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This public document was published at a cost of \$2.60 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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Executive Orders

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 30th day of August, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-13

WHEREAS, there is a need to conserve and properly manage the fishing resources of Louisiana for present and future generations; and

WHEREAS, the sound management of the Louisiana finfish fishery, particularly red drum (commonly called "red fish") and spotted seatrout (commonly called "speckled trout"), is important as a recreational and commercial resource to the people of Louisiana and state government should provide leadership in this important area;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, hereby create the Governor's Task Force on Saltwater Finfish Management to be composed of:

- 1) The Secretary of the Department of Wildlife and Fisheries, or his designee, to serve as the exofficio chairman, and
- 2) One staff member from the Department of Wildlife and Fisheries knowledgeable in marine fisheries, and
- 3) Two members representing and from commercial fishing interests, and
- 4) One member representing the Louisiana Restaurant Association, and
- 5) Two members representing the interest of saltwater sport fishermen, and
- 6) One member representing the Louisiana Consumers League, and
- 7) Two university-related specialists in the field of fisheries resource management, and
- 8) One member of the Wildlife and Fisheries Commission, and
- 9) Two outdoor journalists with an interest in saltwater fishing.

BE IT FURTHER RESOLVED, that the task force herein created shall have the following goals:

- 1) To review the report "Spotted Seatrout and Red Drum — An Overview, January 1983" and recommend procedures for developing a management plan to assure the protection and proper management of these valuable resources and other finfish;
- 2) To review the coastwide program to monitor red drum, spotted seatrout and other finfish populations;
- 3) To review the coastal creel surveys of recreational and commercial finfishermen;
- 4) To review studies designed to yield information about (a) young-of-year fish and (b) environmental effects on young fish and spawning of mature fish;
- 5) To take such other steps including preparation of proposed legislation as appropriate to assure the protection and proper management of these valuable resources; and
- 6) To submit a written report to the Governor by March 1, 1984.

IN ORDER TO ACCOMPLISH THESE GOALS, the Department of Wildlife and Fisheries shall provide whatever assistance is reasonably necessary, and the Office of Executive Counsel to the Governor will provide legal assistance.

IN WITNESS WHEREOF, I have herewith set my hand

EXECUTIVE ORDER NO. DCT 83-15

WHEREAS, the State of Louisiana is committed to the success of the 1984 Louisiana World Exposition; and

WHEREAS, the transportation network in the Metropolitan New Orleans Area will contribute in large measure to the success of the exposition; and

WHEREAS, transportation planning for the exposition involves the coordination of a number of entities at the state and local levels; and

WHEREAS, limited transportation resources are available to meet the anticipated demand; and

WHEREAS, coordination of planning and implementation is essential to maximize the use of limited transportation resources;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority invested in me by the Constitution and statutes of the State of Louisiana, do hereby establish the Exposition Transportation Task Force, hereinafter referred to as the Task Force, in order to provide direction for the planning, implementation, coordination, and promotion of transportation-related activities associated with the Louisiana World Exposition.

BE IT FURTHER RESOLVED, that the Task Force shall be composed of an Executive Board and adequate staff resources from participating agencies. The Executive Board of the Task Force shall be composed of representatives of the City of New Orleans, the Parish of Jefferson, the Parish of St. Tammany, the Parish of St. Bernard, the Louisiana Department of Transportation and Development, the Louisiana World Exposition, Inc., the Office of the Governor and other public and private entities that the Governor shall deem to be necessary. The membership of the board shall be appointed by the Governor. The chairman of the Executive Board shall be appointed by the Governor.

BE IT FURTHER RESOLVED, that the Task Force shall develop and recommend to the Governor an implementation program for exposition-related transportation which shall outline the responsibilities and actions of each participating agency in providing transportation-related services. The recommendations shall be presented to the Governor prior to January 15, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 11th day of August A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-16

WHEREAS, it appears necessary that Executive Order No. 82-5 be amended to authorize additional time than that set forth in the original order for the Governor's Task Force on Deep Draft Vessel Access to the Lower Mississippi River to complete its work

and report to the Governor.

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby amend Executive Order No. 82-5 to extend the date on which a report is to be filed until September 30, 1983. In all other respects the executive order remains unchanged.

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 4th day of August, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-17

WHEREAS, the people of Louisiana and the Nation enjoy the benefits and privileges of the finest health care system in the world; and

WHEREAS, the advances in the science and technology of this system have provided our people with curative procedures and techniques that have contributed significantly to the quality and prolonging of useful life; and

WHEREAS, one of the most emerging of these advances is the transplantation of body organs to replace nonfunctioning or diseased organs that threaten the lives of individuals and the tranquility of family life; and

WHEREAS, the Legislature of Louisiana enacted the Anatomical Gift Act to provide the framework for concerned citizens to meet the critical needs of people throughout the nation and share the ultimate gift in human compassion, the gift of life; and

WHEREAS, it is the desire of the people of Louisiana to cooperate to the fullest extent possible in facilitating the availability of donors, exchange of present historical and biological data and the discovery of potential organ recipients;

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

The purpose of this Task Force will be to examine all areas whereby organ donation may be stimulated to benefit those who are awaiting transplantation in Louisiana as well as throughout the nation. From this examination the Task Force will develop recommendations to, through public and private resources: (1) improve the coordination and organizational support of existing programs, and (2) foster the interest and acceptance of the public toward greater participation in present and future organ donation programs.

