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Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Licensing Board for Contractors

Effective September 30, 1981, the Louisiana State Licensing Board for Contractors, has exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953, to adopt the following rules and regulations. This action has been taken to protect the safety and welfare of the citizens of the State of Louisiana from eminent danger and to permit the State Licensing Board for Contractors to fulfill its obligation and function under Louisiana Revised Statutes 37:2950, et seq., to protect the health, safety and general welfare of all of those persons dealing with persons engaged in the contracting vocation, and the affording of such persons of an effective and practical protection against the incompetent, inexperienced, unlawful and fraudulent acts of contractors with whom they contract. Because of previous court challenges there exists a serious legal question as to whether any of the rules and regulations of the State Licensing Board for Contractors now in existence are valid and enforceable. In connection with this situation, therefore, it has become necessary to promulgate the following emergency rules.

I. A. 1. Under R.S. 37:2157 A, it is the Board's interpretation that a contractor is defined as any person, firm, partnership, co-partnership, association, corporation or other organizations, or any combination thereof, who undertakes, attempts, or submits a bid or offer to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down or furnishing labor, material or equipment and installing same for any building, highway, road, railroad, sewer, grading, excavation, pipeline or public utility structure, project, development, housing or housing development, improvement, or any other construction undertaking. Additionally, it is the Board's interpretation that, under R.S. 37:2162 (b), a contractor is a person who contracts directly with the owner, a primary contractor, or a subcontractor as a subcontractor; also any Architect or Engineer who receives an additional fee for the employment or direction of labor, or any other work beyond the normal Architectural or Engineering services, shall be considered as a contractor.

2. It is the Board's interpretation that the provisions of R.S. 37:2157 shall apply but are not limited to any project, development, housing or housing development which exceeds \$50,000 in cost. The terms "development" and/or "housing development" are hereby defined to include multi-unit developments comprised of a number of units, no matter how many families each said unit is designed to house.

B. In addition to those specialty classifications listed as subclassifications in Section 2156.2, the definition also includes specialty work as follows, but is not limited thereto: oil and gas well drilling and storage; directional drilling; X-ray of wells; water well drilling; cathodic protection; environmental control systems; solar energy, nuclear energy; mining; boat building; furnishing and installing permanent building fixtures; building restoration work; carpentry work; dumb waiters, elevators and escalators; glazing; site development; waterproofing; construction management; owner acting as own contractor which will be for rent, sale, public use or public assembly; public address systems; communication lines and systems; sound systems; alarm systems; control systems;

instrumentation and calibration; industrial and commercial maintenance; demolition with or without explosives; industrial painting, coating and sandblasting; refractory work.

C. 1. A license shall not be required to bid on any projects funded in any amount by the Federal government designated for a particular project by an agency of the Federal government where a Federal regulation or law prohibits such requirement, provided said agency presents specific evidence of a Federal regulation or law prohibiting same in the bid documents. Should the agency fail to present such evidence, the bidder shall be required to have a license before bidding. Any successful bidder shall submit an application for a license completed in its entirety, pay the fee, and take and pass the required examination prior to commencement of work on Federal jobs. After meeting said requirements, a letter shall be issued to said successful bidder authorizing the commencement of work in accordance with R.S. 37:2157 D. Thereafter, the application shall be presented to the Board at its next regular meeting and following compliance with all remaining requirements including delay periods, a license shall be issued with an "F" classification.

2. A license is not required by a public utility subject to regulation by the Louisiana Public Service Commission or the Council of the city of New Orleans or a contractor bidding on projects for said utility companies. However, contractors doing business for public utilities prior to commencement of actual work shall file an application for a license and pay the fee and take and pass the required examination. Thereafter, at the next regular meeting, the application shall be presented to the Board and a restricted license with an "R" classification shall be issued immediately restricted to public utility projects only.

II. Application for contractor's licenses shall contain all information required on the form which is available at the offices of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA. 70808. Application shall be time dated when received and considered at the next regular meeting of the Board, provided the application is complete with financial statement, references, fee, Federal Employer I.D. Number, properly notarized and examination requirements have been met.

No license will be issued until:

A. 60 days have elapsed from time of receipt in the Baton Rouge office;

B. All requirements of the statute and rules and regulations have been met and the application approved by the Board.

III. All licenses and renewals shall expire December 31 of the year they are issued and the license becomes invalid unless renewed; provided, however, that after a license has expired the person or firm to whom such license was issued shall have until the second Tuesday of January next, following the expiration date to renew the license without penalty and without further examination. Any person or firm applying for renewal after the second Tuesday of January next following the expiration date will be required to pay a penalty of \$50. Any license not renewed within a period of one year from the date of expiration will be considered as a new application.

IV. The annual fee for renewal of licenses shall be \$100 for any one major classification or subdivision thereof and \$50 will be charged for each specialty, additional major classification or subdivision thereof. The maximum fee shall not exceed \$300. In addition there will be a \$25 charge for each examination and a \$25 charge for a structural change.

V. The license for which a person becomes the qualifying party belongs to the entity of the licensee, as: a corporate license belongs to the corporation, a partnership license belongs to the partnership and an individual license belong to the individual regardless of the status of the qualifying party of the entity.

VI. A. All applicants shall be required to register a qualifying

party or parties who shall successfully pass a written examination for the classification requested, unless otherwise provided by the Board.

B. The qualifying party or parties authorized to take the examination are:

1. Any individual contractor, co-partner or any corporate officer who was an organizer in the articles of incorporation, provided no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the Board for each two additional subsidiary companies.

2. Any employee of said applicant who has been in fulltime employment for 120 consecutive days immediately preceding. He shall be prepared to execute an affidavit furnished by the Board at the time he takes the examination giving his length of employment and Social Security number. If requested, he shall be prepared to show evidence of his eligibility by furnishing four cancelled payroll-checks representing four preceeding months.

c. Additional classification(s) may be obtained at any time by licensed contractors provided:

1. The request for additional classification(s) be in writing.

2. The required additional license fee of \$50 and a \$25 examination fee is paid; and the qualifying party as provided under Sub-section (B) successfully passes a written examination.

3. The classification(s) will not become effective for 30 days following a request for same or until approved by the Board at a regular meeting, whichever is the lesser.

D. All initial applicants shall be required to take and successfully pass Part I of our examination and Part II where we have a written examination for same.

E. 1. A contractor who is a subsidiary of a currently licensed contractor and who is making application for a license in the same classifications as that of the currently licensed contractor, shall not be required to take an examination on the subject for which said subsidiary contractor is seeking a license, with the approval of the board, provided that the holders of a majority of the stock in the subsidiary contractor are the same as the holders of the majority stock in the currently licensed company, and further provided that the individual who was designated as the qualifying party at the time a license was originally issued to the currently licensed contractor remains in the employ of the currently licensed contractor at the time of application for license by the subsidiary contractor.

2. A licensed firm, making application for a subsidiary license for the same classifications as those in which the licensed firm has qualified, may be exempt from the taking of an examination, provided that the qualifying party on record with the State Licensing Board of Contractors for the licensed firm making application for a subsidiary license is the same as that of the parent company, and further provided that no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the board for each two additional subsidiary companies. It is further provided that any subsidiaries qualifying under the terms of this section shall not be permitted to assume the position of a parent company or firm for the purpose of forming additional subsidiaries.

F. A qualifying party making application for a license as an individual or stockholder of a corporation may be exempt from taking another examination for the same classification for which he has previously taken and passed subject to approval by the Board.

G. 1. Initial applicant requesting a specialty class where there is no written examination shall be examined by the Board on the experience shown on his application.

2. Licensed contractors requesting additional classification(s) of a specialty where there is no written examination shall submit no less than three jobs they have performed in the requested specialty field and be examined by the Board on experience.

VII. When the qualifying party terminates employment with the licensee, the State Licensing Board for Contractors must be notified in writing, by the qualifying party and the licensee, within 30 days of the disassociation and another party must qualify within 60 days or licensee will be subject to citation for suspension or revocation of license.

VIII. In the event an unlicensed contractor or licensed contractor without proper classification bids in violation of R.S. 37:2150-2163, regardless of whether he is awarded the contract, action may be brought before the Board and/or court in accordance with the statutes, rules and regulations, and laws of this State.

IX. Any application for a license for a subsidiary shall be considered as a new application and subject to all laws and rules and regulations governing same.

X. In the event of the dissolution of a partnership, the license may be retained by one of the partners provided that all partners agree by whom it shall be retained and further provided that all this agreement be made by affidavit.

XI. The Board, pursuant to R.S. 37:2161 may bring suit to enjoin violations of this Act and the Executive Director and/or his designated agent and/or legal council for the Board is hereby authorized to institute such suit on behalf of the Board and to sign the verification of the petition for injunction and to do all things necessary in connection with the institution of such legal proceedings when so directed by the Board.

XII. Hearings may be conducted by the Board at regular or special meetings whenever deemed necessary. Written notice by certified mail shall be given to all parties at least five days prior to such hearings and special meetings. The Board members shall be notified at least three days prior to such hearings or special meetings. The notice shall include the time, place and purpose of the hearing or special meeting and may be held at any place within the State unless conducted at a special meeting and may be held in Baton Rouge, Louisiana. Hearings shall be governed by R.S. 49:951 et seq.

XIII. Special meetings of the Board may be held at any place provided that the time, place and purpose of the meeting is specified in the notice to the members of the Board and to any parties involved in that particular special meeting.

XIV. It shall be the responsibility of licensed contractors to secure the current valid license number of any subcontractor who submits a bid to them or performs work in the amount of \$50,000 or more. If any licensed contractor accepts a bid and/or awards a contract in the amount of \$50,000 or more to any unlicensed subcontractor, the license of the contractor may be suspended, revoked or rescinded after a hearing is conducted by the Board.

XV. Any change in officers, or address of a company, partnership, or corporation as reflected on the application shall be reported to the Board by written notification within 15 days after such change. Any change in the name of a contractor as it appears on the license certificate or any change from an individual to a partnership or corporation; or a partnership to an individual or corporation; or a corporation to an individual or partnership, shall be reported in writing to the Board within 15 days after such change. No change in the name or status of licensed firm shall be made until all documents and information as required by the Board has been satisfactorily furnished.

XVI. A. All licensed contractors bidding in the amount of \$50,000 or more shall be required to have qualified for the classification in which they bid.

b. When two or more contractors bid as a joint venture on

any project in the amount of \$50,000 or more, not in conflict with R.S. 37:2150 et seq., all parties are required to be licensed at the time the bid is submitted, within the applicable classification of the work of which each party is to perform.

XVII. All contractors shall bid and perform work in the name which appears on the official records of the State Licensing Board for contractors for the current license. If a licensed contractor assigns a contract, or any portion of a contract, in the amount of \$50,000 or more to another contractor, the person or firm to which it is assigned, and who performs the work, must possess the proper current license. No unlicensed contractor shall be permitted to assign a contract, or any portion of a contract, in the amount of \$50,000 or more to a licensed contractor in circumvention of the laws of the State of Louisiana.

XVIII. Under R.S. 37:2163 A. providing for certification and license number to be shown on the bid, and when the awarding authority requires bids to be submitted in sealed envelopes, the license number shall be required to appear only on the outside of the envelope. It shall not be a violation for the license number to appear on both the bid document and the outside of the envelope.

XIX. Any division of a contract into parts less than \$50,000 when combined is \$50,000 or more, will be treated as one contract totalling the amount of these parts when combined.

XX. Whenever a licensed contractor bids a project within the scope of this Act, and is awarded the contract, is unable or refuses to provide bonding and insurance coverage as required by the proposal bid for the execution of the project, the awarding authority or owner may file a complaint with the Board. The Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractors' license, in accordance with R.S. 37:2150-2163 inclusive.

XXI. The classification under which a person must be licensed in order to bid a job or perform work on a job in accordance with R.S. 37:2159 shall be made by determining in which major classification or subclassification in R.S. 37:2156.2 the majority of the work falls.

A. On all jobs involving mechanical or electrical work the Board shall consider the monetary value of the electrical or mechanical material and/or equipment furnished by the owner or builder, if any, in determining the amount of electrical or mechanical work involved.

B. The Board takes cognizance of all local ordinances and codes regulating the licensing of electrical and mechanical contractors.

XXII. If a possible violation is known to the Board, the Board may correct it or take appropriate action without formal complaint.

XXIII. As provided by R.S. 37:2150 after granting said license, the licensee shall at all times show his ability to serve the public economically, expediently and properly; possess the necessary qualifications of responsibility, skill, experience and integrity so that the licensee will not tear down standards of construction established within the industry, and shall continue to maintain the qualifications established in R.S. 37:2156.1.

If any licensed contractor refuses to sign a contract at his bid price and a complaint is filed with the Board, the Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractor's license in accordance with R.S. 37:2150-2163 inclusive.

XXIV. It shall be the responsibility of any contractor who, voluntarily or involuntarily, is subjected to any provision of the laws of bankruptcy, to notify this Board immediately and to make available to this Board any and all information pertinent thereto.

