

CONTENTS

I. EMERGENCY RULES

Education Department:	
Board of Elementary and Secondary Education—Pupil Appraisal Handbook	433
Health and Human Resources Department:	
Office of Family Security—AFDC policies	433 ✓
Food stamp policies	434 ✓
Long-term care liability	435 ✓

II. RULES

Education Department:	
Board of Elementary and Secondary Education—Bus standards, Certificate of Achievements and others	436
Board of Trustees for State Colleges and Universities—Athletic policies	436
Interim courses	441
Policies and Procedures Manual	441
Southern University Board of Supervisors—Housing and food charges	445
Yearbook, student center fees	446
Health and Human Resources Department:	
Office of Family Security—Long-term care eligibility	446 ✓
Governor's Office:	
Office of Telecommunications Management—Amendments	447
Natural Resources Department:	
Office of Environmental Affairs—Ozone abatement	447
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Netting restrictions for Toledo Bend	447
Waterfowl seasons	447

III. NOTICES OF INTENT

Agriculture Department:	
Advisory Commission on Pesticides—Rights-of-way	448
Sales supervisors	449
Dairy Stabilization Board—Delivery rules	449
Commerce Department:	
Office of Financial Institutions—Bank operations	450
Education Department:	
Board of Elementary and Secondary Education—Tuition exemption, vocational education	451
Governor's Office:	
Department of Veterans Affairs—Collection of fees for War Veterans Home	451
State aid program	452
Veterans Affairs Commission	452
War Veterans Home	452
Office of Data Processing—LAC1-9:1, Planning and Budgeting	453
LAC 1-9:2, Consulting Services	460
LAC 1-9:3, Procurement of Equipment	460
LAC 1-9:4, Software Procurement	460
LAC 1-9:5, Emergency Procurement	461
LAC 1-9:6, Multi-Year Leases	461
LAC 1-9:7, Unscheduled Maintenance	462
LAC 1-9:8, Support Team Operations	462
LAC 1-9:9, Equipment Disposal	463
LAC 1-9:10, Software Inventories	463
LAC 1-9:11, Contingency Planning	464
LAC 1-9:12, Bid Specifications	466

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LAC 1-9:13, Utilization Reporting	466
LAC 1-9:14, Utilization Monitoring	467
Health and Human Resources Department:	
Office of Family Security—AFDC increase	468 ✓
Dispensing fee increase	471 ✓
Labor Department:	
Plumbing Board—Fees and renewals	471
Natural Resources Department:	
Environmental Control Commission—Hazardous waste rules	472
Revision to Air Quality	474
Transportation and Development Department:	
Office of Public Works—Water well drillers licensing	474

IV. POTPOURRI

Natural Resources Department:	
Fishermen's Gear Compensation Fund claims	475
Public Safety Department:	
Municipal Police Officers' Supplemental Pay—Meeting scheduled	475
Office of Management and Finance—Firemen's Supplemental Pay Board meeting	475

V. ERRATA

Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Corrections on season dates	476

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of August 27, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following as an emergency rule:

1. The Board approved the 1981 revised Bulletin 1508, *Pupil Appraisal Handbook*, as presented by the State Department of Education and amended by Committee. The Board also directed that this Bulletin be advertised as an Emergency Rule, with the effective date to be September 1, 1981.

In order to fully assure that children suspected of being exceptional are competently and accurately evaluated throughout the 1981-82 school year, it is necessary that the revision of Bulletin 1508 be adopted on an emergency basis. Such action will assure continuity in evaluation procedures throughout the year, fair and equal treatment for all referred children, and immediate implementation of the revised Act 754 Regulations.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective October 1, 1981, the following policies in the Aid to Families with Dependent Children (AFDC) Program.

I. EARNED INCOME DISREGARDS AND FOUR MONTH LIMIT

Each individual in the assistance unit who has earned income is entitled to a standard deduction, to a deduction for child care and to the earned income exemption. The deductions from earned income shall be applied in the following order:

- (1) Standard deduction
 - (2) Child care deduction
 - (3) Earned income exception
- No other deductions are allowed.

A. Standard Deduction:

Maximum allowable standard deduction is \$75.00. This amount is reduced if employed less than full-time or less than a full month.

B. Child Care:

Maximum deduction allowed is determined by the number of hours the wage earner is actually engaged in employment.

Maximum allowed shall be \$1.00 per hour employment per child or incapacitated individual up to \$160.00 per month each.

