administrative Procedure Act, and R.S. 3:3405, relative to the authority of the Louisiana Agricultural Commodities Commission for Rule-making, notice is hereby given that the Department of Agriculture, Louisiana Agricultural Commodities Commission, will repeal Rule 4.2 D of its Rules and Regulations, to eliminate the present requirement for submission of a financial statement audited by a certified public accountant prior to initial licensure, and amend Rules 8.10 and 12.8 as herein provided. Final action with regard to these Rule changes will be taken by the Louisiana Agricultural Commodities Commission at its meeting scheduled for 9:30 a.m. on December 6, 1983, on the 21st Floor of the State Capitol, Baton Rouge, LA.

Upon the repeal of Rule 4.2 D, the existing Rule 4.2 E will be re-numbered as Rule 4.2 D.

Rule 8.10 E will be amended to read as follows:

Whenever any warehouse ceases to operate as a licensed warehouse, alternate security offered in lieu of the required bond shall be retained by the Commission: (1) for a period of 30 days after final publication of public notice of the Commission's intention to release the alternate security, such public notice to be made at least seven times in a daily newspaper in the licensee's area or at least once in a weekly newspaper, if there is no daily newspaper, in the licensee's area; and (2) until completion of a final audit, which final audit shall be completed in not more than 120 days.

Rule 12.8 will be amended to read as follows:

12.8 The Commission may accept alternate security in an amount of \$75,000 in lieu of the required bond.

A. Alternate security may be offered only by (1) pledging of certificates of deposit or other similar negotiable instruments, or (2) filing of an irrevocable letter of credit, which shall be non-cancellable for a period of one year.

B. All alternate security instruments must be assigned to the Commission and will be maintained in the Commission's office in Baton Rouge; holders of certificates of deposit may continue to draw interest thereon.

C. Whenever any grain dealer ceases to operate as a licensed grain dealer, alternate security offered in lieu of the required bond shall be retained by the Commission: (1) for a period of 30 days after final publication of public notice of the Commission's intention to release the alternate security, such public notice to be made at least seven times in a daily newspaper in the licensee's area or at least once in a weekly newspaper, if there is no daily newspaper, in the licensee's area; and (2) until completion of a final audit, which final audit shall be completed in not more than 120 days.

D. Alternate security offered in lieu of the required bond is subject to the approval of the Commission and must be so approved prior to issuance of the license.

The Commission will also consider and may adopt any amendment recommended by any commenter responding to this Notice. Written comments will be accepted by Manning Broussard, Director of the Commission, 4432 Florida Boulevard, Baton Rouge, LA 70806 up to and including December 5, 1983 or may be presented in person at the meeting of the Commission on December 6, 1983.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Agriculture Commodities

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
\$300 annually for estimated expenses of publishing notices prior to release of alternate security.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS (Summary)
None.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No additional costs to affected groups. Repeal of the requirement for an audited financial statement prior to initial licensure may result in savings estimated at \$5,000 for a small elevator up to a possible \$40,000 for a large chain.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

John Compton
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Board of Certified Public Accountants of Louisiana

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana, pursuant to the authority vested in Section 75 of the Louisiana Revised Statutes, Title 37, Chapter 2, proposes to adopt, and amend effective February 1, 1984 the following Rule:

1. LAC 11-9:2 R.S. 37:72 Amends Rule 2.2.2

Proposed Rule

2.2.2 The compilation of financial statements as long as an accountants' report is not rendered thereon provided, however, that the following shall not constitute an accountants' report:

The accompanying balance sheet of XYZ Company as of December 31, 19XX and the related statements of income, retained earnings, and changes in financial position for the year then ended have been compiled by me (us).

A compilation is limited to presenting in the form of financial statements information that is the representation of management (owners). I (we) have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Use of the following language is permissible in appropriate circumstances:

Management has elected to omit substantially all of the disclosures (and the statement of changes in financial position) required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the company's financial position, results of operations, and changes in financial position. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Interested persons may submit written comments on this proposed Rule through November 20, 1983 to Mrs. Mildred M. McGaha, CPA, Executive Director, State Board of Certified Public Accountants of Louisiana, 310 Masonic Temple Building, 333 St. Charles, New Orleans, LA 70130.