A. Any contractor who is ordered by a competent court to cease operations or whose operations are closed due to operation of any law, shall notify this Board immediately and make available to this Board any and all information pertinent thereto.

B. Whenever an order issued by a competent court and/or referee in bankruptcy forces cessation of a contractor's business operations, a hearing shall be scheduled at the earliest feasible date, in accordance with the applicable laws and the rules and regulations of this Board, for the purpose of determining whether said contractor's license shall be suspended or revoked, and such an order by a competent court or referee shall create a presumption in favor of suspension or revocation.

C. If any contractor is ordered by a competent court to pay a final and executory judgment awarded against him in the operation of his business, for charges for labor, material, breach of contract, etc., and fails to pay said judgment immediately upon its becoming final and executory, a hearing may be scheduled by the Board for the purpose of determining whether said contractor's license shall be suspended or revoked.

XXV. All initial applicants are required to submit a financial statement, prepared by an independent auditor and signed by the applicant and auditor before a notary public, stating the assets of the person, firm, partnership, co-partnership or corporation; such assets shall include a net worth of at least \$10,000.

XXVI. It shall be unlawful and illegal for any primary contractor, contractor owner, awarding authority, subcontractor, or any other person to contract or subcontract all or any portion of work involved herein, to any other contractor or subcontractor unless said contractor or subcontractor was duly licensed by the Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner or awarding authority. This rule shall be subject to the provisions and limitations established by R.S. 37:2157 B and D.

If work is subcontracted as per this Rule, and the subcontractor should default for any reason, the awarding authority shall have the right to take bids from any subcontractor that is properly licensed at the time of this default.

XXVII. Any person, firm or corporation duly licensed under the provisions of R.S. 37:2150, et seq. who violates any provisions of the said Louisiana contractors' licensing law or any rule or regulation of this Board may, after due and proper hearing, have its license suspended or revoked by this Board. Prior to the Board's action on suspension or revocation of licenses as aforesaid, the licensee shall be given a hearing in accordance with the Louisiana Administrative Procedure Act.

XXVIII. In any instance where approval of an application has been withheld under the terms of R.S. 37:2157 D., a contractor shall have the right to apply to the Board for a hearing following which the Board may continue to withhold approval or grant its approval at its own discretion.

XXIX. Proper notification under R.S. 37:2160 E., shall be five days' notice. Notification shall constitute placing of said notice in the U. S. mail certified. The five days' notice shall commence to run on the date of the issuance of notification.

Robert A. Riley
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting on September 24, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule:

Act 754 Regulations, Section 486.

486. Procedures for Application for State or Federal Funds for Special Education from Non-formula Distributed Revenue.

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

In accordance with the Appropriations Act of 1981 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development adopts the following increases in the rates for Foster Care board payments effective September 1, 1981.

1. Daily board rate for a foster child in Foster Family Care under age six - from \$5.24 per day (\$160 per month) to \$6.03 per day (\$180 per month).

2. Daily board rate for a foster child in Foster Family Care between the ages of six years and twelve years - from \$6.11 per day (\$185 per month) to \$7.03 per day (\$210 per month).

3. Daily board rate for a foster child in Foster Family Care ages 13 and above - from \$6.98 per day (\$212 per month) to \$8.03 per day (\$240 per month).

4. Monthly subsidy for specialized foster care \$700 per month to \$800 per month.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

Effective October 1, 1981 the Department of Health and Human Resources, Office of Human Development, has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to adopt a Vocational Rehabilitation Operations Manual Parts I and II for the administration of its Rehabilitation Services Program which assists physically/mentally handicapped individuals to prepare for and enter into gainful employment.

This previously unadopted Operations Manual contains the rules, policies, and procedures under which this program has been operating but includes the following changes:

1. Section 304 - Page 13.

Occupational tools will be limited to \$150.

2. Section 306.3 - Page 16.

Maximum transportation - \$77 per month.

3. Section 404.1.

Eligibility criteria will now include an order of selection for services by priority groups as follows:

a. Severely disabled - severely handicapped individuals.

b. Individuals referred under Third Party Agreements (signed agreements between Division of Rehabilitation Services and other agencies/organizations).

c. Public safety officers who become disabled in the line of duty (police officers, probation/parole agents, etc.).

d. Individuals who receive public assistance such as Aid to Families with Dependent Children (AFDC), General Assistance (GA), Unemployment Compensation, Food Stamps, etc.

e. Individuals with dependents other than themselves.

f. Non-severely disabled, but unemployed or underemployed individuals.

g. All other individuals not fitting categories "a" through "f".

4. Section 405.7 - Page 17.

Economic need criteria is now applicable to recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

A. State and federal funds for special education and/or related services available for awarding of subgrants projects shall be recommended to the State Board for approval only after the following activities have been completed:

1. Issuance of a Notice of Availability of Funds by the Department to specify:

a. The priority in the Department budget which the Notice of Availability of funds addresses.

b. The types of agencies eligible for the funds to be used.

c. The anticipated amount to be available for the subgrant period.

d. The dates for response to the Notice of Availability of Funds and

e. The criteria for review of Notice of Availability of Funds.

2. The receipt and review of the Notice of Availability of Funds according to predetermined criteria by the Department.

3. The receipt, review and rankings of proposals by an external review council appointed by the State Board.

B. The State Superintendent may submit to the State Board requests for subgrants/contracts without completion of activities in A(1-3) only after the individual situations have been established according to procedures prepared by the Department and approved by the State Board, which may also include a review by the council referred to in A-3 above.

Revised regulations administering Act 754 of 1977 were approved at the Board's meeting of June 25, 1981 and became effective July 1, 1981. Two Sections were not included when the regulations were advertised as a Rule in the *Louisiana Register* of August, 1981. Therefore, the Board adopted Section 486 relative to an External Review Council's recommendations on discretionary funding. This emergency action was necessary to complete the document already in effect. Additionally, the Section provides procedures for the expenditure of funds which are currently being spent for special Education projects.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

Effective October 1, 1981 the Department of Health and Human Resources, Office of Human Development, has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act (R.S. 49.953 B) to adopt an Operations Manual for the administration of its Blind Services Program.

This previously unadopted Operations Manual contains the rules, policies and procedures under which this program has been operating, but includes the following changes:

(1) Section 305.5 - Economic Need.

Resources of parents of clients under age 21, instead of age 18, are to be considered in determining economic need.

Recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) are now subject to the economic need criteria.

Income level exemptions will change from (a) \$50,000 to \$40,000 annual gross income from a business or farming operation and (b) from \$12,000 to \$10,000 annual earned gross income.

George A. Fischer
Secretary

5. Section 405.7 - Page 18.

Full maintenance, maximum allowance - \$110 (also applicable to New Orleans area).

6. Section 405.7 - Page 19.

If **maximum** maintenance of \$110 is given, no transportation cost will be allowed.

7. Section 405.7 - Page 28.

Definite interpretation of length of college training. All college credits obtained before entering program will count towards maximum allowed.

8. Section 407 - Page 1-31.

Is deleted. (Vocational Rehabilitation Trust Fund for services to SSI and SSDI recipients was abolished by federal legislation.)

9. Section 512.

Out-of-state training will be limited to those training institutions listed in this section.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

Louisiana Department of Health and Human Resources (DHHR) is applying for Block Grant federal funding in accordance with Public Law 97-35, the Omnibus Reconciliation Act of 1981. Effective October 1, 1981, this Public Law consolidates many categorically funded health and social services programs administered by DHHR into five Block Grants for federal funding purposes. After certification for Louisiana's allotment of the federal funds, DHHR will continue to administer these programs under Block Grant federal funding in accordance with guidelines set forth in Public Law 97-35. Until such time that Congress effects an Appropriations Bill, DHHR will administer these programs under existing federal guidelines for program funding. DHHR will abide by requirements of state law in the adoption of any rule with regard to these Block Grants.

The five Block Grants and the DHHR Offices responsible for program administration are as follows:

(1) **Alcoholism, Drug Abuse and Mental Health** - Office of Mental Health and Substance Abuse. Inquires may be addressed to Thomas H. Brittain, Assistant Secretary, Office of Mental Health and Substance Abuse, Box 4049, Baton Rouge, LA. 70821. The State Plan for OMHSA will be available for public review at any OMHSA facility after November 1, 1981.

(2) **Maternal and Child Health** - Office of Health Services and Environmental Quality. Programs included in this Block Grant are Maternal and Child Health, Handicapped Children, Supplemental Security Income for Disabled Children, and Lead Poison Prevention. Copy of the application/proposal for block grant funding may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Program Planning and Evaluation Section, Box 60630, New Orleans, LA. 70160 or by inquiring in person at the State Office Building, Room 515, 325 Loyola Avenue, New Orleans, LA. Comments on the application/proposal are solicited and may be submitted to the above Office.

(3) **Preventive Health and Health Services** - Office of Health Services and Environmental Quality. Programs included are Fluoridation, Rodent Control, Health Education/Risk Reduction, Emergency Medical Services, Hypertension, Retail Food Sanitation, Food and Drug Control, Venereal Disease Control, Epidemiology, Tuberculosis Control, and Milk and Dairy products. Additionally, the application requests Louisiana's share of funds

for services to rape victims and for rape prevention. A copy of the application/proposal may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Program Planning and Evaluation Section, Box 60630, New Orleans, LA. 70160 or by inquiring in person at the State Office Building, Room 515, Loyola Avenue, New Orleans, LA. Comments on the application/proposal are solicited and may be submitted to the above Office.

(4) **Low-Income Energy Assistance** - Office of Family Security. This program will assist AFDC, SSI, Food Stamps, VA, and other low income households with the rising cost of home energy. Interested persons may secure a copy of the proposed application from Michael S. Haddad, Assistant Secretary, Box 44063, Baton Rouge, LA. 70804. Written comments on the application may be submitted to the same address.

(5) **Title XX Social Services** - Office of Human Development. Louisiana's share of allotted funds under this Block Grant will be used in accordance with the Comprehensive Annual Services Program Plan (CASPP) for 1981-82. Copies of the CASPP are available without charge upon written or telephone request to Governor's TIE LINE, Box 44004, Capital Station, Baton Rouge, Louisiana 70804. Phone: 1-800-272-9868. Written comments on this Block Grant may be submitted to Arthur J. Dixon, Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA. 70802.

George A. Fischer,
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting on September 29, 1981 exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule.

WHEREAS, the Department biologists and the Chief of the Seafood Division have recommended the fishing of oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou; and

WHEREAS, the State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met;

NOW THEREFORE BE IT RESOLVED by the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake Oyster Season for 1981-82 be set in accordance with the following rules and regulations.

(1) That the oyster season in Calcasieu Lake be one half hour before sunrise on Sunday, November 1, 1981, that the Secretary has the authority to close the season whenever biologically justifiable.

(2) That oyster fishing be limited to only the use of tongs and to daylight hours.

(3) The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.

(4) The three-inch culling law shall be observed by all fishermen fishing the area reefs to provide for future harvesting.

(5) All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115.

(6) The taking of oysters for commercial purposes shall be limited to 15 sacks per boat per day.

(7) The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day), which need not be tagged.

(8) All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged.

This done by emergency action.

Jesse J. Guidry
Secretary

Rules

RULE

Department of Commerce Office of Financial Institutions

Under authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions issues the following rules for the purpose of providing a means by which State-chartered banks may have authority consistent, in part, with that granted National banks by the Comptroller of the Currency Rules and Regulations 12:CFR, Section 7.7376; Section 225.4, and Section 225.122.

RULE

Notwithstanding any limitations imposed by R.S. 6:237 and 322, State-chartered banks are hereby authorized to operate subsidiary mortgage corporations subject to the following rules:

1. With the prior approval of the Commissioner of Financial Institutions a State bank may operate a subsidiary mortgage corporation. In order to qualify as an operating subsidiary mortgage corporation hereunder, at least 80 percent of the voting stock of the subsidiary must be owned by the parent bank.

2. A State bank subsidiary mortgage corporation may act as agent in the warehousing and servicing of mortgage loans, and may utilize the services of and compensate persons not employed by the parent bank for originating said loans, and, in general, may engage in activities permitted mortgage company subsidiaries of National banks pursuant to 12:CFR, Section 7.7376 and mortgage company subsidiaries of bank holding companies pursuant to 12:CFR, Section 225.4 and Section 225.122. All branch operations must receive prior approval of the Commissioner and be located within the Parish where the bank is domiciled.

3. Except as otherwise provided by statute or regulation, all provisions of Title 6 of the Louisiana Revised Statutes of 1950 applicable to the operation of the parent bank shall be equally applicable to the operations of its mortgage company subsidiary.

4. Each mortgage company subsidiary shall be subject to examination and supervision by the Commissioner of Financial Institutions in the same manner and the same extent as the parent bank. If, upon examination, the Commissioner shall ascertain the subsidiary is created or operated in violation of law or regulation and that the manner of operation is detrimental to the business of the parent bank and its depositors, he may, pursuant to the provisions of the Louisiana Revised Statutes 6:168, order the subsidiary to cease and desist from such violation or practice.