This Task Force shall consist of 15 members appointed by the Governor with representatives from the following areas:

Louisiana Department of Public Safety	One Member
Louisiana Department of Education	One Member
Louisiana Sheriffs Association	One Member
Louisiana Association of Educators	One Member
Louisiana Association of Dist. Attorneys	One Member
Louisiana State Bar Association	One Member
Louisiana Hospital Association	One Member
Louisiana State Medical Society	Two Members
Louisiana State Nursing Association	One Member
Louisiana Chaplains Association	One Member
Coroners of Louisiana	One Member
Press	One Member
Consumer	Two Members

The Task Force will report all recommendations to the Governor no later than March 1, 1984.

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 22nd day of August, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-19

WHEREAS, the State of Louisiana supports the preservation of the heritage and history of railroad transportation in the state; and

WHEREAS, a museum is an excellent vehicle to display this heritage and history; and

WHEREAS, a railroad museum would be an educational and historical attraction for tourists to Louisiana; and

WHEREAS, a railroad museum would attract a number of tourists during the 1984 Louisiana World Exposition; and

WHEREAS, Jefferson Parish and the city of Kenner are keenly interested in establishing a railroad museum within their political jurisdiction; and

WHEREAS, Jefferson Parish and the city of Kenner are working through the Old Kenner Railroad Association to establish a railroad museum with private funds; and

WHEREAS, the railroad museum would be self-supporting and would not require expenditure of state funds for its establishment, construction or operations.

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana by virtue of the authority vested in me by the Constitution and statutes of the State of Louisiana, do hereby establish the State Railroad Museum Committee, hereafter referred to as the Committee, in order to establish a museum to preserve the heritage and history of railroad transportation in Louisiana.

The Committee shall be composed of and represented by the Old Kenner Railroad Association which has established itself as being very knowledgeable of and capable of preserving the heritage and history of railroad transportation in Louisiana.

The State Railroad Museum Committee shall prepare a report to the Governor on its work and progress no later than March 31 of each year.

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 30th day of August, A.D., 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Agricultural Commodities Commission

In accordance with the emergency provisions of the Administrative Procedure Act (LSA 49:953 B), notice is hereby given that the Department of Agriculture, Louisiana Agricultural Commodities Commission, at a regularly scheduled meeting held on September 8, 1983, determined that it is necessary to amend certain of its Rules on an emergency basis to avoid a conflict between provisions of the Agricultural Commodity Dealer and Warehouse Law, as amended by Act 11 of 1983, and the Rules and Regulations previously promulgated by the Commission to implement said law.

Therefore, on an emergency basis, the Commission repealed its Rule 4.2 D, requiring the submission of financial statements audited by independent certified public accountants prior to initial licensure. The Commission also re-numbered existing Rule 4.2 E as Rule 4.2 D subsequent to the repeal of the previous Rule 4.2 D.

The Commission also amended Rules 8.10 E and 12.8 to read as follows:

8.10 E. 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.

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.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Agriculture Seed Commission

In accordance with the emergency provisions of the Administrative Procedure Act (LSA 49:953 B), notice is hereby given that the Department of Agriculture, Seed Commission, at a regularly scheduled meeting held on August 24, 1983, determined that the provisions of Rule 35.2 of its Seed Certification Standards, relative to certified rice seed, have created an economic emergency for growers of certified rice seed in that the inclusion of Mexican Weed as a noxious weed in Rule 35.2 requires unnecessary, expensive, and physically burdensome removal of Mexican Weed plants from fields being grown for certified rice seed. The Seed Commission determined that seed of the Mexican Weed is easily separable from certified rice seed during the cleaning process and that, therefore, there is no need to require removal of Mexican Weed plants from fields where rice is being grown for certification purposes.

Therefore, in order to permit the orderly certification of rice seed during the current crop year, the Department of Agriculture, Seed Commission, deleted Mexican Weed, on an emergency basis, from the list of noxious weeds prohibited in Rule 35.2 in fields being grown for certified rice seed. This deletion has no effect on the provisions of Rule 35.3, which prohibits the presence of any Mexican Weed seed in certified rice seed.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of August 25, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following items as Emergency Rules:

1. Standards for Social Living and Science Skills as an addendum to the *Separate Minimum Standards for Mildly Handicapped Students*, Bulletin 1640.

(This emergency adoption was necessary in order for the Standards to be printed and distributed to the schools at the beginning of the 1983-84 school year.)

2. Amend last sentence under "f" on page 83 of Bulletin 746 to read:

"An individual may function as an assessment teacher under a plan of professional development approved by the Division of Special Educational Services until September, 1985."

(This emergency adoption was necessary because of the shortage of assessment teachers, the Luke S. consent decree and the starting of the school year, it is necessary for parishes to be able to employ assessment teachers as soon as possible.)

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to delete a drug in

specified dosage forms from the Louisiana Maximum Allowable Cost (LMAC) list.

The original Rule establishing the drug as part of the LMAC list was published in the August 20, 1983, issue of the *Louisiana Register*, (Vol. 9, No. 8, Page 552).

This Emergency Rule is necessary in order to comply with the requirement of the Joint Committee on Health and Welfare, Subcommittee on Oversight made in a meeting held on August 18, 1983.