Albert J. Derbes, III, CPA
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: 37 Chapter 2

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

There will be no increased implementation costs, other than the cost of printing and distributing the amendment to the Rules, to this agency because the change will involve no staff time or other expenses in addition to that needed to administer the Rules before the changes were made. There may be a savings to the agency with fewer complaints received.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is not anticipated that this will have an effect on revenue collections.

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

It is not anticipated that this change will result in any additional cost or benefit to any CPA group, but unlicensed

accountants will benefit by having access to Safe Harbor language to be used when preparing compilation reports.

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

The proposed Rule change is not expected to affect competition or employment.

Albert J. Derbes, CPA
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Minority Business Development Authority

The Louisiana Minority Business Development Authority published the following final Rule on June 20, 1983:

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within ten days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

The word calendar has been added to the Rule as a technical amendment. The proposed Rule now reads:

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within ten calendar days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

Interested persons may comment on the proposed Rule to the Louisiana Minority Business Development Authority, Box 44185, Baton Rouge, LA 70804, to the attention of Nadia L. Goodman.

Nadia L. Goodman
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAMBDA

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

There are no estimated costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is difficult to determine how much will be collected in late fees at this time.

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

Cost to applicants approved by LAMBDA can only be determined by the applicant. Payments are scheduled prior to loan closing and are structured according to projected earnings. If loan repayments are made by due date, there will be no additional cost to the client.

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

There is no estimated effect on competition or employment.

Gregory Allen
State Loan Administrator

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Office of Financial Institutions

"Agreement Corporations"

Under authority granted by LRS 6:237(B), the Commissioner of Financial Institutions intends to adopt the following Rule which permits the formation of State-chartered "Agreement Corporations".

Proposed Rule

Activities engaged in by a corporation ("Agreement Corporation") under an agreement with the Board of Governors of the Federal Reserve System (the "Federal Reserve"), including an agreement under Section 25 of the Federal Reserve Act (12 U.S.C. §§601-604(a)), pursuant to which agreement such corporation's activities are limited to those which may be performed by a corporation ("Edge Corporation") organized under Section 25(a) of such Act (12 U.S.C. §§611-631), shall be deemed not to constitute a banking business and an Agreement Corporation engaging in such activities shall be deemed not to be a bank, so long as its activities are at all times subject to regulation by the Federal Reserve and limited to those activities which may be performed in accordance with any regulations issued by or agreements with the Federal Reserve applicable to such Agreement Corporation. The Commissioner of Financial Institutions may, however, visit and examine an Agreement Corporation engaging in such activities in Louisiana whenever in his judgement an examination of its affairs is necessary or expedient.

Interested persons may submit written comments on the proposed Rule until 4:30 p.m., November 5, 1983, at the following address: Honorable Hunter O. Wagner, Jr., Commissioner of Financial Institutions, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries concerning this proposed Rule.

Hunter O. Wagner, Jr.
Commissioner

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: "Agreement Corporations"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The estimated costs would include an office and staff to handle international transactions for customers. The benefits would be to provide the handling of international transactions for customers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There would not be much effect on competition as a new institution would be competing against older and established companies. There would be a small staff hired to handle the transactions.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Real Estate Commission

The Louisiana Real Estate Commission hereby gives notice of its intention to adopt the following regulations on or after January 5, 1984, in order to implement Act 552 of 1983 (The Louisiana Timesharing Act) and Act 380 of 1983, relative to corporate and partnership real estate brokers:
LAC 11-15:35 TIMESHARES

35.1 Every applicant for initial registration as a timeshare interest salesperson shall submit to the commission a fully completed application on a form provided by the commission accompanied by the prescribed fee and satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency. All fees must be paid by way of a certified check, cashier's check, or a money order made payable to the Louisiana Real Estate Commission. Satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency may be established by the original or a copy of the applicant's high school diploma, the applicant's university or college diploma, the applicant's certificate of high school equivalency, or, if none of the above is available, by an affidavit stating the date and place of the applicant's high school graduation or the granting of the applicant's certificate of high school equivalency.