Verified amount actually paid by the wage earner up to the maximum shall be deducted.

C. Earned Income Exemption:

EIE applied for FOUR months ONLY.

AFDC recipient shall not be entitled to this deduction again until after the expiration of 12 CONSECUTIVE months during which he was not included in any AFDC certification.

II. RESOURCE LIMIT

\$1,000 per assistance unit.

Exclusions are:

- a) Home
- b) Equity value up to \$1,200 in one power-driven land conveyance.

Equity value is fair market value less encumbrances.

III. LUMP SUM PAYMENTS

Lump sum payments received by any members of the income unit shall be considered as income to the AFDC assistance unit unless the income is excluded.

The lump sum payment will be provided by the need standard for the appropriate size income unit.

The assistance unit will be ineligible for the whole number of months that the pro-rated incomes meet their need. Remaining income, after this computation, will be considered as income received in the first month following the period of ineligibility regardless of whether the income is available.

IV. EARNED INCOME CREDIT

EIC shall be considered as income which is potentially available to clients who have earned income; therefore, all clients who have earned income shall be required to file an IRS Form W-5 with an employer to receive advance EIC.

EIC shall be budgeted as earned income.

If the client who has earned income refuses to file an IRS Form W-5 and apply for EIC, the cases shall be rejected or closed because need cannot be established.

V. STEPPARENT LIABILITY

Income of a stepparent residing in home shall be considered in determining eligibility.

VI. STRIKERS

AFDC benefits cannot be paid to families in which the caretaker relative or stepparent is participating in a strike on the last day of the month and, if any other member of the household is participating in a strike, his or her needs cannot be considered in computing the AFDC benefits.

VII. DEPENDENT CHILD AGE LIMIT

Under 16 years of age.

16-18 years of age either exempt from WIN-Work registration or registered for employment-participating in the WIN Program.

18-19 years, if a full-time student in a secondary school or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching the age 19.

VIII. UNBORN CHILD COVERAGE

Unborn children will no longer be eligible for AFDC.

Pregnant woman who has completed fifth month of pregnancy may be certified if otherwise eligible (unborn is not eligible).

IX. PAYMENTS BELOW \$10

AFDC grant payments in an amount of less than \$10 will be prohibited but the AFDC family will remain eligible for Medicaid.

X. ADJUSTMENTS FOR INCORRECT PAYMENTS

All AFDC losses regardless of reason for overpayment will be subject to collection either by recoupment or recovery.

Recipients who failed to timely report a change in earned income will not be given the benefit of the earned income deductions and exemptions in the computation of overpayments-ineligible payments.

XI. ALIEN ELIGIBILITY FOR AFDC

Legally admitted aliens who apply for benefits for the first time after September 30, 1981, shall have the income and resources of their sponsor and the sponsor's legal spouse (if residing in the home) considered available for their support for a period of three years after their entry into the U.S.

XII. TRAINING ALLOWANCE

The \$28 allowance to meet the cost of training connected expenses shall no longer be allowed for the future training in lieu of employment.

XIII. INCOME LIMIT OF 150 PERCENT OF NEED STANDARD

At application, redetermination or any time there is a change in circumstances, the household must meet a pre-test of eligibility based on need. In this pre-test, gross income from employment plus profit from self-employment plus countable unearned income must be less than 150 percent of the appropriate need standard.

XIV. WORK OR WORK REGISTRATION REQUIREMENTS FOR AFDC RECIPIENTS

All AFDC children age 16 to 19 will be required to work or register for work unless attending school full-time. Caretaker relatives and parents will be required to work or register unless personally caring for a child under age 6 with only brief and occasional absences from the child. The caretaker relative under age 21 in a training course which will be completed within two years will be required to register for work and accept employment if available.

XV. RETROSPECTIVE BUDGETING/MONTHLY REPORTING

The amount of assistance for AFDC recipients who have earned income, stepparent's income, voluntary contributions or unemployment compensation included in the budget or those whose grant amount is less than \$10 will be based on the actual income or circumstances which existed in the previous month. These AFDC recipients will be required to submit monthly reports of household circumstances including verification of income to the local Office of Family Security.

The monthly reports shall be received in the local Office of Family Security no later than the third of each month. Failure to submit a completed report, including verification, by the third of each month may result in suspension or closure of the case.