EMERGENCY RULE

Effective September 1, 1983, the following drug in four dosage forms has been deleted from the Louisiana Maximum Allowable Cost (LMAC) list:

Nitroglycerin	2.500 MG	Extended Release Capsule
Nitroglycerin	6.000 MG	Extended Release Capsule
Nitroglycerin	6.500 MG	Extended Release Capsule
Nitroglycerin	9.000 MG	Extended Release Capsule

This drug in the extended release dosage forms will continue to be paid by the program; however, the Louisiana Maximum Allowable Cost (LMAC) will not apply.

Roger P. Guissinger
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. The amendment is adopted effective September 1, 1983 in order to timely implement the provisions listed below. This amendment is authorized by 45 CFR 233.36(a) and (b) as published in the *Federal Register* of Friday, February 5, 1982, Vol. 47, No. 25, p. 5679.

EMERGENCY RULE

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 three 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 ex-

cluded 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 Services.

Effective October 1, 1983, Food Stamp Program participants, with certain exceptions, must in accordance with USDA regulation 7 CFR 271 et. seq. have their eligibility and benefits based upon information submitted monthly to the Office of Family Security on an OFS Form 4-MR (Monthly Reporting Form). Monthly reporting is also required for certain classes of recipients of Aid to Families with Dependent Children and Refugee Resettlement Assistance in accordance with Department of Health and Human Services regulation 45 CFR 233.36(a) and (b).

Because declining state revenues have precluded the procurement of additional staff to administer the increase in monthly reporting cases effective October 1, 1983, the Office of Family Security obtained Department of Health and Human Services approval to reduce the number of Aid to Families with Dependent Children and Refugee Resettlement recipients who will be required to Monthly Report. Failure to reduce the number of Aid to Families with Dependent Children and Refugee Resettlement recipients who must monthly report simultaneously with increasing the number of Food Stamp recipients who must monthly report effective October 1, 1983 will result in a greater workload than can be managed by existing staff. Such circumstances will result in staff's inability to assure timely and accurate delivery of benefits to eligible applicants and recipients; thereby, resulting in imminent peril to the health and welfare of the state's needy.

In order to comply with the Administrative Procedure Act as amended by Act 713, the Notice of Intent published in the August 20 *Louisiana Register* cannot be adopted as a Rule for at least 50 days; therefore, it is necessary to adopt this Emergency Rule to allow for timely changes in those Aid to Families with Dependent Children and Refugee Recipients required to monthly report.

Roger P. Guissinger
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 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. In order to timely implement the provisions of this Rule, the effective date is September 1, 1983.

EMERGENCY 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 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 requirement.

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.

In order to comply with the Administrative Procedure Act as amended by Act 713, the Notice of Intent published in the August 20 *Louisiana Register* cannot be adopted as a Rule for at least 50 days; therefore, it is necessary to adopt this Emergency

Rule to allow for timely implementation of federally mandated regulations.

Roger P. Guissing
Secretary

DECLARATION OF EMERGENCY

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136A(1) and (5) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) in a public hearing, adopted an Emergency Rule concerning the Louisiana Hazardous Waste Management Plan on August 29, 1983, effective September 30, 1983.

The Department of Natural Resources, as lead agency responsible for implementing the hazardous waste management program, was required to resolve regulatory issues raised by the Environmental Protection Agency (E.P.A.) during their Phase II review of Louisiana's hazardous waste management permit program. The State presently has the authority to operate an enforcement, compliance monitoring and manifest program in lieu of the Federal government. The State's ability to retain Phase I authority depends upon the submission of a complete Phase II application by October 26, 1983, thus necessitating the emergency rulemaking under the specific provisions of La. R.S. 49:953 B. and 49:954 B. (2). Failure by the State to adopt an Emergency Rule would have brought about the loss of the State's Phase I authority, thus bringing about the loss of Federal grant funds, dual permitting requirements for the regulated community and jeopardize the future of Louisiana's program. The ECC determined the necessity of adopting an Emergency Rule which would correspond to federal permit standards under the Phase II program. The Emergency Rule will assist in insuring that Louisiana's regulations are "substantially equivalent" to the federal regulations as required by E.P.A.

The Emergency Rule adopted by the Environmental Control Commission on August 29, 1983, and effective on September 30, 1983, is as follows:

Section 3.092) of the HWMP shall be amended to read as follows:

"92) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility."

Section 4.2.1 F.2)b) shall be amended to read as follows:

"b) Temporary storage of hazardous wastes stored in an environmentally safe container by generator on-site not more than 90 days. Generators must be able to demonstrate the date storage commenced by proper marking of container or by other methods acceptable to the Administrative Authority."

Section 4.2.1 F.2)c) of the HWMP shall be amended to read as follows:

"c) A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with these regulations for those wastes provided he (1) triple rinses each emptied pesticide container or inner liner using a solvent capable of removing the waste pesticide and; (2) disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label."

Section 5.1.2 D.2)b) of the HWMP shall be amended to read as follows:

“b) Farmers who dispose of hazardous waste pesticides from their own use as provided in 4.2.1 F.2)c).”

Section 5.2.3 A.2) of the HWMP shall be amended to read as follows:

“2) Standard Permits — issued by the Administrative Authority are effective for a fixed term not to exceed 10 years and are subject to the provisions of Sections 5.2.8 and 5.5.”