35.2 Every developer of a lease timeshare interest in a multiple use project and every developer of each timeshare plan that has timeshare property located in Louisiana or who maintains a sales office in Louisiana for the sale of timeshare interests shall submit to the commission an affidavit attesting to the existence, location and account number of the account into which the developer is making deposits out of the sales price of every timeshare interest sold, as required by R.S. 9:1131.17. The affidavit shall also authorize and empower the commission or its representatives to examine, inspect and copy the developer's escrow account. No escrow account may be closed until such time as all deposits therein have been properly disbursed according to law. Every developer shall notify the commission of his intention to close an escrow account at least 10 days prior to the intended closing date.

35.3 Every applicant for initial registration as a timeshare interest salesperson shall designate, on the application form provided by the commission, the name of the developer for whom he will be working following registration. Any timeshare interest salesperson who terminates his business relationship with his initial developer shall notify that developer and the commission in writing by certified mail of the intended action. Any timeshare interest salesperson who wishes to begin a new business relationship with another developer shall notify the commission in writing by certified mail of the intended action prior to beginning that business relationship.

35.4 Any person, including any developer, who receives a commission, salary or other compensation based upon the sale of timeshare interests must register with the commission in accordance with the provisions of R.S. 37:1437.1(A) unless that person is a licensed real estate broker, a licensed real estate salesperson working under his sponsoring broker, or the owner, other than the developer, of such timeshare interests.

LAC 11-15:28 Corporations and Partnerships

Section 28.1 A corporation's qualifying broker must be either the president of the corporation or any other officer who can produce evidence such as a resolution of the corporation's board of directors to show that he is the chief executive officer of the corporation's real estate brokerage activities in Louisiana.

Section 28.2 A partnership's qualifying broker must one of

the partners.

Interested persons may comment on the proposed regulations in writing prior to January 5, 1984, at the following address: Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA 70898.

William G. Newchurch
Assistant Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Timeshares, Corporations and Partnerships

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs (savings) to the agency as a result of this Rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections as a result of this Rule change.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The Rules on timesharing restrict initial registration to those persons working for a developer of a timesharing project. This restriction may limit the number of salespersons obtaining registration. However, it should afford timesharing buyers better accountability with respect to the timesharing developer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment as a result of this Rule change.

William Newchurch
Assistant Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Corrections Office of the Secretary

The Department of Corrections, Office of the Secretary, intends to amend Department Regulation 30-14 as follows:

1. The term "offender" replaces "inmate" throughout this regulation.
2. Section 5, (B) - "Designated representative" replaces "Deputy Secretary".
3. Section 7, (A) (9), (D) (2) (f), (E) (8) (g) - Add "with the exception of marijuana offenses".
4. Section 7, (B) - Change "Claiborne Parish Institution" to "Wade Correctional Center" and add "Washington Correctional Institute".
5. Section 7, (B) (2) - Delete (d), (e) and (g), and reletter.
6. Section 7, (C) - "Work Training Facility/North" replaces "L.C.I.S."
7. Section 7, (C) (2) - Delete, and renumber.
8. Section 7, (C) (3) - "Quarterly furloughs" replaces "monthly pass".
9. Section 7, (D) (3) - Will read as follows: "Persons who have escaped and/or who have abetted an escape and/or have

attempted to escape within a period of the last seven years are ineligible."

10. Section 7, (E) (4) - Changed from "three years" to "seven years".
11. Add Section 8 - Protection
12. Add Section 9 - Detainers
13. Add Section 10 - Escapes
14. Section 7, (G) - "Quachita Parish Facility" has been deleted.

Written comments of interested persons on the proposed amendments may be addressed to: Ms. Martha Morgan, Attorney for the Secretary, Department of Corrections, Box 44304, Capitol Station, Baton Rouge, LA 70804. Ms. Morgan will respond to all inquiries regarding this amended regulation through November 6, 1983.