5. For the purposes of these regulations and any applicable provisions of the Louisiana Revised Statutes of 1950, the operation of a mortgage company subsidiary by a State bank shall be deemed to be incidental to the exercise of the powers specifically

enumerated in Subsection A of Section 237 of Title 6 of the Louisiana Revised Statutes of 1950, and a directly related banking activity for purposes of Subsection 8 of Section 1003 of Title 6 of the Louisiana Revised Statutes of 1950.

6. In that there is no legal recourse between the parent bank and the down-stream, wholly-owned subsidiary functioning as a mortgage company, this subsidiary should be subject to the same legal lending limits as any other borrowing customer of the bank.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULES

Board of Elementary and Secondary Education

Rule 7.02.00(a)

The Board adopted Bulletin 1508, *Pupil Appraisal Handbook*, Revised, 1981.

Rule 5.01.3.d

Guidelines for the Required Services Act (Act 205, 1980 R.S.) - Regulations of Louisiana State Board of Elementary and Secondary Education pursuant to Louisiana Revised Statutes 17:361 and 17:365.

Instructions for Completing the Required Services Form

General Information

1. Complete the form based on appropriate school year data.

2. The school administrator's signature denotes that the information contained on the form is complete and accurate.

3. Computation of salaries is based on the following guidelines:

a. Use actual salaries, exclusive of contributed services.

b. Administrators: Compute hourly rate paid according to a 50 week per year schedule, 40 hours per week.

c. Teachers, Guidance Counselors, Librarians: Compute hourly rate paid on the basis of 180 days, six and one-half hours daily.

d. Nonprofessional Support (Secretarial, Maintenance, etc.): Compute hourly rate paid on the basis of the actual number of hours worked in a normal week.

4. Parameters (maximums) for reporting by function and personnel type are included on the form. The number of hours actually recorded may vary from school to school. If the parameters are exceeded, additional auditing may be required.

5. The original form, signed by the school administrator (e.g. principal, headmaster, etc.), shall be submitted to the Superintendent of Education by September 30 of each year.

Rule 6.02.61.c

The Board adopted the following policy relative to a pay schedule for day-to-day substitute teachers in Special School District No. 1: \$50 - certified teacher; \$45 - college graduate, \$40 - some college/high school.

Rule 6.01.13(1)

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

Rule 3.01.51.cc

The Board adopted as an addition to Bulletin 741, a policy statement on School Calendar and Pupil Activity Days as follows:

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

B. School systems must notify the Board of Elementary and Secondary Education immediately when the minimum num-

ber of student activity days as specified in their original school calendar cannot be met and an alternative proposal for meeting the required days must be offered.

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

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

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

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

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

James V. Soileau
Executive Director

RULE

Office of The Governor Department of Veterans Affairs

The following are rules of eligibility requirements and rules pertaining to the collecting and handling of fees from veterans regarding lodging in the Louisiana Veterans Center, Jackson, Louisiana, administered by the Department of Veterans Affairs:

Eligibility

1. The veteran must be a legal resident of the State of Louisiana.

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

3. The veteran must be ambulatory and able to care for his needs.

4. The veteran must undergo a medical examination and, as a result, it must be shown that no violent or dangerous traits exist which would prevent him from functioning in an open dormitory without danger to the physical well-being of other residents or himself.

5. The veteran must consent and agree to abide by all rules and regulations governing the Home, and to follow the course of treatment prescribed by his personal physician, under the guidance and direction of the Home nursing and medical staff.

Residents' Maintenance Fees

6. All residents who have an income from any source will be allowed to retain the first \$60 per month. After this amount, all income up to \$300 will be collected on a \$1 for each \$2 basis.

7. All income above \$300 will be collected on a \$1 for \$1 basis until the full amount of each resident's average monthly maintenance and upkeep cost has been collected.

8. This formula (50 percent of the first \$300, 100 percent above the \$300 level until the full amount of each resident's average monthly maintenance is reached) will be applied on the basis of the preceding quarter's actual cost of each resident's monthly care, and in no case will such care exceed the actual cost of any given month.

9. Residents who contribute regularly to the support and maintenance of dependent/dependents shall have the amount contributed, not to exceed \$300 for the first dependent and \$150 for each additional dependent, subtracted from their total income before the maintenance formula is applied.

John L. McGovern
Director

RULE

Office of the Governor Department of Veterans Affairs

The following rules are used to administer the State Aid Program, educational assistance to eligible students, within the Department of Veterans Affairs:

Eligibility

1. The applicant should first apply to his/her Parish Veterans Service Office to verify eligibility.

2. The veteran, World War I, World War II, Korean Conflict or the Viet Nam Era, must have died in service in line of duty or from a wartime service-connected disability condition after discharge, or

3. The veteran must be rated 100 percent service-connected, permanently disabled by schedule or evaluation of the Rating Schedule. (Total rating on basis of individual unemployment does not meet requirements.)

4. The deceased veteran must have been a Louisiana resident for at least one year immediately preceding his entry into service.

5. The 100 percent service-connected veteran must have been a resident of Louisiana for at least two years preceding admission of the child into a training institution.

6. The child applicant must be between the age of 16 and 25, and marriage is not a bar to the program.

7. The widow applicant has no age limitation, but she must avail herself of the benefit within ten years after eligibility is established, or within ten years from the date the law was signed - September, 1977.

8. The eligible student must attend school on a full-time basis.

9. The eligible student may attend only a state-supported college, university, trade or vocational technical school, all entrance requirements for such institution must be met.

10. A fee exemption certificate must be issued to each eligible applicant upon completion of his/her processed claim in the Administrative Office, Department of Veterans Affairs, reflecting exemption from payment of all tuition and school-imposed fees for the forthcoming Fall or Spring semester, or any other type of school term below college level.

11. The registration certificate must be signed by school official indicating date of enrollment, and returned by the student or his/her designee, to the Administrative Office, Department of Veterans Affairs, within 45 days after the beginning of the semester, in order to receive a possible payment of cash subsistence allowance for the semester.

12. If the student transfers from one school to another, the original fee exemption certificate may be taken or the student may request from the Administrative Office the issuance of another fee exemption to be used at his/her next school.

13. Tuition and possible payment of cash subsistence allowance are given for a maximum of four years, to be completed in not more than five years from the date of original entry.

14. No money will be issued for the summer semester, or winter quarter in the case of vocational schools: fee exemption only is given.

15. Fees assessed by the student body on themselves, such as yearbook, weekly paper, are not exempt. Free registration does not cover books, supplies, room and board, etc.

John L. McGovern
Director

RULE

Office of the Governor Department of Veterans Affairs

The Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission adopts the following policies, rules and regulations governing the operation of the Veterans Affairs Commission:

Election of Officers

1. The Veterans Affairs Commission shall be composed of nine members who are honorable discharge veterans, citizens of the United States of America and of this state, and who are qualified voters.

2. The chairman and vice-chairman of the Commission shall be elected at the first meeting following the Governor's appointment of the total Commission or at the first meeting held following July 1, in even-numbered years.

3. The elected chairman of the Commission shall appoint committee chairman at the first meeting following his election.

4. Standing committees shall be as follows: a) War Veterans Home, b) Committee on Rules and Regulations, c) Committee on Administration Policy, d) Committee on Service Officers and conduct pertaining to Department Operation and, e) Committee on Veterans Welfare and Benefits.

5. These committees can be partial or of the entire Commission.

6. The Commission shall determine the overall general and the administrative policies of the Department of Veterans Affairs.

7. The director and his staff shall review semi-annually all proposed new rules, regulations and procedures and the Commission shall approve all proposed rules, regulations and procedures.

8. Each member shall be paid \$50 each day devoted to the work of the Commission, but not more than \$1,250 in any one fiscal year.

9. Commissions members shall also be entitled to reimbursement for necessary travel and other expenses in accordance with current state travel regulations.

10. Travel will only be authorized on days that per diem is paid.

11. Commission members may not be authorized more than two out-of-state trips, these to be used only for conducting business of the Commission, in any fiscal year.

12. All travel vouchers for the Commission members shall be authorized by the chairman or his designated representative, the director of the Department of Veterans Affairs, with ultimate responsibility held by the chairman, in accordance with adopted rules relating to travel.

13. The director, as secretary of the Commission, shall keep the chairman and all members of the Commission apprised of the availability or non-availability of travel monies.

14. The Commission shall submit a budgetary request for their sub-program to the Department not later than November 15 each year for required out-of-state travel monies for the following fiscal year.

15. This budgetary request must be accompanied by justification in writing.

Meetings and Location

16. The Commission shall hold its regular meeting in the administrative office in Baton Rouge, unless, at the discretion of the Chairman, it is necessary or convenient in the performance of its duties, to meet in some other city or location.

17. The Commission shall hold at least one regular meeting in each quarter, annual period, at the administrative office in Baton Rouge.

18. The Commission can hold special meetings at times and places specified by call of the chairman, or a majority of the Commission, upon written notice of time and place by the director.

19. A majority of Commission members (five) constitutes a quorum for the transaction of business.

20. No action will be taken by the Commission without the concurrence of at least five members physically present and voting.

21. No Commission member shall vote by proxy, by representation or by mail.

22. The director of Veterans Affairs shall act as secretary and keep adequate records and minutes of official actions and distribute copies to each member as soon as practical.

23. The Commission shall meet semi-annually with the director and his staff for the purpose of reviewing the overall operation and upgrading of the Department.

24. The Commission as a body shall meet at least once per year with the Joint Legislative Committee on Veterans Affairs to assist the Committee in forming legislative goals for the Department of Veterans Affairs.

25. The meeting with the Joint Legislative Committee on Veterans Affairs shall be arranged at the call of the chairman and the director.

26. No meeting of the Veterans Affairs Commission shall exceed a maximum of two days.

27. Two-day meetings or week-end meetings of the Commission are not to be scheduled unless there is valid justification and/or unusual circumstances.

28. Minutes of the Commission meetings are to be submitted to the Legislative Committee on Veterans Affairs.

John L. McGovern
Director

RULE

Office of The Governor Department of Veterans Affairs

The Office of the Governor, Department of Veterans Affairs, War Veterans Home adopts the following policies, rules and regulations governing the administration of the Home:

Eligibility

1. All veterans who have served honorably in the Armed Forces of the United States, and who meet the physical requirements, (veterans must be able to take care of his own personal needs, be ambulatory and have no communicable disease), and who are bona fide residents of the state of Louisiana may be admitted provided space is available.

2. The Commandant of the Veterans Home, subject to review by the Director or Commission, may refuse admittance based on this judgment after reviewing veterans application as to ability to fit into the Home's routine.

3. Applications for requesting admittance to the Home shall originate in the Department of Veterans Affairs Service Offices located in 63 parishes of the State.

4. The use of profane or vulgar language will not be tolerated; courtesy and consideration will be expected from all residents.

5. Personal cleanliness will be practiced at all times; residents will be expected to bathe and shave daily and have clean clothes.

6. Residents are expected to keep their bed areas clean at all times; neatness will be expected throughout buildings and grounds.

7. No resident will tamper with Home equipment or furnishings unless Commandant so authorizes.

8. Destruction of Home property will not be tolerated. Financial responsibility for such destruction is to held by the resident, and reimbursement shall be made.

9. There will be no lending or borrowing of money between residents, or residents and employees, in excess of one dollar.

10. Bartering, trading or exchanging goods or personal belongings will not be tolerated.

11. Gambling for stakes will not be permitted.

12. Possession or use of intoxicants anywhere on the premises will not be tolerated.

13. Residents will not leave main building before receiving prescribed medication or therapy.

14. Residents will not have private medication in their possession unless prescription is registered with nurse.

15. Residents are required to keep lockers and personal possessions in neat and orderly manner. Locker inspection will be held once a week.

16. No sugar, coffee, or perishable foods will be kept in lockers.

17. No resident will leave the Home grounds without official pass or permission of Commandant. Resident will not violate provisions of pass privilege.

18. Residents have use of telephone in recreation area. Use of any phone other than this recreation area telephone requires permission of the staff members.

19. All residents will be required to participate in Home recreation activities within physical limitations.

20. Residents are not permitted to have in their possession any implements, concealed or otherwise, such as knives, screwdrivers or other tools or weapons which may be used to inflict harm.

21. Residents will bring any complaints to the attention of the Commandant or staff member for consideration or correction.

22. All residents may be assigned certain duties in Home or on grounds.

23. Any violations of Home rules will require action of the Administrator.

24. Any violations of rules is subject to disciplinary action, according to state or parish law.

John L. McGovern
Director

RULES

Office of the Governor Division of Administration Office of Data Processing

Notice is hereby given that the Office of Data Processing, under the authority granted by R.S. 39:1901 through 39:1903 and R.S. 39:196 through 39:200, and in accordance with applicable provision of the Administrative Procedure Act, has adopted a set of 14 rules.