Section 5.2.3 C. of the HWMP shall be amended to read as follows:

“C. Emergency action authorization — temporary authorization may be granted by the Administrative Authority as a result of an emergency situation for the following actions by an operator:

1) Accept for treatment, storage, or disposal of a waste not covered by a manifest;

2) Divert a waste shipment from one location to another without a manifest or prior permission from the generator; or

3) Other actions required to minimize potential damage due to the emergency situation.

4) The Administrative Authority, in granting the Emergency Action Authorization shall note, for the files, the justification for the authorization, the action taken, and the benefits realized. Emergency Action Authorization shall not be issued for any activity requiring a permit under the HWMP.”

Section 5.2.3 D.1) with the exception of 5.2.3 D.1)a)-f) of the HWMP shall be amended to read as follows:

“1) Emergency permits. Notwithstanding any other provision, in the event the Administrative Authority finds an imminent and substantial endangerment to human health or the environment, he may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal of hazardous waste for a non-permitted facility or not covered by the permit for a facility with an effective permit. This emergency permit:”

Section 5.2.4 A. of the HWMP shall be amended to read as follows:

“A. Standard permits shall be effective for a fixed term not to exceed 10 years.”

Section 5.2.4 D. of the HWMP shall be deleted.

Section 5.3.1 A.4) of the HWMP shall be amended to read as follows:

“4) Reapplications. Any HWM facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Administrative Authority. (The Administrative Authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)”

Section 6.1.3 of the HWMP shall be amended to read as follows:

“Generators who generate and dispose, treat, or store their hazardous waste on-site shall submit quarterly reports to the Department, including total quantity, by type, of waste handled and how that waste was disposed, treated or stored. Generators must keep a copy of each quarterly report for a period of at least three years from the due date of the report.”

Section 6.2.2 1) of the HWMP shall be amended to read as follows:

“1) “Hazardous Waste” — Federal and State Law Prohibits Improper Disposal.”

Section 7.8.1 1) of the HWMP shall be amended to read as follows:

“1) “Hazardous Waste” — Federal and State Law Prohibits Improper Disposal.”

Section 8.4.3. B.3)a) of the HWMP shall be amended to read as follows:

“a) Permeability: 3' clay at 1×10^{-7} cm/sec or less and so

designed and operated as to prevent endangering any fresh-water aquifer by the migration of contaminants from the facility, or an equivalent system acceptable to the Administrative Authority. This requirement is in addition to the requirements of 17.1.2 A. and 23.1.2 A.1).”

Section 11.1.1 F.4) of the HWMP shall be amended to read as follows:

“4) A farmer disposing of waste pesticides from his own use as provided in 4.2.1. F.2)c).”

Section 11.5.4 B.6) of the HWMP shall be amended to read as follows:

“6) Monitoring, testing, or analytical data where required by the HWMP;”

Section 11.5.8 A. of the HWMP shall be amended to read as follows:

“A. The annual report must cover facility activities during the previous calendar year. Information submitted on a more frequent basis may be included by reference or in synopsis form where it is not pertinent to reporting under 11.5.6 or monitoring reporting under 11.5.7. It must include the following information.

1) Releases, fires, and explosions as specified in 11.4.7;

2) Facility closure as specified in 13.6 A.;

3) As otherwise required by Chapters 12, 17, 18, 22 and 23.”

Section 12.1.1 B.1)a)iv) of the HWMP shall be amended to read as follows:

“iv) The Administrative Authority finds that the treatment zone of a land treatment unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of 22.1.9 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this Chapter during the post-closure care period; or”

Section 13.7 B. of the HWMP shall be amended to read as follows:

“B. The Administrative Authority may require, at closure, continuation of any of the security requirements during part or all of the post-closure period after the date of completing closure when:

1) There is reason to believe waste may become exposed after completion of closure; or

2) Access by the public or domestic livestock may pose a hazard to human health.”

Section 14.4.1 A.3)b) of the HWMP shall be amended as follows:

“b. If an owner or operator has previously established a trust fund pursuant to federal regulation, and the value of that trust fund is less than the current closure cost estimate when a permit under these regulations is granted for the facility, the amount of the current closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in 14.4.1. A.3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment. The amount of each payment must be determined by this formula:

$$\text{Next payment} = \frac{\text{CE}-\text{CV}}{\text{Y}}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.”

Section 14.4.1 D.5) of the HWMP shall be amended to read as follows:

“5) The letter of credit must be irrevocable and issued for a

period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the administrative authority have received the notice, as evidenced by the return receipts."

Section 14.6.1 A.3)b) shall be amended to read as follows:

"b) If an owner or operator has previously established a trust fund pursuant to federal regulation, and the value of that trust fund is less than the current post-closure cost estimate when a permit under these regulations is issued for the facility, the amount of the current post-closure cost estimate still to be paid into the fund must be paid in over the pay-in period as defined in 14.6.1 A.3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment. The amount of each payment must be determined by this formula:

$$\text{Next payment} = \frac{\text{CE}-\text{CV}}{\text{Y}}$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period."

The second WHEREAS clause in Section 14.10.2 of the HWMP shall be amended to read as follows:

WHEREAS, the Principal is required by law to provide financial assurance for closure, or closure and post-closure care, as a condition of the permit; and"

Section 18.1.4 A. with the exception of 18.1.4 A.1)-5) of the HWMP shall be amended to read as follows:

"A. The owner or operator of a pile used for temporary storage are subject to regulations as described under Chapter 12 even if the following conditions are met:"

The agency contact responsible for responding to inquiries regarding the Emergency Rule is Ms. Mary MacDonald, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1227.