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

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective October 1, 1981, the policies as described below in the Food Stamp Program. Emergency Rulemaking is necessary in order to comply with the Reconciliation Act of 1981 as passed by the United States Congress.

I. Household Concept

The definition of household has been partially changed. The definition includes a group of individuals who live together and customarily purchase food and prepare meals together for home consumption, except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is 60 years of age or older.

In no event shall separate household status be granted to children living with parents unless at least one parent is 60 years of age or older, parents less than 60 years of age living with children, or a boarder. Boarder status, in addition to other restrictions, shall not be granted to children living with parents if both parents are under age 60.

II. Strikers

For food stamp purposes, a striker is defined as anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee engaged in a lockout, however, is not deemed to be a striker.

Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible prior to the strike. If the household was eligible for food stamps immediately prior to such strike, however, such household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

If the household were eligible or participating prior to the strike action, benefits shall be calculated by using the household's income as it stood immediately prior to the strike. That is, the household's regular monthly earned income attributable to the job on which the strike occurred would be deemed to remain the same after the strike as if the household member were still working. If other changes occur, (for example, a change in household size, changes in income from strike benefits or from other, nonstrike-related employment) household benefits shall be adjusted using normal procedures. Strikers shall be subject to the work registration requirement unless otherwise exempt.

III. Income Eligibility Standards

A. The income eligibility standards for the Food Stamp Program shall be as follows:

(1) Gross Income (All households except those specified in (2) below) The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam, Puerto Rico and the Virgin Islands shall be 130 percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 States and the District of Columbia.

(2) Net Income

For households which contain a member who is 60 years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, the net income eligibility standards for the Food Stamp Program shall be as follows: The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands shall be the Office of Management and Budget's (OMB) nonfarm income poverty guideline for the 48 States and the District of Columbia.

(3) The income eligibility limits, as described in this paragraph, are revised each July 1, to reflect OMB's annual adjustment to the nonfarm poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.

B. Income eligibility standard for Louisiana is as follows:

Household Size	Gross Monthly Income	Net Monthly Income
1	\$ 467	\$ 360
2	617	475
3	766	590
4	916	705
5	1,065	820
6	1,215	935
7	1,364	1,050
8	1,514	1,165
Each Additional Person	+ 150	+ 155

IV. Earned Income Deduction

The earned income deduction is 18 percent of gross earned income.

V. Initial Month's Benefits

A household's benefit level for the initial month of certification will be based on the day of the month it applies for benefits. Using a 30-day calendar or fiscal month, households shall receive benefits prorated from the day of application to the end of the month. A household applying on the 31st of a month will be treated as though they applied on the 30th of the month. Initial month means either the first month for which an allotment is issued to a household, or the first month for which an allotment is issued to a household following any period of more than a month during which the household was not certified for participation in the Food Stamp Program. If the prorated allotment results in an amount of \$1, \$3, \$5, the allotment shall be rounded to \$2, \$4, or \$6 respectively.

VI. Income eligibility and Benefit Level.

For households containing a member age 60 or over or who receives SSI under Title XVI of the Social Security Act or disability and blindness payments under Titles I, II, X, XIV, and XVI of the Social Security Act, income eligible shall be based on net income.

For all other households, income eligibility shall be based on gross income.

All eligible one and two-person households shall receive a minimum monthly allotment of \$10.00, except when proration of initial month's benefits occurs. All eligible households whose benefits are prorated to \$1, \$3, or \$5, and eligible households with three or more members which are entitled to \$1, \$3, and \$5, allotments, shall receive allotments of \$2, \$4, and \$6, respectively to correspond with current coupon denominations. For those eligible households with three or more members, which are entitled to no benefits, the eligibility worker shall deny the household's participation, on grounds that its net income exceeds the level below which benefits are issued.

The level of benefits for all eligible households shall be based upon net monthly income.

VII. Expedited Service

Households certified after the 15th of the month under the expedited processing standards shall be certified the initial month with prorated benefits and for the subsequent month with full benefits.

VIII. Recertification of Supplemental Security Income Households.

Supplemental Security Income households which have received a food stamp notice of expiration shall be entitled to make a timely application for food stamp recertification at the SSA office.

IX. Thrifty Food Plan

A. Effective April 1, 1982, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the Consumer Price Index for all Urban Consumers (CPI-U) for the cost of food, for the fifteen months ending on December 31, 1981.

B. Effective July 1, 1983, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar amount to reflect changes in the CPI-U for the cost of food, for the fifteen months ending March 31, 1983.