The following rules are adopted:

LAC 1-9:1 Planning and Budgeting for Data Processing Resources

LAC 1-9:2 Justification for Data Processing Consulting Services

LAC 1-9:3 Justification for Procurement of Computer Equipment

LAC 1-9:4 Justification for Procurement of Computer Software

LAC 1-9:5 Emergency Procurement of Data Processing Equipment

LAC 1-9:6 Guidelines for Justification of Multi-Year Data Processing Leases

LAC 1-9:7 Unscheduled Maintenance of Data Processing Equipment

LAC 1-9:8 Procedures for Procurement Support Team Operations

LAC 1-9:9 Disposing of Leased, Rented or Purchased Data Processing Equipment

LAC 1-9:10 Maintenance of Equipment and Software Inventories

LAC 1-9:11 Contingency Planning for Data Processing Operations

LAC 1-9:12 Equipment Specifications in Invitations to Bid

LAC 1-9:13 Computer Utilization Reporting

LAC 1-9:14 Equipment Utilization Monitoring

LAC 1-9:1 Planning and Budgeting For Data Processing Resources

1.1 GENERAL PROVISIONS.

1.1.1 **PURPOSE.** Strategic long-range planning for data processing and the budgeting process are closely related in that the budget request represents an operational or short-term plan to implement long-range objectives. This rule outlines the duties and responsibilities of State agencies regarding the preparation of long-range plans for data processing and the preparation of documentation to support budget requests for data processing resources.

1.1.2 **AUTHORITY.** This rule is adopted pursuant to authority granted to the Office of Data Processing by Title 39 Chapter 19 of the Louisiana Revised Statutes of 1950 as provided in Act 723 of the 1981 Regular Session of the Legislature.

1.1.3 **DEFINITIONS.** Within the context of this rule these terms shall be defined as follows:

A. **Agency.** Any State Executive Branch department, commission, board, political subdivision, institution of higher education or school, except parishes and municipalities.

B. **EDP.** Electronic Data Processing, including word processing.

C. **Office of Data Processing (ODP).** The governing authority for State data processing, located within the Office of the Governor, Division of Administration.

1.2 LONG-RANGE PLANNING AND BUDGETING OVERVIEW.

1.2.1 Each agency of State government shall adopt procedures to insure that proper planning is done for satisfying in a cost-effective manner the future data processing needs and requirements of that agency.

1.2.2 The data processing planning methodology or process implemented at an agency is the responsibility of that agency, but it must produce a planning document which contains, at a minimum, the information outlined in Section 1.3 of this rule. The agency is encouraged to include any additional information in its planning document that it feels better describes the plans of that agency. A general, hypothetical planning/budgeting process is outlined in Figure 1-1. This process shows the development of a long-range plan, which then becomes the basis for requesting and justifying new EDP resources for the coming fiscal year. The justification, and the plan, later become inputs to the agency's budget request package.

1.2.3. Each agency shall submit a long-range plan to the Office of Data Processing by September 1 of each year. The plan shall cover a three fiscal year period, at a minimum, the first year of which shall be the year currently being budgeted.

1.2.4 The actual format of the plan shall be determined by the agency. However, forms on which to present the plan have been developed by ODP and are referenced in Section 1.3 of this rule. These forms may be used as is or modified as appropriate to meet an agency's exact needs. Copies of these forms are available from ODP.

1.2.5 Each agency shall submit a detailed justification for new or expanded EDP resources by September 1 of each year to the Executive Budget Office, the Legislative Fiscal Office and ODP.

1.2.6 Each agency shall include in its budget request a summary of EDP expenditures being requested.

1.3 LONG-RANGE PLAN REQUIREMENTS.

The information described in subsections 1.3.1 through 1.3.6 shall be included, at a minimum, in the plan submitted to ODP.

1.3.1 State the mission and objectives of the agency. Also state the mission and objectives of data processing within the agency, and how these objectives are related to the agency's overall objectives, policies and business plans. These objectives shall be specific statements of results to be achieved within a specific period of time.

1.3.2 Each agency, except institutions of higher education and schools, shall include in its plan a description of all systems which will be in production status during the three-year period. This is to include all such systems operating on state EDP equipment and systems currently operating on nonstate equipment (do not include these systems in paragraph C below) which will be brought in-house within the three fiscal years covered in the plan. Provide the following information:

A. For each system listed, provide a narrative of the scope, objectives and benefits of the system.

B. Indicate the current and anticipated monthly computer center production costs for the system, and whether the system is run on state or nonstate equipment.

C. Indicate the percentage of the current total computer center's monthly production cost used by the system.

D. Indicate the current and anticipated level of staffing and other cost, on a monthly basis, associated with maintenance of the system.

E. Indicate any hardware or software changes necessitated by growth of the system, and the dates such changes are planned to occur. Include these in the Hardware/Software Plan.

This information may be provided on Form ODP-5 entitled "Production System Summary."

For each production system listed in the plan, the agency will maintain, and make available upon request of the ODP, a system profile which will include growth projections for the planning period. At a minimum, this information is required:

A. Processing frequency, whether daily, weekly, monthly, quarterly, semi-annually, or on request.

B. The run time per month (both Central Processing Unit (CPU) and total throughput).

C. The total permanent disk storage required for the system.

D. The maximum number of concurrent tape drives required for the system, and the average number of reels stored for the system in a tape library.

E. The total monthly print volume for the system.

F. The file organizations used by the system, i.e. sequential, indexed sequential, random, virtual storage access method

(VSAM), relative or direct access.

G. Number of personnel or level of effort required for basic maintenance.

H. Method and volume of data entry. Also indicate time required for the system in terms of manhours per month or number of full-time data entry operators.

Form ODP-6 entitled "Production System Detail Sheet" may be used to record the above information.

1.3.3 Describe all new systems currently under development or planned for development during the three-year planning period. Also describe any major enhancements or redesign efforts, either in progress or proposed, for each production system. Institutions of higher education and schools are required to report such plans only for administrative systems. However, it is recommended, but not mandatory, for these institutions to include major efforts in academic, research and instruction systems in order to present a more complete plan.

A. Indicate whether the effort planned is a new development or an enhancement.

B. Indicate the planned start and completion dates.

C. State the scope, objectives and anticipated benefits of this effort.

D. Indicate the level of state personnel and consultant staffing in manmonths by level of expertise required for this effort.

E. Indicate any hardware or software changes necessitated by the implementation of this effort, and the dates such changes are planned to occur. Include these in the Hardware/Software Plan.

F. State the dollar amount requested for the enhancement or redesign. This amount will normally equal the total shown on budget forms BR-4 and BR-4A "Expansion of Current Services and/or Proposed New Services."

Form ODP-7 entitled "System Development or Enhancement Plan" may be used to present this information.

1.3.4 Based on systems currently in production, projected growth in these systems, system development/enhancement plans and other available information, describe the current and planned hardware and software configurations. This shall include, at a minimum, the following:

A. The currently installed hardware configuration, indicating for each component whether leased, purchased or rented and the annual cost. Provide a schematic of the hardware configuration.

B. Hardware upgrades or changes planned during the three-year period indicating the month in which it is to be installed. Indicate the anticipated rental, lease or purchase amount for each component. Indicate whether the upgrade or change is due to an increase in the volume of utilization of existing systems, implementation of new systems, changes due to technological advances, cost considerations, etc.

C. The software presently used, i.e., operating systems, compilers, assemblers, telecommunications, data base systems, data dictionary system, and major utilities. Indicate whether the software is furnished by the vendor, rented, leased or purchased. Indicate the annual cost associated with each.

D. Software changes or upgrades planned during the three-year period. Indicate the month of installation, plus the annual cost. Indicate whether the software change is due to technological advances, requirement for new systems, changes in existing systems, etc.

The above information may be documented on Form ODP-8 entitled "Hardware/Software Plan."

1.3.5 Provide a listing of classifications, and the number of each, planned for each of three years of the plan, as well as the number budgeted in the current year. Include those personnel

assigned to the data processing cost center (or section). Also include those personnel having data processing classifications (e.g., Data Entry Operator) who are assigned outside of the data processing cost center (or section). Exclude those personnel outside the data processing cost center (or section) who may use the data processing resources but do not have data processing classification titles. Also exclude part-time student workers and personnel funded by a grant. This information may be provided on Form ODP-9 entitled "Plan of Positions in EDP Organization."

plan, provide the name of the proposed vendor (if known), the nature of the work to be performed and the amount requested for each project. A completed form BR-17A (Schedule of Professional Services-Detail) may be provided instead. The total amount shown will equal that required in Section 1.3.6.B.7.

1.3.6 Summarize the funds necessary to provide the EDP resources described in other parts of the plan, in terms of amounts by ODP's categories of expenditure. This summary will be for not only the three years of the plan but for the current year as well. Form ODP-10 entitled "EDP Resources Requirements Cost Plan" provides a format suitable for easy presentation of these cost estimates.

A. Amounts.

1. For the current fiscal year, indicate the total budgeted amount.

2. For the first year of the three-year plan, indicate for each ODP category of expenditure the following:

a. Amount of State General Funds requested, excluding outgoing interagency transfers.

b. Amount of State General Funds for interagency transfer, i.e., amount being transferred out to another State agency. On an attached sheet, explain the services to be received, the dollar amount to be transferred and to which agency. A completed form BR-19 may be used instead.

c. Total amount of State Funds being requested.

d. Amount of Federal Funds.

e. Total amount (State and Federal) being requested.

3. For the last two years of the plan, indicate only the total amount planned for each category.

B. ODP Categories of expenditure.

1. Hardware. Include expenditures for the purchases, rental, lease and maintenance of hardware, e.g., central processing units, disk drives, controllers, printers, terminals, modems, data communication lines, word processors, etc. The total amount requested for hardware will equal the sum of the detail costs shown in the Hardware Plan (see Subsections 1.3.4.A-B).

2. Software. Include expenditures for the purchase, rental, lease and maintenance of software, e.g., operating systems, compilers, assemblers, data base systems, data dictionary systems, utilities, etc. The total amount requested for software will equal the sum of the detail costs shown in the Software Plan (see Subsections 1.3.4 C-D).

3. Personnel. Include expenditures for all salaries, wages and related benefits for personnel assigned to the data processing cost center (or section). Also include those personnel having data processing classifications (e.g., Data Entry Operator) who are assigned outside of the data processing cost center (or section). Exclude those personnel outside of the data processing cost center (or section) who may use the data processing equipment but do not have data processing classification titles.

4. Facilities. Include expenditures for items such as building rentals, repairs, construction, acquisition of desks/typewriters/other office equipment, utilities, and charges related to voice communications.

5. Training. Include expenditures for off-site courses and conferences, vendor-supplied in-house training, audio-visual equipment and supplies, training manuals, etc.

6. Supplies. Include expenditures for paper, office supplies, ribbons, magnetic tapes and disks, gasoline, etc.

7. Professional Services. Include expenditures for all professional services, whether they be used for system development, management consulting, operations audit, systems tuning, etc.

8. Other Non-State Services. Include expenditures for services provided by non-State organizations such as service bureaus and time-sharing services, and related consulting services associated with service bureaus or timesharing services. Also include subscription services (e.g., library or legal), outside data entry services and microfilm/microfiche production services.

9. Other operating services. Include expenditures for services not included in other categories. Examples would be travel, postage, dues and subscriptions, insurance, automobile purchase and repairs.

10. Total EDP cost. This category represents the total dollar amount requested, i.e., the sum of the preceding nine categories.

C. 1. Interagency Transfer In. Include the total amount of incoming inter-agency transfers from other State agencies. This total shall be detailed on an attached sheet showing service to be rendered and dollar amount to be received from each agency. Completed budget forms BR-6/BR-6A/BR-6B may be attached instead.

2. Positions Allocated. Indicate the number of personnel positions requested, including incumbents, vacant positions and new positions. This number will match the total number indicated in the part of the plan detailing future manpower requirements.

1.4 REQUIREMENTS FOR JUSTIFICATION OF NEW OR EXPANDED DATA PROCESSING RESOURCES.

The development of an agency's long-range plan for data processing may lead to the identification of circumstances or needs which require the acquisition of new or expanded data processing resources. Each agency requesting funds for such resources, except as noted below, shall submit detailed justification to the Executive Budget Office, the Legislative Fiscal Office and ODP by September 1 of the fiscal year preceding the fiscal year for which such funding is requested. Such justification is not required of universities and schools in cases where data processing resources are required under terms of grants or contracts funded from non-State sources. This justification is important as it will be reviewed by ODP when preparing its funding recommendations to the Legislature as required by Title 39 Section 1902(6). **All** new resources are to be justified, whether they be requested in the agency's budget using BR-4's, BR-15D (Rental), BR-20A (Acquisitions) or other budget forms.