Winston R. Day
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission at its meeting held in Lake Charles on August 16, 1983, adopted the following seasons and bag limits for the 1983-84 waterfowl season.

WHEREAS, the United States Fish and Wildlife Service has established frameworks for the 1983-84 waterfowl hunting season, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission must abide by these frameworks in setting waterfowl hunting seasons, now

THEREFORE BE IT RESOLVED that the following waterfowl hunting season dates are established by the Louisiana Wildlife and Fisheries Commission for the 1983-84 hunting season.

Ducks, Coots, and Mergansers

West Zone:	Nov. 5 - Nov. 29	25 days
	Dec. 17 - Jan. 15	30 days
East Zone:	Nov. 19 - Dec. 4	16 days
	Dec. 17 - Jan. 19	34 days

Geese

West Zone:	Nov. 5 - Nov. 29	25 days
	Dec. 17 - Jan. 30	45 days
East Zone:	Nov. 19 - Dec. 4	16 days
	Dec. 17 - Feb. 8	54 days

Special Scaup Season

Jan. 20 - Jan. 31	12 days
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Only in certain designated coastal waters to be identified in the Departmental waterfowl brochure.

BE IT FURTHER RESOLVED that all provisions of the frameworks established for waterfowl hunting by the United States Fish and Wildlife Service which are applicable to Louisiana are hereby adopted and made a part of the Louisiana waterfowl hunting regulations for the 1983-84 hunting season.

Jesse J. Guidry
Secretary

Rules

RULE

Department of Commerce Board of Cosmetology

(LA. R.S. 37:491 through 37:556)

In accordance with applicable provisions of the Administrative Procedure Act, R.S. 49:951 et seq., the Louisiana State Board of Cosmetology has adopted the following Rules and Regulations relating to the practice of Esthetics, R.S. 37:492, R.S. 37:501.1.

The following Rules and Regulations are adopted:

1. Curriculum (Hours and subject matter)
2. For student cosmetologists who desire to complete their education as an esthetician, not over 250 hours satisfactorily accredited shall be transferable.

The Louisiana State Board of Cosmetology intends to further enact Rules and Regulations relating to approved Schools of Esthetics, R.S. 37:503.1.

The following Rules and Regulations are adopted:

1. Equipment requirement
2. Sanitation
3. Books
4. Enrollment of students clearing and examining procedures
5. Fees and remittances to the Board

The Louisiana State Board of Cosmetology intends to further enact Rules and Regulations relating to Requirements for Certification As a Beauty Shop Skin Care Salon R.S. 37:505.

The following Rules and Regulations are adopted:

1. Quarters
2. Equipment requirement
3. Sanitation

The Louisiana State Board of Cosmetology intends to further enact Rules and Regulations relating to licensing as a teacher of Esthetics, R.S. 37:506.

The following Rules and Regulations are adopted:

1. Curriculum (Hours and subject matter)
2. Documented proof of employment as an esthetician for at least five years, or at least 18 months employed as a teacher of esthetics.

The Louisiana State Board of Cosmetology intends to further enact Rules and Regulations relating to Continuing Education Seminar Requirements for Teachers of Cosmetology and Esthetics, R.S. 37:506.1

The following Rules and Regulations are adopted:

1. Courses of Study Required for Teachers Seminars
2. Certified Proof of attendance at Seminars

The Louisiana State Board of Cosmetology intends to further enact Rules and Regulations relating to the Examination of Applicants, R.S. 37:509.

The following Rules and Regulations are adopted:

1. Students completing 1,000 hours or more must be cleared immediately for the theory part of the examination, remitting the fee of \$18.50. The student must then remain in school for the balance of 500 hours of practical work after which they will be examined in that phase.

The Regulations are available for public inspection between the hours of 8 a.m. and 4 p.m. on any working day at the office of the Board, Colonial Bank Building, 2714 Canal Street, Room 412, New Orleans, LA 70119.

Mrs. Joel Alice Mumphrey
Chairman

RULE

Department of Commerce Office of Commerce and Industry

ACT 882

Mississippi River Bridge Relocation Tax Exemption Program
Revised Statutes 47:4201 - Revised Statutes 47:4205

RULE 1: USE OF LOUISIANA CONTRACTORS, LABOR AND SUPPLY

The business and its contractors must give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors and labor, except where not reasonably possible to do so without added expense, substantial inconvenience or sacrifice in operational efficiency.

RULE 2: QUALIFYING PROJECTS

The manufacturing or business establishment, at the time it is required to relocate, must be located in a parish having a population exceeding 500,000. The manufacturing or business establishment must relocate to a location in the same parish as the location from which such establishment was required to move. The relocation of the manufacturing or business establishment must be a direct result of the necessary utilization of the property on which the manufacturing or business establishment is located for the construction of a bridge across the Mississippi River.

RULE 3: DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT CERTIFICATION

No applications will be considered for exemption by the Board of Commerce and Industry unless the Department of Transportation and Development certifies in writing that the manufacturing or business establishment was required to relocate

at the request of the Department of Transportation and Development for the express purpose of constructing a new bridge across the Mississippi River.