C. Effective October 1, 1984, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPI-U for the cost of food, for the fifteen months ending June 30, 1984.

D. Effective October 1, 1985, and each October 1 thereafter, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPI-U for the cost of food, for the twelve months ending on the preceding June 30.

X. Adjustment of Standard Deduction

A. Effective July 1, 1983, the standard deductions shall be adjusted to reflect changes in the Consumer Price Index for all urban consumers (CPI-U) for items other than food and the homeownership component of shelter costs for the fifteen months ending March 31, 1983.

B. Effective October 1, 1984, the standard deductions shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership component of shelter costs for the fifteen months ending June 30, 1984.

C. Effective October 1, 1985, and each October 1 thereafter, the standard deductions shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership component of shelter costs for the twelve months ending the previous June 30.

D. These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest \$5 increment.

XI. Adjustment of shelter deduction

A. Effective July 1, 1983, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the fifteen months ending March 31, 1983.

B. Effective October 1, 1984, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the fifteen months ending June 30, 1984.

C. Effective October 1, 1985, and each October 1 thereafter, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs) fuel, and utilities components of the CPI-U for the twelve months ending the preceding June 30.

D. These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest \$5 increment.

XII. Outreach

The Outreach Program will be discontinued but program informational material will continue to be available.

Michael S. Haddad
Assistant Secretary

DECLARATION OF EMERGENCY **Department of Health and Human Resources** **Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, (OFS) does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:453B) to implement effective October 1, 1981, patient liability for the month of entry to a long-term care facility. Income (patient liability as determined by the OFS Parish Office) shall be applied in computing the OFS payment to the long-term care facility beginning with the first day the applicant or recipient is determined categorically and medically eligible, or date of admission if later. OFS will pay the long-term care facility the per diem rate less the recipient's per diem applicable income for the number of eligible days.

This policy is being implemented to bring the policy into compliance with Federal Regulation CFR: 42: CFR 435.733.

George A. Fischer
Department of Health and Human Resources

Rules

RULES

Board of Elementary and Secondary Education

Rule 4.00.73c

The Board adopted an amendment to Bulletin 1213, *Minimum Standards for School Buses in Louisiana*, which provides for allowing contract drivers and/or school systems to convert from gasoline to LP-Gas or CNG systems, and amended as follows:

1. LP-Gas Motor Fuel conversion equipment installed on school buses is permitted by the Louisiana State Board of Elementary and Secondary Education.

2. School systems and/or contract drivers converting school buses to LP-Gas carburetion shall register with the State Department of Education, Bureau of School Transportation, in order to be kept up to date on new developments by the State Department of Education.

3. All installations of LP-Gas Conversion equipment (carburetion, lines, tanks, fittings, etc.) shall meet or exceed all the safety specifications set forth in the Rules and Regulations of the Liquefied Petroleum Gas Commission of the Louisiana Department of Public Safety, Section I, General Requirements, and Section VI, LP-Gas As a Motor Fuel.

4. The LP-Gas Conversion and completed installation of equipment shall be inspected by inspectors from the Liquefied Petroleum Gas Commission during the annual Louisiana State Police bus inspections.

Rule 7.02.05

The Board adopted the Criteria for Awarding the Certificate of Achievement and amended as follows:

Criteria for Awarding the Certificate of Achievement

1. The student has been properly evaluated and determined to be exceptional according to Bulletin 1508.

2. The student has been enrolled in an Alternative to Regular Placement Instructional Program as documented by the Individualized Education program.

3. The student has completed a minimum of 12 years of school or has reached age 22. (This is not to include students younger than 16 years of age.)

The student has met attendance requirements according to Bulletin 741.

5. The student has addressed state alternative minimum standards or a state approved alternative curriculum which was reflected as short-term objectives and annual goals in the student's Individualized Education Program.

6. The student has successfully completed the alternative to regular education program as defined in Parish Pupil Progression Plan and in accordance with the criteria specified therein; however, no criterion will be accepted that is less than 70 percent completion of the valid and appropriate annual goals listed in the IEP during the student's school career.

7. The program is provided by personnel certified in appropriate areas.

Rule 3.01.70v(36)

The Board adopted an amendment to the Interim Requirements for Special Education Certification, on Page 5, under Paragraph 2, Line 9, to change the word "and" to "or."