Each new or expanded resource shall be documented and justified individually and assigned a priority number, as is done in budget requests, e.g., using forms BR-4 and BR-4A "Expansion of Current Services and/or Proposed New Services" or form BR-20A "Acquisitions." Each justification shall be documented on form ODP-4A, and multiple form ODP-4Bs and ODP-4Cs, which are available from ODP and entitled "Justification for New or Expanded Data Processing Resources." The following information is required:

1.4.1 Provide a narrative explanation of the circumstances that require the proposed data processing resources, i.e., identify the need for the resources. Use Item 1 on form ODP-4A, with continuation sheets used as needed.

1.4.2 Provide an analysis of the workload that the proposed resources will be capable of handling. This analysis shall be in terms appropriate to the resources being requested, e.g., transaction volume, response time requirements, print volumes, disk capacity, manhours, etc. Use Item 2 on form ODP-4A, with continuation sheets as needed.

1.4.3 Describe each alternate solution considered, includ-

ing the following:

- A. Use of inhouse resources. Include a configuration analysis and analysis of lease/rent vs. purchase.
- B. Use of existing resources in other State agencies.
- C. Use of resources in the private sector, e.g., service bureaus or time-sharing services.
- D. Using a manual or partially automated approach vs. a fully automated one.

Complete one form ODP-4B and one form ODP-4C for each alternative, as follows:

E. Describe how the need would be satisfied using this alternative, and what new or expanded data processing resources would be required. Also describe the impact on utilization of current resources in the agency (and in other agencies if appropriate). Provide a detailed list of data processing resources, and estimated costs per component, to implement the alternative. It is important that this list be accurate and complete for funding purposes since as part of its review and approval procedures at acquisition time, ODP must document that the item being requested for acquisition has been specifically funded by the Legislature. Use Item 3 on ODP-4B and continuation sheets as needed.

F. Document the cost/benefit analysis done for this alternative, using Item 4 on ODP-4B and continuation sheets.

G. Document the estimated expenditures associated with this alternative, by category of expenditure for the first three years of implementation. Also indicate the means of financing. Include a total for these three years. Use Item 5 on ODP-4C.

H. Indicate if the alternative was selected, the reason(s) why it was selected or rejected. Use Item 6 on form ODP-4C.

30 days prior to
Legislative session

Recommendations of the Office of Data Processing due to Legislature regarding funding of new or expanded equipment or programs.

1.5 DATA PROCESSING BUDGET REQUEST REQUIREMENTS.

The preparation of the agency's budget request for data processing resources is done according to appropriate guidelines and instructions issued by the Division of Administration, State Executive Budget Office, and the Legislative Fiscal Office. The Office of Data Processing requires that form ODP-2 entitled "Data Processing Expenditures and Request" be included in the budget request package. This form summarizes all EDP-related expenditures contained in the agency's budget request. This form contains nine ODP categories of expenditures. A cross reference between the standard State categories and these ODP categories is included in Figure 1-3.

1.6 SCHEDULE OF EVENTS RELATED TO DATA PROCESSING PLANNING AND BUDGETING

DATE	EVENT/ACTIVITY
July-August	Each agency initiates new planning and budgeting cycle.
September 1	Agency long-range (3-year) DP plan due to Office of Data Processing.
September 1	Agency justification for new or expanded data processing equipment or services due to Division of Administration Executive Budget Office, and Legislative Fiscal Office, with copy to Office of Data Processing.
December 15 (or other deadline set by DOA)	Agency budget request due to Division of Administration, Executive Budget Office, with copy to Office of Data Processing.

EDP PLANNING AND BUDGETING OVERVIEW

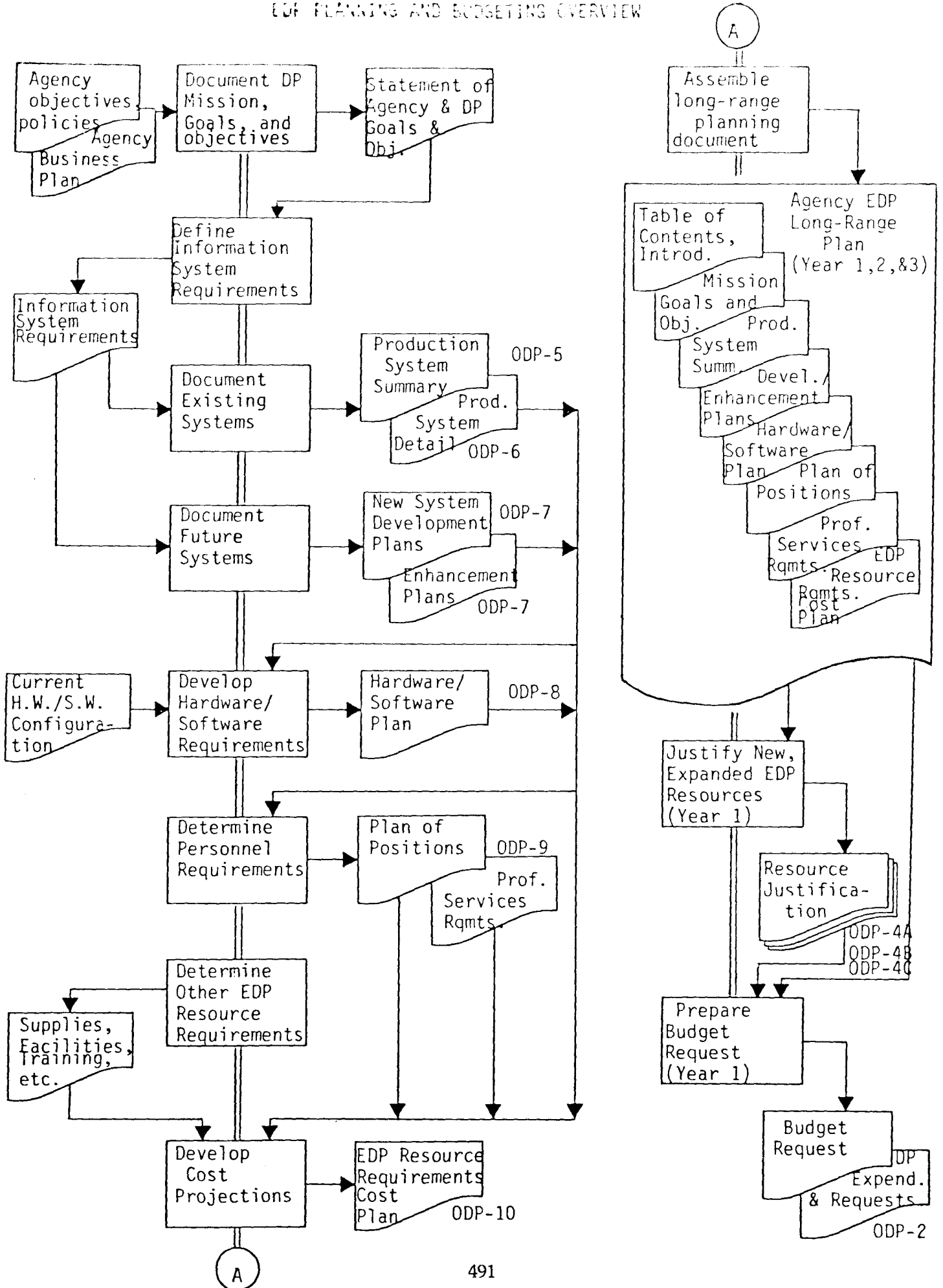


FIGURE 1-2 DP PLANNING AND BUDGETING FORMS

<u>USED IN</u>	<u>FORM NO.</u>	<u>FORM NAME</u>
Long-Range Plan	ODP-5	Production System Summary
	ODP-6	Production System Detail Sheet
	ODP-7	System Development or Enhancement Plan
	ODP-8	Hardware/Software Plan
	ODP-9	Plan of Positions in DP Organization
	ODP-10	EDP Resource Requirements Cost Plan
Justification of New Resources	ODP-4A	Justification of New or Expanded DP Resources
	ODP-4B	Justification of New or Expanded DP Resources
	ODP-4C	Justification of New or Expanded DP Resources
Budget Request	ODP-2	Data Processing Expenditures and Requests

FIGURE 1-3

CROSS-REFERENCE OF ODP CATEGORIES TO STANDARD BUDGET CATEGORIES

ODP COST CATEGORIES	ODP DEFINED TO INCLUDE	LOCATED IN BUDGET	
		FORM NO.	CATEGORY ROLLED TO ON BR-2
Hardware	Acquisitions Rental Maintenance Data Comm. Lines	BR-20 BR-15D BR-15C BR-15F	Acquisitions Operating Services Operating Services Operating Services
Software	Acquisitions Rental Maintenance	BR-20 BR-15D BR-15C	Acquisitions Operating Services Operating Services
Personnel	Salary/Wages/Benes	BR-9	Total Salaries
Facilities	Office Equip-Acqui Office Equip-Ren/Mnt Utilities Telephones (Voice) Moving Expenses Building Rentals Building Repairs	BR-20 BR-15C,D BR-15G BR-15F BR-15G BR-15D BR-21	Acquisitions Op. Services Op. Services Op. Services Op. Services Op. Services Major Repairs
Training	Courses Conferences Trng. Eqp. Maint. Training Manuals Travel to Training	BR-15G BR-15G BR-15C BR-20 BR-14	Op. Services Op. Services Op. Services Acquisitions Travel
Supplies	DP Supplies,Ofc/Auto Supplies, etc.	BR-16	Supplies
Prof. Services	Prof. Services	BR-17	Prof. Services
Other Non-State Services	Subscription Service, Time-Sharing, COM, Data Entry, etc.	BR-15	Operating Services
Other Op. Svcs.	Travel (excl.trng.) Postage Dues & Subscriptions Insurance Auto. Purchase Auto. Repair	BR-14 BR-15E BR-15E BR-15B BR-20 BR-15B	Travel Op. Services Op. Services Op. Services Acquisitions Op. Services

LAC 1-9:2 Justification for Data Processing Consulting Services

2.1 GENERAL PROVISIONS.

2.1.1 Notwithstanding any other statutory requirements each Executive Branch agency shall provide justification as required herein to the Office of Data Processing for the acquisition of data processing consulting services.

2.1.2 Data processing consultants shall only be used where special expertise or guidance is required and cannot be provided by state personnel, e.g., if special expertise in a particular industry is required for a project, consultants may be used to design a system and to guide a monitor the installation phase. Consultants shall not be used to perform systems analysis or programming tasks where it is feasible to do so with state employees. Where there exists a shortage of state data processing personnel, consultants may be used to provide application software maintenance for periods not to exceed six months in duration.

2.1.3 Data processing consultants may be used for augmentation of the agency data processing staff for projects resulting from a legislative mandate and/or critical installation dates are required, provided proper justification is presented to the Office of Data Processing.

2.2 JUSTIFICATION REQUIREMENTS.

The following justification shall be presented to the Office of Data Processing:

2.2.1 Description of the project or services required.

2.2.2 Proposed contractor.

2.2.3 Total amount of proposed contract.

2.2.4 Proposed effective and expiration dates of the contract.

2.2.5 Contract deliverables.

2.2.6 Number of personnel to be furnished by the contractor by skill level and hourly rate for each.

2.2.7 Name and title of state person who will supervise the activities of contract personnel.

2.2.8 Proposed method and frequency of review of the contractor's performance.

2.2.9 Number of state personnel assigned to the project.

2.2.10 State the reasons consulting services are required for the project.

2.2.11 If the proposed acquisition was budgeted, provide certifiable evidence of specific funding. If not, provide a detailed explanation of funding and an approved BA-7 or other evidence of approved funding.

2.3 The Office of Data Processing may require additional information or justification as it deems appropriate.

LAC 1-9:3 Justification For Procurement of Computer Equipment

3.1 This rule describes the information that all agencies in the executive branch must furnish when seeking approval of the Office of Data Processing for the procurement of computer equipment. Computer equipment, for the purpose of this rule, is defined as any electronic data processing device including but not limited to, central processing units, memory, peripheral devices, unit record equipment, data communications equipment, minicomputers and peripherals, graphics equipment including digitizers and plotters, optical scanning equipment, and shared logic word processing equipment. Equipment that does not fit into any of the above categories will be handled on a case-by-case basis and the agency must contact the Office of Data Processing for a ruling on the justification required.

3.2 In a request to the Office of Data Processing the following must be provided to avoid delays in approval:

3.2.1 Provide a general description of the mission to be accomplished using the requested equipment.

3.2.2 Provide a detailed list of the proposed equipment, including quantities and estimated costs for lease, purchase, rental, maintenance, etc.

3.2.3 Provide detailed cost associated with this acquisition, including:

A. Site preparation.

B. Transportation cost.

C. Additional personnel.

D. Additional training.

E. Systems and programming required from non-State sources.

F. Additional supply cost.

G. Other request associated with this acquisition.

3.2.4 State what circumstance(s) instigated the need for the proposed equipment and how it will alleviate the problem.

3.2.5 List and explain all alternatives considered aside from adding the proposed equipment and why each was rejected.

3.2.6 List any equipment to be displaced by this proposed acquisition. State whether the displaced equipment is purchased, leased or rented and its associated cost. List accrual amounts for leased or rented equipment.