RULE 4: DOCUMENTATION OF LOCATION

The business must document that its new location is within the boundaries of the same parish as its prior location.

RULE 5: FILING OF APPLICATIONS

The applicant shall submit an application, on the required form, for the exemption from taxes allowed under this act to the Office of Commerce and Industry together with the certification required under Rules 3 and 4. The Office of Commerce and Industry, in conjunction with the Board of Tax Appeals and the Department of Revenue, shall verify the information given in the application.

RULE 6: TIME LIMITS FOR FILING AN APPLICATION

(a) An application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed at least 60 days prior to the beginning of construction or installation of facilities in a newly purchased or leased location.

(b) The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day of which installation of the facility begins.

(c) The Office of Commerce and Industry will accept applications for tax exemptions on qualifying projects for services and materials on which sales and use tax became due after December 31, 1980, if the application is filed within 45 days after the application forms become available.

RULE 7: BOARD OF COMMERCE AND INDUSTRY SHALL ENTER INTO CONTRACT

The Board of Commerce and Industry shall review any recommendations for exemption made by the Department of Commerce. If the Board of Commerce and Industry concurs with the recommendations, it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals. When advised by the Governor and the Board of Tax Appeals that there are no objections to the application the Secretary of Commerce, on behalf of the Board of Commerce and Industry, shall enter into a contract to exempt some of the following taxes:

1. Sales and use tax on machinery and equipment to be used in a manufacturing or business establishment.
2. The Corporation Franchise Tax
3. The Corporation Income Tax
4. The Sales and Use Tax imposed by the state upon materials and supplies necessary for the manufacture or production of the product of the manufacturing or business establishment.
5. Any other taxes imposed by the state to which like businesses are subject.

RULE 8: TERM OF EXEMPTIONS

The exemptions granted in the contract shall be effective for a period not to exceed five years.

RULE 9: REFUND ON SALES/USE TAXES

The contract will not authorize the applicant to make tax-free purchases from vendors. The tax exemption for state sales and use tax will be effective through issuance of tax refunds by the Department of Revenue and Taxation. Refunds will be secured by filing the affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

1. Listing of purchases made during the month of movable property that is intended to be used on the business establishment and the contract number of the project. A listing must include a brief description of each item, the vendor's name, the date of the sale, sales price and the amount of three percent state sales tax paid. The items included in the listing must have been purchased

by the owner of the project, or by a builder or other party that is contracted with the owner to provide materials or services for the project.

2. The certification that the materials included in the listing are expected to qualify upon completion of the project for the exemption under the provisions of the Rules and Regulations.

3. Certification that the sales/use tax have actually been paid on the items included in the listing. The affidavit may be filed on official Department of Revenue and Taxation "Claims for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information on the application, a refund check will be issued for the amount of state sales/use tax paid.

RULE 10: CONTRACTEES MUST FILE STATE FRANCHISE AND INCOME TAX RETURNS

Each business qualifying for exemption from corporate income and franchise taxes shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if the exemption had not been granted. Each form in return should have a certification attached stating the corporation is exempt from income and franchise taxes and giving the contract number of its exemptions, date the contract was approved and the expiration date.

RULE 11: VIOLATIONS OF RULES, STATUTES, OR DOCUMENTS

On the initiative of the Board of Commerce and Industry or whether whenever a written complaint or violation of the terms of the tax exemption Rules, the documents or the statute is received, the Assistant Secretary for Commerce and Industry shall cause to be made a full investigation on behalf of the Board, and shall have full authority of such investigation including, but not exclusively, authority to call for reports or pertinent records or other information from the contractors. If the investigation substantiates a violation, the Assistant Secretary may present the subject contract to the Board for formal cancellation. Contractee shall then remit any and all taxes that would have been imposed but for the issuance of a contract.

Robert Paul Adams
Financial Programs Administrator

RULE

Department of Commerce Board of Commerce and Industry

This is a limited exemption which allows the Board of Commerce and Industry with the approval of the governor and the local governing authority to enter into a contract granting to a property owner who expands, restores, improves, or develops an existing structure in a downtown, historic, or economic development district established by a local governing authority or in accordance with law, the right for five years after completion of the works to pay ad valorem taxes based upon the assessed valuation of the property for the year prior to the commencement of the expansion, restoration, improvement or development.

Rules of the Board of Commerce and Industry for Governing and LA. R.S. 47:4311 et seq.

Article VII Part II Section 21(H) of the Louisiana Constitution
Restoration Tax Abatement Program

Rule 1. TIME LIMITS FOR FILING APPLICATION

Application to the Board of Commerce and Industry for the right for five years after completion of the work to pay ad valorem taxes based upon the assessed valuation of property for the year

prior to the commencement of the expansion, restoration, improvement or development shall be filed with the Office of Commerce and Industry, Box 44185, Baton Rouge, LA, 70804 on the form prescribed within 90 days from August 29, 1983 and thereafter not later than two hundred seventieth day after the start of construction.

Rule 2. LOCAL GOVERNING AUTHORITY MUST CERTIFY APPROVAL

Approval of the exemption must be certified by each local governing authority. A copy of the certification shall be made part of the application filed with the Office of Commerce and Industry.

Rule 3. LOCAL GOVERNING AUTHORITY MUST CERTIFY STRUCTURE IS LOCATED IN QUALIFYING AREA

The parish or municipal governing authority shall certify that the property on which the expansion, restoration, improvement or development is being made is located within an established downtown, historic, or economic development district, whether established by a local governing authority or in accordance with law.