John T. King
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: DR 30-14

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation of the Regulation amendment will not affect the costs of this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenue collections will not be impacted.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs or benefits to affected plan members.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition and employment will not be affected.

Michael H. Martin
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. Delete Section 507 D.3. from Bulletin 1706, *Regulations for Implementing the Exceptional Childrens' Act*.
2. The Board adopted a policy authorizing vocational technical school directors and BESE's special school superintendents to accept the resignation of employees on behalf of the Board, with the effective date of termination to be the date of receipt by the director/superintendent of the school.
3. The State Board of Elementary and Secondary Education directed that certification fees for Temporary Certificates be eliminated, effective January 1, 1984.
4. Amend Bulletin 746 to change the title of position as Guidance Counselor to Personnel Services Officer and certification requirements for Guidance Counselor become the requirements for Student Personnel Services Counselor.

5. The Board approved the revision of high school credit for college courses in Vocational Education as required in Bulletin 741 (page 35-B) as follows:

**HIGH SCHOOL CREDIT FOR COLLEGE COURSES
IN VOCATIONAL EDUCATION**

(Applies to Students Attending College Part-Time)

1. The granting of high school credit for college courses shall be limited to students who have earned 12 or more high school units of credit toward graduation.

2. These students shall be in attendance in at least one high school class while enrolled in college courses.

3. The principal of the school shall approve the advanced offering to be taken by the student in college.

4. The high school administrator shall establish a procedure with the college to receive reports of the students' class attendance and performance at six- or nine-week intervals.

5. The awarding of Carnegie units of credits will be in accordance with individual program requirements as stated in Bulletin 741.

If the course content is equivalent to the content of a vocational education course offering listed under Standards 2.105.23 — 2.105.31, the unit(s) of credit shall be reported on the student's transcript by that title.

If the course content is not equivalent to a course listed under Standards 2.105.23 — 2.105.31, the unit(s) of credit shall be reported by the postsecondary title.

6. College courses shall be counted as high school subjects for students to meet eligibility requirements in order to participate in extra-curricular activities governed by voluntary State organization.

6. Amend Bulletin 1196, *School Food Services Program Policies of Operation* to include pedestal and ceiling fans (including installation and electrical connection) in the Table of Authorized School Food Service Equipment (page 39).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 8, 1983 at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Special Education**

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

There will be no implementation cost or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There will be no cost or benefit to affected groups which are those foster parents who are employees of an LEA and the handicapped children in their care.

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

There will be no effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Employee Resignation,
Vo Tech/Special Schools**

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

No costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No effect on revenue collections.

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

No costs or benefits to affected groups.

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

No effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Teacher Certificates**

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

The adoption of this policy will not be of any savings to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The adoption of this policy will result in the loss of approximately \$12,000 in 1983-84 due to the effective date of January 1, 1984 and \$25,000 to \$30,000 annually thereafter.

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

Individual teachers and local school boards will not have to pay the \$10 to \$15 certification fee for temporary certificates (\$15 for initial certification; \$10 for reissuance).

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

This policy should have no effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Change of Title of Guidance Counselor
to Student Personnel Services Officer**

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

There will be no costs nor savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

- There will be no costs nor benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
- There will be no effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: High School Credit for College
Vocational-Technical Programs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
- There will be no costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
- There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
- There will be no costs; however, benefits to affected groups will allow students to receive high school credit for college taught courses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
- There will be no effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Authorized Equipment**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
- The proposed change will have no fiscal impact on the State Agency. The purchase of these items is already allowed by present policy. Elimination of the need for prior written approval by including these items in the Table of Authorized equipment will save the State Agency time and reduce paperwork.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
- The proposed change will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
- The proposed change have no fiscal impact on School Food Authorities. The purchase of these items is already allowed by present policy. Elimination of the need for prior written approval by including these items in the Table of Authorized equipment will save the school food authorities time and reduce paperwork.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
- None.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of the 1974 Constitution, a public hearing will be held in the Board of Trustees Conference Room, 151 Riverside Mall, Baton Rouge, LA, beginning at 9:30 a.m. on November 4, 1983. At such hearing the Board will consider enactment of PART VII, Section 7.10 Termination of Tenured and Non-Tenured Faculty, of the Policies and Procedures of the Board of Trustees for State Colleges and Universities.