3.2.7 Provide the method of funding for the proposed acquisition, i.e., state general fund, federal funds capital outlay, grant, or other (explain fully). If proposed acquisition is included in current operating or capital budget, provide certifiable evidence of specific funding. If not, provide detailed explanation of funding and an approved BA-7 on other evidence of approved funding.

3.3 The Office of Data Processing may require additional information or justification as it deems appropriate for any particular procurement request.

3.4 Each agency contemplating a procurement greater than \$100,000 shall, upon definition of the preliminary functional requirements and prior to drafting of specifications, notify the Office of Data Processing in writing of the intended procurement. The Office of Data Processing shall schedule a procurement support team. As required in Act 628 of 1981, procurement support team participation must include, as a minimum, assistance in the final drafting of specifications, drafting of invitations to bid and negotiations of contract terms.

3.5 Proprietary specifications shall not be included in invitations to bid unless proper justification is presented to and approved by the Office of Data Processing.

LAC 1-9:4 Justification for Procurement of Computer Software

4.1 This rule will describe the information that all agencies in the Executive Branch must furnish when seeking the approval of the Office of Data Processing to acquire computer software. Computer software, for the purpose of this rule, is defined as any program or series of programs offered commercially to computer installations. If the software to be acquired is without cost, no justification to the Office of Data Processing is required.

4.2 In a request to the Office of Data Processing the following must be provided to avoid delays in approval:

4.2.1 Provide a general description of the mission of the computer installation for which this software is requested.

4.2.2 Provide a description of the computer hardware on which the new proposed software is to be used. State what operating system is used.

4.2.3 Describe the tasks to be accomplished by the proposed software and tell why the accomplishment of these tasks justify the cost of the package.

4.2.4 Provide a cost breakdown of the proposed software as follows:

A. Cost of the software

1. Permanent License Fee

2. Annual License Fee
3. Fixed Term License Fee
 - a. Length of term
 - B. Installation cost
 - C. Personnel training cost

D. Cost of any additional hardware to be acquired to support this software

- E. Annual maintenance costs.
- F. Miscellaneous costs not covered above

4.2.5 If the request is not for a permanent license, give subsequent year costs. Explain fully any multi-year benefits such as permanent license after three years, etc.

4.2.6 State the overall impact the software will have on the performance of the installation and the factors used in reaching this conclusion.

4.2.7 List all known software packages investigated which claim to accomplish the required task. Name each investigated, their total cost, and the rationale for selection or rejection. State the source used to obtain the list of possible vendors, for example, Datapro or Auerbach.

4.2.8 If the proposed acquisition was budgeted, provide certifiable evidence of specific funding. If not provide a detailed explanation of funding and an approved BA-7 or other evidence of approved funding.

LAC 1-9:5 Emergency Procurement of Data Processing Equipment

5.1 GENERAL.

5.1.1 Definition of Emergency. Emergency acquisitions or rentals of data processing equipment means a method of procurement utilized when there exists a threat to the public health, welfare, safety or public property.

5.1.2 Declaration of Emergency. An emergency situation must be declared by the head of the agency operating the affected equipment. The declaration shall state the nature of the emergency, the apparent cause or causes, the anticipated effects, and shall list the items of equipment involved. The notice shall be addressed to the Office of Data Processing and the Purchasing Office.

5.1.3 Planning Requirements. All State data processing installations shall maintain a current disaster plan which incorporates plans for dealing with an emergency as defined in 5.1.1 above. This plan shall be filed with the Office of Data Processing, and shall be updated at least annually. When equipment is being rented or leased, or in any case where title to the equipment does not rest with the State, the supplier shall be required to state in contractual form: 1) that the equipment supplied to the State is fully insured (or provide satisfactory evidence of self-insurance) and 2) the supplier's plans and capabilities to replace the equipment in the event of an emergency.

5.2 RENTED OR LEASED EQUIPMENT.

5.2.1 Replacement Pursuant to Contract. When equipment rented or leased to the State must be replaced due to an emergency, the renter or lessor shall be the source of the replacement if the requirements of 5.1.3 provide for suitable replacement. In this case, no additional procurement procedures shall be required, but a final report shall be submitted by the using agency to the Office of Data Processing (ODP) and to the Purchasing Office.

5.2.2 Replacement Other than by Contract. When either no contracts exist (per 5.1.3) or the vendor cannot adequately replace the equipment pursuant to a contract, equipment may be rented or leased through the following procedures:

A. The using agency shall notify the ODP in writing that this procedure is necessary.

B. The ODP Director will promptly designate a Procurement Support Team suitable to the situation.

C. The Procurement Support Team will prepare specifications for the replacement equipment.

D. The Procurement Support Team will contact as many potential vendors as is possible within three working days. Quotations will be obtained from as many as possible. Oral quotations be confirmed in writing.

E. The Procurement Support Team will evaluate the responses of vendors, and make a recommendation to the using agency. The Team shall consider all relevant factors, including maintenance, support, transportation costs and vendor background.

F. The using agency shall select a vendor. Oral notification to the vendor must be confirmed in writing. The agency decision and rationale must be submitted to the ODP in writing.

G. A situation report, evaluating the procurement activity, shall be made by the ODP staff.

H. All contracts must receive all statutorily required approvals prior to becoming effective.

5.3 PURCHASED EQUIPMENT.

5.3.1 Replacement with Rented Equipment. When in the opinion of the head of the using agency, as expressed in writing, it would be to the advantage of the agency (either operationally or financially), purchased equipment lost in an emergency situation may be replaced with equipment rented on a short-term (no more than 24 months) basis. In this case, the procedure set forth in 5.1.2 shall be employed.

5.3.2 Replacement with Purchased Equipment. Purchase of equipment in an emergency situation shall follow all statutes and regulations governing equipment purchases generally, with the following exceptions:

A. Specifications may be supplied to potential vendors directly, without the need for advertising. Every effort shall be made to reach as many potential vendors as possible. Advertising may be used. Telegram specifications shall be confirmed by mail.

B. The only delays and reponse times shall be as established by the Procurement Support Team.

C. Vendor quotations may be supplied orally. Oral quotations shall be confirmed in writing.

D. A situation report, evaluating the procurement activity, shall be made by the ODP staff.

LAC 1-9:6 Guidelines For Justification of Multi-Year Data Processing Leases

6.1 Act 628 of 1981 provides for multi-year leasing of data processing equipment for periods up to five years with Office of Data Processing.

6.2 Following are the guidelines that shall be used in preparing justification for a multi-year lease:

6.2.1 Provide a detailed list of equipment under consideration.

6.2.2 State whether equipment is currently installed or to be acquired.

6.2.3 If currently installed, provide installation date, monthly rental rate, current accumulated accruals, purchase amount, terms of existing rental agreement, the anticipated useful life of the equipment, and terms of the proposed agreement.

6.2.4 If equipment is to be acquired, provide proposed installation date, lease term, monthly lease rate, purchase accrual rate, present purchase amount, anticipated useful life of the equipment and terms of the proposed lease agreement.

6.2.5 If the equipment is to be connected to equipment leased under a different arrangement, provide the terms of the other arrangement(s).

6.2.6 Provide a financial comparison showing (a) cost per month of proposed equipment if rented on a one year term including maintenance, (b) cost per month or proposed equipment if leased for the term requested including maintenance, (c) a

cost figure derived by dividing the purchase price by the number of months in the proposed lease term, then adding the monthly maintenance charge for the equipment.

LAC 1-9:7 Unscheduled Maintenance of Data Processing Equipment

7.1 The Office of Data Processing will not enter into the approval process for unscheduled maintenance of data processing equipment, provided it is performed by representatives of the equipment's manufacturer or the manufacturer's authorized dealer or a repair service which has a duly executed contract to maintain that equipment.

7.2 The Office of Data Processing reserves the right to require reports on, and to audit use of, unscheduled maintenance in any agency which operates under the provisions of Act 723 of the 1981 Regular Session.

7.3 Unscheduled maintenance for the purpose of this rule is defined as maintenance performed which does not fall under the provisions of any maintenance agreement.

LAC 1-9:8 Procedures For Procurement Support Team Operations

8.1 **PROCUREMENT SUPPORT TEAM COMPOSITION.** A procurement support team shall be formed in accordance with the procedures defined herein for every contract in an amount greater than \$100,000 for the procurement of data processing hardware, software, and related services, as required by Act 628 of the Regular Session of 1981. Purchase release orders issued pursuant to a Direct Order Contract shall not constitute a contract for purposes of these procedures. The formation of a procurement support team shall be accomplished by the Office of Data Processing (ODP).

As stated in Act 628, at least two members of each procurement support team should have formal training in computer contract negotiations. The Office of Data Processing, the Legislative Fiscal Office, the Attorney General's Office, and the Purchasing Office shall each designate in writing to the ODP the names of a primary and an alternate team member, and should insure that at least one of these individuals has received formal training in computer contract negotiations. It shall thereafter be the responsibility of each named agency to keep the ODP advised of any changes in designated individuals.

Each agency in the State which uses data processing hardware, software, and related service shall designate in writing to the ODP at least one individual who will be available to participate in procurement support teams. Each such agency is requested to have at least one individual trained in computer contract negotiations available at all times.

As required by Act 628, at least five members, one from each office designated, must be present to constitute a quorum.

8.2 **PROCUREMENT SUPPORT TEAM INVOLVEMENT.** Procurement support team participation must include, as a minimum, assistance in final drafting of specifications, drafting of invitations for bids, evaluation of bids, and negotiation of contract terms. Procurements requiring this level of support will involve the active participation of all of the members of the procurement support team as a unit. There will be at least one joint meeting per phase during the process. The procurement support team will make written evaluations and recommendations as a group; these will not supplant written individual agency approvals as required by statute or regulations. The team leader will be designated by the Office of Data Processing.

8.3 **EMERGENCY PROCUREMENTS.** Notwithstanding the guidelines established above, procurements under emergency condition (as defined by the ODP) will involve a procurement support team designated by the ODP, under the directions of a

team leader designated by the ODP. Agencies and individual team members may be contacted by telephone, and make oral recommendations and comments. Such oral recommendations or comments shall be confirmed in writing as early as possible. A final written evaluation shall be presented to the ODP prior to ODP approval of any emergency procurement. Procurement support team members participating in emergency procurement shall participate in a follow-up meeting, at which time a written evaluation of the process will be prepared and forwarded to the ODP.

8.4 The procurement support team will be a purely advisory body. All decisions with respect to a procurement process will be made by the procuring agency. Such decisions will, of course, be subject to the review and approval of other agencies as required by statute or regulations. The approval or acceptance of a particular procedure by a procurement support team member is not to be construed as approved by the agency which that team member represents, in those cases where formal agency approval of the final agreements is required.

8.5 In situations where formal negotiations with prospective vendors, or a successful bidder, is appropriate, such negotiations will be conducted by a negotiations team appointed by the procurement support team leader. One member of the negotiating team will be designated as lead negotiator. The procuring agency will establish in writing the authority and constraints under which the negotiating team will operate, and within these constraints, the negotiation team shall have full authority to deal with the other party or parties. The results of such negotiations will, of course, be subject to all statutory required reviews. The lead negotiator and at least one other member of the negotiating team should have formal training in computer contract negotiations.

8.6 The individual agencies represented on procurement support teams will have the following primary responsibilities. These responsibilities may be enlarged or modified as appropriate to each given situation by the procurement support team leader, with the concurrence of the Office of Data Processing.

A. **Office of Data Processing.** The ODP shall have primary responsibility for providing advice and support in the area of data processing techniques, negotiations techniques, developing the structure and content of invitations to bid (ITB), and drafting of technical specifications.

B. **Legislative Fiscal Office.** The Legislative Fiscal Office shall have primary responsibility for the financial analysis of ITB's and bids, and review of funding procedures.

C. **Attorney General's Office.** The Attorney General's Office shall have primary responsibility for developing the legal terms and conditions of draft contracts, evaluating the legal impact of substantive terms and conditions, review to insure compliance with statutes and regulations, and legal negotiations.

D. **Purchasing Office.** The Purchasing Office shall have primary responsibility for insuring compliance with procurement procedures and regulations, the drafting of invitations to bid, and the evaluation of bids.

E. **The Procuring Agency.** The procuring agency shall have primary responsibility for the determination of the compliance of bids with these functional requirements, and for all management decisions at each phase of the procurement process.

8.7 **PROCEDURES.** Each procurement activity covered by Act 628 shall be conducted in accordance with the following procedures:

8.7.1 Each agency contemplating a procurement covered by the provisions of Act 628 shall, upon definition of the preliminary functional requirements and prior to the drafting of specifications, notify the ODP in writing of the intended procurement. The ODP shall then make a determination as to the best available method of satisfying the agency's requirements (e.g., by transferring equipment from another agency, or by issuance of invitations

to bid.) If the ODP determines that bidding procedure is most appropriate, it shall authorize the procuring agency to proceed.