Rule 4. ASSESSED PROPERTY

The Board of Commerce and Industry will not consider for tax exemption any expansion, restoration, improvement or development project if substantial completion occurred prior to October 15, 1982.

Under no circumstances will the Board of Commerce and Industry consider an application for exemption on any project for expansion, restoration, improvement or development once ad valorem taxes have been paid on said project.

Rule 5. EFFECTIVE DATE OF CONTRACT

(a) The owner of the existing structure or structures, shall carefully document the beginning date of the effective use of the structure, and also document the date that construction is substantially complete. The contractee must file that information with the Office of Commerce and Industry on the prescribed Project Completion Report within 90 days from August 29, 1983 and thereafter within 30 days following the last day of the month after effective use of the structure has begun or construction is essentially completed, whichever occurs first. The Office of Commerce and Industry will indicate with a return of a copy of that report the effective date of the tax exemption contract, which shall be December 31 or the year in which effective use of the structure began or construction was essentially complete, whichever was sooner.

(b) As the assessment date for Orleans Parish is August 1, the effective date of contract for structure located in Orleans Parish shall be July 31 of the applicable year.

Rule 6. AFFIDAVIT OF FINAL COST

Within six months after construction has been completed the owner of the qualifying expansion, restoration, improvement or development to an existing structure or structures shall file on the prescribed form an affidavit of final cost showing complete cost of the exempted project.

Rule 7. PROPERTY MUST BE REPORTED TO PARISH ASSESSOR AS REQUIRED BY LAW

The owner of the exempt expansion, restoration, improvement or development to an existing structure or structures agrees to file annually with the assessor of the parish in which the structure or structures are located any taxpayer's report, required by law, on forms furnished by the assessor in order that the exempted property may be separately listed on the assessment rolls. Notwithstanding the fact, taxes shall be collected on the exempt property during the period of exemption at the assessed valuation of the property the year prior to the commencement of the expansion, restoration, improvement, or development of the property.

Rule 8. CONTRACT CAN BE TRANSFERRED

If the property for which the limited exemption has been

granted is sold, the limited exemption may be transferred for the remainder of its term to the new owner, provided such transfer is approved by the local governing authority, the governor, and the board.

Rule 9. VIOLATION OF RULES OR DOCUMENTS

On the Board's initiative or whenever a written complaint or violation of terms of the tax exemption Rules or contract is received, the Assistant Secretary of the Office of Commerce and Industry shall cause to be made a full investigation on behalf of the Board, and he shall have full authority for such investigation including, but not exclusively, authority to call for reports or other pertinent records or other information from the contractee. If the investigation substantiates a violation he may present the subject contract to the Board for formal cancellation.

Robert Paul Adams
Financial Programs Administrator

RULES

Board of Elementary and Secondary Education

Rule 3.03.02.a

The Board adopted an amendment to Board Policy 3.03.02.a under Attendance Policy to read as follows: "The effective date of enrollment shall be the first day of attendance, and this day shall be counted for reporting purposes."

Rule 3.03.10.e

Amend Board Policy 3.03.10.e, Post-secondary Cooperative Education Guidelines for Post-secondary Schools, Page 4, No. 2 to read: "The cooperative education program shall include a minimum of six hours each week of related classroom instruction and a minimum of 15 hours per week of on-the-job training. The student who successfully completes both phases will earn the appropriate credits for his/her training not to exceed the maximum of 30 clock hours per week."

Rule 3.01.05

The Board adopted the *State Plan for Nutrition Education and Training Programs, 1984*. (Copy on file in Board office and Office of the State Register.)

James V. Soileau
Executive Director

RULE

Southern University Board of Supervisors

The Southern University Board of Supervisors adopted as a permanent Rule the following schedule of fees for Summer School at the Southern University School of Law at its meeting December 18, 1982:

	3 hours	6 hours
Tuition	\$ 80	\$140
Law Library Fee	5	5
Out-of-State Fee	202	202

Jesse N. Stone, Jr.
President

RULE

Southern University Board of Supervisors

The Southern University Board of Supervisors has adopted the following fees:

Southern University-Baton Rouge	
Orientation Fee (Beginning Freshmen- Effective August 1, 1983)	\$42.55
Supplemental Fee to International	
Students (Effective August 1, 1983)	\$30 per semester \$15 per summer session
Housing Fee (Effective August 1, 1983)	10% increase
General Fee Increase (Effective Spring, 1983)	\$50 per semester \$25 per summer session
	Part-time fees on a pro rata basis

Southern University-New Orleans	
Graduate Fees (Effective August 1, 1983)	
Full-time	\$319
Out-of-State Fee	315
Part-time Fees	
0 - 3 hours	90
4 - 6 hours	153
7 - 8 hours	240
General Fee Increase (Effective Spring, 1983)	
	\$50 per semester \$25 per summer session
	Part-time fees on a pro rata basis

Southern University-Shreveport/Bossier	
General Fee Increase (Effective Spring, 1983)	
	\$30 per semester \$15 per summer session
	Part-time fees on a pro rata basis

Jesse N. Stone, Jr.
President

RULE

**Office of the Governor
Division of Administration**

Notice is hereby given that the Office of the Governor, Division of Administration has adopted Rules for Internal Guidelines for State Central Purchasing as follows:

INTERNAL GUIDELINE NO. A-1

Situation: Tie bids have been received by a purchasing agent
Policy: Tie Bids should be broken by:

Purchasing Agent I	up to \$1,000
Purchasing Agent II	over \$1,000 to \$5,000
Assistant Director	over \$5,000 to \$10,000
Director	over \$10,000

The tie bid should be awarded to the vendor who is the best bidder. This would include consideration of such factors as terms, proximity, past performance, delivery, in-state company, completeness of bid proposal and possible equalization of award on this bid proposal.