Rule 3.01.70v(37)

The Board adopted the Interim Policy for Hiring Fulltime and Parttime Noncertified School Personnel as follows:

"In an effort to assist Local Education Agencies experiencing extreme difficulty in providing certified personnel for the classroom, the following interim policy is proposed.

Fulltime-parttime noncertified school personnel may be employed by parishes having difficulty in employing certified persons in certain positions provided that proper documentation be submitted to the Department of Education. This documentation shall include:

1. A signed affidavit by the local school superintendent that the position could not be filled by a certified teacher.

2. Documentation that efforts for recruitment for certified teachers have been made (i.e., newspaper advertisements, letters, contact with colleges, etc).

3. Submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report.

4. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area.

These individuals shall be employed at the same salary or an hourly basis based on the effective state salary schedule for a beginning teacher with a baccalaureate degree and a certificate.

Fulltime-parttime noncertified school personnel shall be considered part of the regular teacher allotment and local school systems shall be reimbursed in the same manner as regular teachers.

This Interim Policy will remain in effect until July 1, 1983."

James V. Soileau
Executive Director

RULE

Board of Trustees for State Colleges and Universities

Part IX of the Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities is deleted in its entirety and the following is substituted for that Part:

Part IX ATHLETIC POLICIES

Preface

The intercollegiate athletic programs of the institutions under the jurisdiction of the Board shall be governed by these Athletic Policies.

Compliance with policies of the Board, as well as those of the National Collegiate Athletic Association (NCAA), National Junior College Athletic Association (NJCAA) and Association for Intercollegiate Athletics for Women (AIAW), is the personal responsibility of each individual concern insofar as any and all of these policies govern his actions.

The director(s) of athletics at each institution shall ensure that each individual concerned has available a current copy of the Board's *Policies and Procedures Manual* and current copies of the appropriate association manuals — NCAA, NJCAA and AIAW.

Unless otherwise specified in these Board policies, the manual of the appropriate association (NCAA, NJCAA, AIAW) should be consulted to determine matters of athletic policy.

Section 9.1 Administration

A. Athletic Committee

1. The athletic policies of the institutions shall be determined by and shall be under direct supervision of the Board's Athletic Committee.

2. The Committee may suspend or place on probation an institution found in violation of any applicable policy, procedure or rule.

3. The Committee may prohibit any student-athlete from competing for an institution and/or for participating in any championship meet or tournament, if the student-athlete has been adjudged in violation of any applicable policy, procedure or rule.

4. When penalties for certain violations are not specifically covered by these Athletic Policies, the Committee shall use its discretion in affixing the penalties.

5. The Committee shall approve all athletic contracts as specified in **Section 9.12 Intercollegiate Athletic Contracts**.

6. All actions of the Committee shall be subject to approval by the Board.

B. Coordinator of Athletics

1. The Coordinator of Athletics shall be appointed by the Board, on recommendation of the Executive Director.

2. Duties of the Coordinator — The Coordinator

a. Shall interpret these Athletic Policies and assist the member institutions in obtaining interpretations of NCAA, NJCAA and AIAW rules.

b. Shall be responsible for the enforcement of these Athletic Policies, and those of the NCAA, NJCAA and AIAW and shall, at his discretion, report violations and actions taken to any association of which an institution is a member.

c. Shall maintain a record of all athletic reports submitted in accordance with Sections 9.6 D and 9.10 of this Part.

d. May, at his discretion, make inspections and investigations of an institution's athletic activities.

e. Shall impose all penalties prescribed in these Athletic Policies, as well as those indicated on the pre-enrollment applications. Public announcements pertaining to penalties imposed upon an institution shall be made only by the Coordinator.

f. Shall receive and act upon requests for eligibility rulings:

(1) All requests for eligibility rulings shall be submitted in writing by the athletic director at the institution.

(2) The following information shall be included in the request:

(a) The student-athlete's full name.

(b) The first date of matriculation in a junior college, college or university.

(c) If a transfer, a positive statement that the student-athlete is eligible to return to the institution from which he is transferring.

(d) If a veteran, a statement as to voluntary or involuntary entrance to service, academic status at time of entering service, and length of time spent in the service.

(e) A positive statement, signed by the athletic director, as to prior participation (number of years and sports) in intercollegiate athletics.

(3) Omission of any of the above information shall invalidate the request.