8.7.2 The ODP staff, pursuant to the guidelines established herein, shall identify the level of support required, notify the appropriate agencies, and obtain from those agencies the names of the individual designated to participate on this particular procurement support team. The ODP staff will then designate a team leader, insure that at least two members of the procurement support team have received formal training in computer contract negotiations, and forward to the team leader the names of the other team members, along with any information received from the procuring agency.

8.7.3 The team leader will establish a schedule for the procurement activity, define the role and task of each team member, and establish a project file. The procuring agency and all team members are responsible for insuring that the team leader receives a copy of all correspondence and documentation.

8.7.4 The team leader will maintain a file containing all documentation and correspondence relating to the procurement. At the end of the process one copy will be provided to the procuring agency and one copy will be retained on file by the ODP. The team leader will make written status reports at the end of each phase to the ODP. Such status reports shall be presented to the ODP at each regular meeting.

8.7.5 Each member of the procurement support team must review as a minimum the final specifications, the invitation to bid, the bids, any formal bid evaluation, and the final contract. As a minimum, this review must be indicated by the signature of each team member. Where team evaluations are made, each team member must sign the evaluation, or his designating or qualifying reports.

8.7.6 In the event that a team member indicates acceptance or concurrence of any activity, and that team member's agency subsequently refuses to approve the process pursuant to its statutorily required review, the reviewing agency and the individual team member must submit to the team leader written reasons for their actions. The team leader shall file these documents in the final activity file.

8.7.7 After a procurement process has been completed, team members and the procuring agency are encouraged to submit written evaluations and comments of the process, and suggestions for future improvements. Such evaluations, comments, and suggestions shall be sent to the ODP.

LAC 1-9:9 Disposing of Leased, Rented or Purchased Data Processing Equipment

9.1 When a decision has been reached in which leased, rented or purchased equipment will be released, the following regulations will apply:

9.1.1 The Office of Data Processing will be notified as soon as possible, but at least 90 days prior to release. This notification shall include make, model, serial number, quantity, features, condition of equipment, availability; and if leased or rented, the lessor, monthly cost, and cost to exercise purchase option.

9.1.2 At time of notification, the staff of the Office of Data Processing shall as a minimum provide all 20 of the State agencies, the Legislative Fiscal Office, the State colleges and universities and the Vocational-Technical specialist on the Board of Elementary and Secondary Education with a Notification of Availability.

9.1.3. If any unit of state government wishes to obtain such equipment, they should make their desire known to the ODP staff. To be included with such notification should be the proper justification as outlined in the ODP Rule, Justification for Procurement of Computer Equipment.

9.1.4 The ODP staff will review all applications for equip-

ment and make recommendations to the State Director of Data Processing. These recommendations and the State Director's decision will be based in large measure on the justification offered.

9.1.5 If no suitable application for the equipment is obtained, the ODP will take steps to dispose of it in one of the following ways:

A. If the equipment is rented or leased and has minimal purchase credits, return it to the lessor.

B. If the equipment is rented or leased and has enough purchase credits and residual value to provide a reasonable margin of profit, it shall be advertised in the proper "Trade Publications" and offered to known purchasers of data processing equipment. Such offers will go to the highest bidder with the stipulation that the State can reject all bids. Regular bid procedure will be followed.

C. If the equipment is owned by the State and has little value, it will be turned over to the Division of Administration, Surplus Property, for their disposal.

D. If the equipment is owned and has residual value justifying the action, it shall be advertised in the proper "Trade Publications" and offered to known purchasers of data processing equipment.

Such offers will go to the highest bidder with the stipulation that the State can reject all bids. Regular bids procedure will be followed.

E. Offers by vendors to accept the equipment in trade will be evaluated against current retail value of such equipment.

9.1.6 Proceeds from sales outlined above will be returned to the State's General Fund, minus any expenses incurred selling the equipment.

9.1.7 Records relating to these transactions will be maintained on file for review by the Legislative Auditor.

LAC 1-9:10 Maintenance of Equipment and Software Inventories

10.1 GENERAL PROVISIONS.

10.1.1 Each Executive Branch agency shall develop and maintain an inventory of its data processing equipment and software. This inventory shall contain, at a minimum, the information specified in Subsection 10.2 and 10.3 of this rule. It shall be kept up-to-date as new acquisitions occur, equipment is disposed of, new contracts are negotiated, price changes are made, equipment is moved from one location to another, etc.

10.1.2 This inventory shall be reported to the Office of Data Processing once a year, as part of the agency's long-range data processing plan submitted on September 1. This report may be done on Form ODP-8 entitled "Hardware/Software Plan."

10.1.3 This inventory shall also be made available on request to the Office of Data Processing.

10.2 EQUIPMENT INVENTORY REQUIREMENTS.

For each equipment component (e.g., central processing unit, printer, modem, terminal, data communication line, etc.) installed, provide the following:

10.2.1 Vendor name.

10.2.2 Component description.

10.2.3 Model number.

10.2.4 Features installed, including number and name.

10.2.5 Serial number.

10.2.6 Date installed.

10.2.7 Method of acquisition, i.e., purchase, lease or rental.

10.2.8 Type of contract, i.e., month-to-month, multi-year lease, etc.

10.2.9 Location, including city/address/floor/room, as appropriate.

10.2.10 Total annual payments, if being leased or rented.

10.2.11 Total annual payments for maintenance, if any.

10.3 SOFTWARE INVENTORY REQUIREMENTS.

For each software component (e.g., operating system, compiler, assembler, data base system, data dictionary system, utility, etc.) installed, provide the following:

10.3.1 Vendor name.

10.3.2 Software description and name.

10.3.3 Program or model number.

10.3.4 Special features included, if any.

10.3.5 Date installed.

10.3.6 Type of license, i.e., permanent, annual, fixed term, etc.

10.3.7 Total annual payments for lease/rental, if being leased or rented.

10.3.8 Total annual payments for maintenance, if any.

LAC 1-9:11 Contingency Planning For Data Processing Operations

11.1 CONTINGENCY PLANNING REQUIREMENTS.

11.1.1 Each agency of the State, except parishes and municipalities, shall develop, maintain and be prepared to execute a contingency plan for any data processing operation for which it is responsible. "Agency" as used in this rule shall be construed to mean any department, college or university, commission, board or other political subdivision, except parishes and municipalities, in the Executive Branch of Louisiana government.

11.1.2 This plan shall outline procedures for responding to emergencies, for ensuring that essential tasks can be processed subsequent to disruption of the Electronic Data Processing (EDP) function, and for permitting smooth, rapid restoration of full EDP capabilities following physical destruction or major damage. Each agency has the responsibility for determining the methodology it will use in establishing its contingency plan, but should review the disaster recovery flow, considerations and documentation given in the remainder of this rule for possible use in developing its plan.

11.1.3 Each agency shall submit its contingency plan to the Office of Data Processing (ODP) on an annual basis, with the first plan due on July 1, 1982.

11.2 BACKGROUND AND OBJECTIVES.

11.2.1 ODP recognizes that each agency has an assigned mission and that agency business plans are written for the accomplishment of that mission. These plans assume normal working conditions, availability of the agency's full level of resources and personnel, and a tranquil working atmosphere. Despite careful planning, there is always some likelihood that events will occur which will prevent normal operations and the accomplishment of the agency's stated mission.

11.2.2 Electronic computer equipment has become a vital and commonplace tool in the plan of operation of State agencies. Along with increased usage of this tool is a corresponding increase in dependence on its availability, that is, many operations and services to the public would be severely curtailed or possibly eliminated without it. Consequently, a contingency plan must be an important part of an agency's EDP security program.

11.2.3 Each state EDP installation is a complex combination of resources including people, equipment, space, supplies and communication. Also, each installation has unique features, and thus each plan must be unique. That is, the plan must be a function of the size of the installation, the number of personnel employed, the risks involved in not being able to process critical applications, and many other factors.

In general, however, the agency's contingency plan should meet the following objectives:

A. Provide guidance for pre-disaster damage-limiting ac-

tion when early warning is available, e.g., in case of hurricane or flood.

B. Provide optimum safety for personnel in the event of a disaster, mainly through evacuation procedures.

C. Insure availability of backup resources (hardware, software, supplies, space, communications, etc.) for temporary operation of critical applications, when a disaster occurs, until such time as the main facility is operational again.

D. Outline the recovery process, including actions and personnel assignments, to be followed to effect a prompt, complete recovery from a disaster.

E. Assign the responsibility for maintaining the plan, training personnel in the execution of the plan, and testing the plan.

11.3 SCOPE OF THIS RULE.

11.3.1 Most EDP security programs encompass a wide range of measures for minimizing or avoiding potential security threats. These measures can usually be categorized in to one of the following four areas:

A. Fire control, which normally includes location, design, construction and maintenance of the EDP facility to minimize the exposure to fire damage, detection and response to fire emergency, and extinguishing fires.

B. Access control, which involves permitting access to the facility to authorized persons while denying access to others.

C. Data security, involving the preservation of data resources from accidental or malicious modification, destruction or disclosure.

D. Contingency planning, which deals with response to emergencies, backup operation for critical applications and recovery back to normal operation.

The fourth area listed, contingency planning, is the only one within the scope of this rule.

11.3.2 In order to further define the scope, this rule deals only with contingency planning for a disaster, that is, a lengthy disruption which seriously impacts a computer center's ability to meet service commitments to its customers.

The term disaster includes, for the purpose of this rule, events such as the following:

A. Ecological events (storms, hurricanes, floods, etc.)

B. Accidents (fire, power loss, gas explosions, chemical spills, communications loss, etc.)

C. Deliberate disruptions (strikes, bombs, sabotage, etc.)

A disaster does not include:

A. Short-term failures of hardware, software or utilities.

B. Planned outage of all or part of a system in order to take corrective action.

11.4 CONSIDERATIONS IN CONTINGENCY PLANNING.

11.4.1 Management Coordination. A predetermined location should be arranged for administrators to gather, set up communications, and coordinate the recovery process. A disaster recovery chairman should be named in the contingency plan to coordinate the recovery team. Teams should be established, considering the size of the facility, for each major recovery function, such as:

A. Recovering data files, operating systems and application programs.

B. Reconstructing facilities for the computer and its support functions, including personnel, air conditioning, power, and supplies.

C. Locating temporary processing capabilities and permanent equipment replacements.

D. Reestablishing communications for the computer and personnel.

E. Maintaining the highest security possible. Included in the plan should thus be an organization chart (with names and

phone numbers) of the recovery team as well as a chart of the normal computer center organization. Also included should be a checklist of requirements needed to establish the recovery control room, and outlines of the agenda for the first two meetings of the recovery team.

The team should have available to it an up-to-date notification list of computer center staff, emergency services, support services and user contacts.

11.4.2 Alert, Shut-down and Evacuation Procedures. A written disaster alert, shut-down and evacuation procedure which assigns specific responsibilities to designated personnel should be prepared and posted at each installation. The following items are minimum features of this plan:

A. Remove all power to the computer system:

1. There should be a main line circuit breaker or equivalent mechanism for turning off all power.

2. There should also be a remote control located convenient to the operator or next to each exit door.

B. Shut down air conditioning system:

1. In Cases of Completely Separate Systems Only — Emergency means should be provided to turn off the computer room air conditioning. They should be located near the emergency power shut-off device.

2. In Cases of Regular Building Systems Only--Emergency means should be provided to close off all duct dampers leading to and from the computer room. They should be located near the emergency power shut-off device.

3. In Cases of Combining the Regular Building System with a Supplemental System--Emergency means should be provided to simultaneously accomplish the similar action as described in the preceding items (2) and (3).

C. Notification of proper authority:

1. The building security and Disaster Recovery Team Chairman should be called immediately.

2. The manager of the computer center should be called immediately.

3. Outside fire departments should be called.

4. Appropriate insurance authorities should be called.

D. Initiate protective measures. Means should be provided to prevent damage to electronic equipment. Means should be provided to prevent water damage. The proper method of doing this will vary according to individual equipment design. Consideration should be given to the provision of water-proof covers. Whenever electronic equipment or any type of record is wet down, smoke damaged, or otherwise affected by the results of a fire or other emergency, it is vital that immediate action be taken to clean and dry the electronic equipment. If the water, smoke or other contamination is permitted to remain in the equipment longer than absolutely necessary, the damage may be significantly increased.

E. Evacuate personnel promptly from the facility.

11.4.3 Data, Systems Software, and Application Programs. The continued operation of an electronic computer system is dependent on information stored on disks, diskettes, mass storage, tapes and cards. Therefore, the planning for continued operation should include a program to protect records in accordance with their importance.

Systems should also be designed with features to facilitate backup/recovery. Off-site storage of files should also be considered.

11.4.4 User Responsibilities. The agencies which use computer services should work with the computer center staff to plan for the support of its services in case of an emergency. It is the user's responsibility to:

A. Decide what files should be backed up and how frequently.

B. Plan with the computer center staff how processing will

be done in the event computer services are not available for an extended period of time.