Comments: Tie bid over \$10,000 must be reported to the Attorney General.

INTERNAL GUIDELINE NO. A-2

Situation: A performance bond is desirable or required on a procurement.

Policy: Unless the law requires a specific amount, the policy will be as follows:

If the total value of the contract is below \$10,000, the performance bond requirement should be 100 percent of the total amount.

If the total value of the contract is between \$10,000 and \$40,000, the performance bond requirements should be \$10,000.

If the total value of the contract is over \$40,000, the performance bond requirement should be 25 percent of the total amount.

If performance bond has been required, this requirement cannot be waived. The bonding company must be licensed to do business in Louisiana with all fees current.

Comments: Titles 38 and 43 require specific amounts for performance bonds. Performance bonds undetermined amounts should not be required in I.T.B.

INTERNAL GUIDELINE NO. A-3

Situation: Only one bid is received in response to a bid solicitation.

Policy: Bid should be analyzed to determine:
1. Were proper bidders solicited?
2. Were prices competitive?
3. Were specifications open?

Comments: Review should be done within delegated authority.
INTERNAL GUIDELINE NO. C-1

Situation: Review of contracts.

Policy: All contracts should be reviewed annually. Review should include at a minimum:

1. Dollar volume must be at least \$5,000. Contracts under \$5,000 require approval by the director or the assistant director in his absence.

2. Misuse—is contract being misused by agencies?

3. Prices—are prices competitive with other states and other vendors?

4. Terms and conditions—is there a need to alter?

5. Contract items not being used should be deleted from contract.

6. Conversion—Possibility of converting from brand name to competitive contract.

Initial review should be by the purchasing agent/buyer, secondary review by purchasing agent II and approval by the assistant director and the director.

Comments: For competitive or brand name contracts.

INTERNAL GUIDELINE NO. C-2

Situation: Adding to existing contracts and methods for establishing new contracts.

Policy: 1. BRAND NAME CONTRACTS

A. Addition of an item to an existing contract may be made upon receipt of one letter of request from an agency if it is determined that sufficient usage would justify the addition.

B. Creation of a new brand name contract may be made upon receipt of three letters from three separate state agencies. Feasibility questionnaires may be needed to clarify information.

2. COMPETITIVELY BID CONTRACTS

A. Addition of an item cannot be done without competitive bidding. Usually this would be done

at the end of the contract year.

B. A new competitively bid contract can be originated if an agency can demonstrate sufficient justification for a competitively bid contract. Normally, we could circulate a questionnaire to all state agencies to see if there is sufficient potential usage.

3. AGENCY CONTRACTS

Same as 2 B, except commodities are peculiar to one agency, and no questionnaire would be circulated.

Comments:

INTERNAL GUIDELINE NO. C-3

Situation: Notification of cancellation of contracts.

Policy: A minimum of 30 days written notice to contract holder is required.

When converting from a brand name to a competitive contract, the brand name contract should be maintained until the effective date of competitive contract, if possible.

Notice of cancellation should be sent by certified mail, return receipt requested.

Comments: A contract which is allowed to expire (due to lack of usage, etc.) would not require minimum of 30 days written notice to contract holder. Notice is mandatory only when cancellation takes place prior to expiration.

INTERNAL GUIDELINE NO. C-4

Situation: Equipment maintenance where contract vendor may be different from the previous vendor.

Policy: If no contract exists for maintenance, maintenance must be bid.

If brand name contract exists for maintenance, agencies can either use brand name contract or bid the maintenance at the agency level in accordance with PPM 51, revised, and current Executive Orders.

If a competitive contract exists for maintenance, it must be used.

Comments:

INTERNAL GUIDELINE NO. T-1

Situation: A bid has been received that changes F.O.B.-Agency to F.O.B.-Another Point.

Policy: F.O.B.-Another Point is not acceptable unless it is the only bid meeting all other I.T.B. requirements and is acceptable to the using agency, and the agency is willing to be responsible if lost in shipment. Purchase order should state "Prepay freight and add to invoice."

Comments: Approval from agency should be in writing. See T-2.

INTERNAL GUIDELINE NO. T-2

Situation: All bids are **equally** flawed or the only bid received is flawed (i.e. no literature submitted, F.O.B. shipping point, etc.).

Policy: If all bids are equally flawed or the only bid received is flawed, then bid(s) can be re-evaluated for an award without the necessity of rebidding.

Comments:

INTERNAL GUIDELINE NO. T-3

Situation: I.T.B. states that illustrations and literature must be submitted with bid.

Policy: This requirement cannot be waived.

Comments: This condition should not be used unless special circumstances require it. The proper condition to use for normal requirement "If bidding other than specified, submit illustrations and descriptive literature with bid." If only acceptable bid, see T-2.