The Board of Trustees for State Colleges and Universities shall accept written comments until 4:30 p.m., October 28, 1983, at the following address: Susan Walker, Assistant Director, Academic Research and Planning, Board of Trustees for State Colleges and Universities, 151 Riverside Mall, Baton Rouge, LA 70801.

Bill Junkin
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
- No specific savings figure can be provided at this time. Savings will be determined in individual cases and will probably vary. Savings will be in the form of salary savings due to discharge, termination of contract or demotion in rank.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
- There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
- This policy will result in greater flexibility to the administration while providing protection for the affected faculty member.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
- Possible reductions or redistributions of employment may occur as a result of this policy.

Bill Junkin
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Federal Property Assistance Agency**

Notice is hereby given that Louisiana Federal Property Assistance Agency proposes to amend its Temporary Plan of Operation as adopted in the *Louisiana Register* of October 20, 1977, and implement it as its Permanent Plan of Operation. The amendments to be incorporated are as follows:

1. Delete site for a North Louisiana distribution center.
2. Delete rotating inventory.
3. Delete Master Control Card System.

4. Revise method of computation for handling/service charges.

Interested persons may submit oral or written comments through December 10, 1983, to: Don C. Marrero, Director, Louisiana Federal Property Assistance Agency, 1635 Foss Drive, Box 44351, Capitol Station, Baton Rouge, LA 70804. Telephone: 504-342-7860.

Don C. Marrero
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Plan of Operation**

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

There will be no estimated implementation costs/savings to the Agency. These amendments are to provide a more efficient and practical mode of operation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no estimated effect on revenue collections.

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

There will be no estimated costs/benefits to affected groups.

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

There will be no estimated effected on competition and employment.

Don Marrero
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to amend its policies and procedures to adopt Part 682 of Title 34 of the Code of Federal Regulations dated September 17, 1979 in lieu of Part 177 of Title 45 of CFR dated September 17, 1979 which was published as adopted in the July 20, 1983 issue of the *Louisiana Register*, page 460.

Part 682 of Title 34 of CFR and PART 171 of Title 45 of CFR pertain to the same Rules affecting provisions of Title IV, Part B, of the Federal Higher Education Act of 1965 as amended (20 U.S.C. 1071-1087-4).

Part 682 of Title 34 of CFR was designated by the Federal government to retroactively replace Part 171 of Title 45 of CFR at the time the U.S. Department of Education was created by Congress in lieu of the U.S. Office of Education under the U.S. Department of Health, Education and Welfare. In all instances, the "Commissioner" of Education was redesignated the "Secretary" of Education throughout the regulations, effective October 21, 1979.

Part 682 of Title 34 of CFR combines the following Guar-

anteed Student Loan Program Regulations, showing publication date in the *Federal Register* in parenthesis and effective date outside the parenthesis:

GSL Program Final Regulation
(September 17, 1979) October 21, 1979
Amendments To GSL Program Final Regulation
(June 24, 1980) August 27, 1980
Nomenclature and Technical Amendments
(December 30, 1980) December 30, 1980
GSL Deferment
(January 16, 1981) March 30, 1981
GSL Refund of Tuition Charges and other Fees
(January 16, 1981) March 30, 1981
Cost of Attendance and Treatment of Bankruptcy Regulation
(January 21, 1981) March 30, 1981

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

Richard W. Petrie
Director

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

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

No costs except for mailing to lenders and schools. Federal Regulations will be furnished by the U. S. Department of Education.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no estimated effect on revenue collections.

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

No revenue impact. Avoids some confusion of regulation interpretation.

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

There will be no estimated effect on competition and employment.

Richard W. Petrie
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Dentistry**

The Louisiana State Board of Dentistry proposes to adopt the following addition to its Rules and Regulations, pertaining to approval of colleges, universities and training schools for dentists and dental hygienists. The Board proposes to adopt this Rule