C. Plan for the continued operation of user functions in the event of an emergency involving lack of computer services.

11.4.5 Choosing Alternate Facilities. As more organizations have realized the need for disaster recovery planning, more alternatives for backup facilities have become available. These choices include shared contingency facilities complete with hardware, recovery operations centers (ROC) or shells, time brokers or service bureaus, reciprocal agreements between two or more organizations, an organization-controlled alternate site (either with or without hardware), and the computer vendors. Each agency must determine for itself which alternative, or combination of alternatives, best suits its unique requirements.

A backup computer installation should be far enough away from the primary facility so it is not subject to the same hazards. The estimated time to rebuild or repair the primary facility will determine how long a backup facility would be required. It should be accessible and close enough to serve its customer agencies. In a data communications system, accessibility means being near communications lines rather than near other agency offices. When considering a backup facility very far from the prime facility, the costs of moving data, supplies and people to operate it should be considered. Most systems have a great interdependence on the resources of their owner organizations; therefore, if the backup is to be operational for an extended period, its proximity to the primary facility is important.

Physical separation should ensure that both locations will not be crippled by a single fire, explosion, airplane crash, or any single accident, and it should reduce the risk of simultaneous damage from weather hazards. The benefits of physical separation should be further enhanced by obtaining electric service from separate substations so that a single power outage would not disable both locations, and by avoiding use of common communications trunks or exchanges in communication-oriented systems.

Agencies should take advantage of the State's ideal backup situations, having multiple installations containing similar data processing systems. This is particularly true if the separate installations are geographically close or have high-speed communications. The advantages of this kind of situation are that the backup is available immediately and already has acceptable storage areas for supplies and data.

Planning the use of alternative resources should be on an application basis, having first determined priorities for the applications in the order of their relative urgency. A backup plan should consider the people, plant and records needed to resume operations.

11.4.6 Power Considerations. During the contingency planning process, consideration must be given to the potential loss of electrical power during a disaster and how such a loss would effect processing at the primary computer site, as well as the alternate site. Such consideration would involve evaluating the critical nature of the agency's data, the type of hardware used, dependability of the prime power source, etc. Potential loss must then be measured against the purchase cost and operating cost of alternative power sources such as uninterruptible power systems (UPS), motor generators, batteries, power conditioners, etc.

11.4.7 Damage Assessment Activities. Once a disaster has occurred and the recovery team has met for its first meeting, an immediate requirement will be an assessment of damage to facilities, hardware, communication system, security system and supplies-forms. In order that this assessment be done as completely and expeditiously as possible, the team should be able to obtain from the contingency plan the following reference materials:

A. Damage assessment checklists for facilities, hardware and supplies.

B. Architectural drawings, electrical schematics, hardware/software configurations.

C. Lists of contact personnel for hardware vendors, supply vendors, building contractors, etc.

11.4.8 Emergency Procurement Considerations. Any set of plans and procedures for recovery should include a consideration of State procurement laws, rules and regulations. In addition, Office of Data Processing rule LAC 1-9:5 entitled "Emergency Procurement of Dataprocessing Equipment" should be reviewed.

11.5 DISASTER RECOVERY FLOW.

Figure 11-1 is a somewhat idealized functional flow of the preparation of a contingency plan and the execution of that plan after a disaster occurs. In order to assure completeness it assumes a disaster of such magnitude that management of recovery would require substantial division and delegation of recovery functions. For any specific disaster, some functions will not be applicable and often functions can be combined as appropriate under a single manager. It is expected that the recovery team will design a specific recovery plan using the appropriate elements of the agency's general plan.

11.6 TRAINING AND TESTING.

Personnel should receive continuing training in at least the following:

a. Method required for turning off all electrical power to the computer under both normal and emergency conditions.

B. Turning off the air conditioning to the area.

C. Alerting the management, Fire Department, police protection, and other appropriate emergency services.

D. Evacuation of personnel.

E. Location, proper operation, and application of all available fire extinguishing and damage control equipment.

F. Importance of records and their storage requirements.

A regular schedule for testing each phase of the contingency plan should be set up, but a minimum of once each year.

11.7 EXECUTION OF THE PLAN AT TIME OF DISASTER.

11.7.1 The estimated duration of an interruption is a critical factor in understanding when a true disaster situation exists. Appropriate parts of the plan should be applied when there is any critical resource disruption involving an estimated recovery time of more than a designated number of hours. It will be up to the judgment of the computer center manager (or designee) to determine if the contingency plan is to be activated and to determine if the facility is to be shut down and evacuated.

11.7.2 The contingency plan is, of necessity, general and comprehensive. It is an attempt to cover the worst case of a broad range of possibilities. Therefore, the recovery team under the direction of the Chairman will develop a detailed plan tailored to the specific situation by selecting applicable elements from the generalized plan. This detailed plan would start to be laid out at the second meeting of the recovery team.

11.8 MAINTENANCE OF THE PLAN.

11.8.1 Once the contingency plan has been written, events will undoubtedly occur which will render parts of the plan obsolete. Such events might include:

A. Changes in hardware to hardware vendor.

B. Changes in computer center personnel.

C. Reorganization of computer center staff and/or functions.

D. Changes (e.g., electrical system, alarm devices, locking devices, emergency power controls) to the facility or move to another facility.

E. Review or audit of the agency's EDP security program.

F. Actual occurrence of some type of disaster which pointed out weaknesses or omissions in the plan as written.

11.8.2 The agency's security program should be organized such that these events initiate an immediate effort on the part of the computer center manager or security officer to update the contingency plan and conduct appropriate training.

11.9 CONTINGENCY PLAN DOCUMENTATION.

11.9.1 Figure 11-1 of this rule shows that the writing of the general contingency plan generates a set of documents which are later used during a disaster alert and after a disaster event actually occurs. All documents would not be suited to all agencies, but are presented to stimulate thought as to the type of documentation which must be prepared before a disaster occurs.

The following is a checklist of the documents shown on Figure 11.1:

Disaster Alert Checklist; Shut-down and Evacuation Procedures; Organization Chart of Computer Center; Probable Organization of Recovery Team; Notification Checklist; Outline for First Meeting; Recovery Control Room Checklist; Facilities Damage Assessment Checklist; Architectural Drawings, Electrical Schematics, etc.; Facilities Vendor/Services Contact List; Hardware Damage Assessment Checklist; Current Hardware Configuration; Hardware Vendor Contact List; Supply Damage Assessment Checklist; Supply Vendor Contact List; Outline for Second Meeting; Critical Applications List; Recovery Plan for Each Application; Minimum Hardware Configuration for Critical Services; Possible Alternate Sites and Arrangements; Disaster Recovery Log; and Detailed Recovery Work Plan. Copies of these forms are available from the Office of Data Processing.

11.9.2 The actual format of the plan is left to the discretion of the agency in order to allow maximum flexibility to that agency. Each document listed in Subsection 11.9.1 should, however, be given careful consideration for inclusion or exclusion in the plan as they represent key documents in a comprehensive plan. In addition, the agency will have to augment these documents as appropriate to accommodate its unique circumstances and requirements.

LAC 1-9:12 Equipment Specifications In Invitations to Bid

12.1 The Office of Data Processing will require that all equipment specifications included in an Invitation to Bid (ITB) be of a functional nature if at all possible. These specifications should convey to prospective bidders the general requirements of the agency issuing the ITB and any special features required.

12.2 A specification which describes a product proprietary to one company may be used only when it is not reasonable to draft functional specifications.

12.3 The Office of Data Processing reserves the right to determine when functional specifications will be required.

LAC 1-9:13 Computer Utilization Reporting

13.1 Each department, commission or board, political subdivision or political corporation of the state, except parishes and municipalities, shall maintain data processing hardware utilization records. Each data processing center will provide the Office of Data Processing monthly utilization reports as defined below as applicable. These reports are due not later than the tenth day of each month. In addition, data processing centers will provide the Office of Data Processing with requested utilization data as required to support special studies.

13.2 All acronyms used in this rule are industry standard.

13.3 Data Processing Centers (IBM) using MVS will install the vendor supplied Resource Management Facility (RMF) or an equivalent package. The utilization reports produced will be provided on a monthly basis. These reports should reflect a "typical" period of at least 24 hours, and a "peak" production period. The following data must be provided:

- 13.3.1 CPU Activity
- 13.3.2 Paging Activity
- 13.3.3 Workload Activity
- 13.3.4 Channel Activity
- 13.3.5 Device Activity
- 13.3.6 Page/Swap Data Set Activity
- 13.3.7 Trace Activity
- 13.3.8 Enqueue Activity

In addition to the above information, Data Processing Centers with on-line users must provide monthly the number of transactions processed.

13.4 Data Processing Centers (Honeywell) using GECOS III will install the vendor supplied PRMS, or an equivalent package. Weekly, monthly and year-to-date reports are to be provided on a monthly basis. The following data must be provided:

- 13.4.1 Production Hours
- 13.4.2 CPU Busy
- 13.4.3 Memory Utilization
- 13.4.4 Tape Channel Utilization
- 13.4.5 Disk Channel Utilization
- 13.4.6 Perm File Availability
- 13.4.7 Scheduler Activity
- 13.4.8 Jobs Waiting Resources
- 13.4.9 Dispatcher Queue
- 13.4.10 Jobs in Execution
- 13.4.11 Number of TSS Users
- 13.4.12 TSS Response Time
- 13.4.13 Number of Transactions Processed

13.5 Data Processing Centers (UNIVAC) using 1100-OS will install the vendors supplied S.I.P. or an equivalent package. The utilization reports produced will be provided on a monthly basis. The reports should reflect a "typical" period of at least 24 hours and a "peak" production period. The following data must be provided:

- 13.5.1 True System Idle
- 13.5.2 I-O Deadlock
- 13.5.3 Mass Storage Deadlock
- 13.5.4 All Processors Idle
- 13.5.5 Processor Activity
- 13.5.6 Memory Utilization
- 13.5.7 Response Time to Demand Users
- 13.5.8 Channel Utilization
- 13.5.9 Transaction Count

13.6 Data Processing Centers (Burroughs) using MCP must install the vendor supplied SRM or an equivalent package. The utilization reports produced will be provided on a monthly basis. These reports should reflect a "typical" period of at least 24 hours, and a "peak" production period. The following data must be provided:

- 13.6.1 CPU Utilization
- 13.6.2 Memory Utilization
- 13.6.3 Channel Utilization
- 13.6.4 I-O Counts
- 13.6.5 Transaction Count
- 13.6.6 Total Hours of Operation

13.7 Data Processing Centers with operating systems which support a system accounting file, but do not have the available utilization reporting software are required to provide monthly reports. The following information will be provided:

- 13.7.1 Total hours per month the hardware is operated, e.g., 24 hours per day times 30 days per month = 720 hours per month. (summarized monthly only).
- 13.7.2 Total CPU Hours
- 13.7.3 Total tape channel utilization expressed as hours busy, EXCP counts or words transferred as available in the accounting file.

13.7.4 Tape allocations hours, e.g., six tape units allocated two hours each equal 12 tape allocations hours.

13.7.5 Total disk channel utilization expressed as hours busy, EXCP counts, or words transferred as available in the accounting file.

13.7.6 Total permanent disk storage allocated (summarized monthly only).

13.7.7 Number of batch jobs.

13.7.8 Number of time sharing sessions (TSO, TSS, Demand, etc.).

13.7.9 Batch CPU time.

13.8 Data Processing Centers that have an operating system which does not support an accounting file will provide the following information monthly:

13.8.1 Total hours per month that the hardware is operated.

13.8.2 Total number of hours the CPU was utilized. If the CPU is metered, then metered hours may be reported.

13.9 If a data processing center is unable to report the information requested above, a written response must be submitted to the Office of Data Processing stating what can and cannot be reported as well as the method used to measure the hardware utilization.

13.10 The Office of Data Processing reserves the right to have its staff members make periodic audits to verify the information furnished.

LAC 1-9:14 Equipment Utilization Monitoring

14.1 The Office of Data Processing reserves the right to audit the utilization of all data processing equipment utilized by any department, commission or board, political subdivision or political corporation of the State, except parishes and municipalities. These audits may consist of, but are not limited to, the installation and operation of hardware and or software monitors.

Thomas G. Hagan
State Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security will implement, effective November 15, 1981, an increase in the level of reimbursement of the dispensing fee allowance for prescriptions under the Title XIX Pharmaceutical services program. The maximum fee will be increased from \$3.28 to \$3.67.

This represents a 3.95 percent increase in the annual aggregate expenditures of the pharmaceutical services program.

The Louisiana Legislature, through the General Appropriation Act 12 of 1981, mandates this increase.

George A. Fischer
Secretary

RULE

Department of Natural Resources Resource Recovery and Development Authority

Rules of Procedure

1.0 GENERAL PROVISIONS.

1.1 NAME — The official name of the agency created by Act 507 of 1980 is the "Louisiana Resource Recovery and De-