(4) The Coordinator must respond in writing to any eligibility request before the ruling becomes official.

g. Shall furnish all athletic personnel at each institution sufficient copies of the Board's *Policies and Procedures Manual*, and subsequent revisions.

h. Shall promote all athletic programs of the institutions through news media, alumni associations, and public contact.

i. Shall distribute the minutes of Faculty Commission meetings to presidents, athletic directors and coordinators, and commission members.

3. The chief executive officer of each institution must notify the Coordinator of Athletics in writing upon notice that they are being investigated by their national organization and/or conference. The exact nature of the violations reported shall be reported to the Coordinator.

C. Faculty Commission

1. The Faculty Commission, composed of the Chairperson of the Athletic Council from each institution, shall prepare and present bylaws to the Athletic Committee and shall act as an Appeals Committee on rulings by the Coordinator.

C. Faculty Commission

1. The Faculty Commission, composed of the Chairperson of the Athletic Council from each institution, shall prepare and present bylaws to the Athletic Committee and shall act as an Appeals Committee on rulings by the Coordinator.

2. Any proposed change to these Athletic Policies originating from an institution shall be presented through the Coordinator to the Faculty Commission for its consideration and presentation to the Athletic Committee. Any such proposed change shall be circulated to the Faculty Commission, athletic directors and coordinators, and presidents at least 15 days prior to any recorded vote.

3. The Faculty Commission shall elect a chairperson and vice chairperson on an annual basis from among its members. This election shall be held at the first meeting following the national athletic association conventions.

4. All actions of the Faculty Commission shall be subject to approval by the Athletic Committee.

Section 9.2 Membership Affiliation

A. National Associations

1. Each institution shall be a member of the appropriate national association.

2. An institution may join other national, regional or state associations.

B. Athletic Conferences

An institution may be a member of a conference or participate as an independent; any change in its status shall be communicated to the Coordinator by its chief executive officer.

Section 9.3. Finances

A. All funds, including those from outside sources (cf. Subsection C and D below), used in an institution's athletic program shall be processed by the institution's chief financial officer, and are subject to audit.

B. Gate receipts, scholarship appropriations, athletic staff salary appropriations, receipts from sale of concessions and programs, and the \$20,000 which the Board allocates are the only funds from State sources which may be expended for athletics.

C. Funds other than those from State sources may be used to support the athletic program. The value of a scholarship financed from other than State funds shall not exceed the value set forth in Section 9.4A of this Part, nor shall the use of scholarships financed from other than State funds exceed the limits set forth in Section 9.4B of this Part.

D. Federal money may be used as aid to student athletes. Each institution shall abide by the appropriate conference or national organizations' policies as it applies to the use of federal monies.

E. In order for Revenue Producing Summer Camps to be held on campuses using school employees who are hired on a 12-month basis, the personnel must be on annual leave; the school must be compensated at its regular rate of rental for the use of facilities and equipment; and insurance must be provided by the promoters, with the state and school being held harmless. All monies earned and placed in outside or agency funds must be subject to audit. None of the above will apply if all funds are retained by the institution.

F. Athletic travel by members of an institution's athletic staff shall be charged to its athletic budget.

Section 9.4 Scholarships

A. Value

1. A full athletic scholarship shall be defined according to current NCAA, NJCAA or AIAW policies.

2. Any monies, benefits, and in-kind payments that a student athlete receives for which athletic ability comes into play will constitute a scholarship.

3. A full athletic scholarship plus incidental expenses shall

be determined by the appropriate governing authority.

B. Division of Scholarships

The number of student-athletes on state athletic aid shall not exceed the total number, or the number (or equivalent dollar values) for each sport, as indicated by the following table:

Sports	Board's Limits on Per Year Allocation of Scholarships	
	Men	Women
Football	70	—
Basketball	15	12
Baseball	12	—
Softball	12	12
Track & Field, Cross Country	14	14
Tennis	4	5
Golf	4	5
Gymnastics	—	7
Swimming	—	5
Volleyball	—	9
Floater Scholarships*	10	10

* An additional ten scholarships may be used in any sport other than football or basketball, in which case the limit for a sport set by the Board may be exceeded as long as the applicable national association rules are observed. The allocation of these ten floater scholarships by an institution shall be approved by the Coordinator of Athletics.

C. Restrictions

1. A student-athlete who receives a scholarship in track, baseball, golf, tennis, gymnastics, weight lifting, swimming, bowling, or any spring or other sport shall not take part in football or basketball. However, a scholarship holder in football or basketball may be permitted to take part in such sports. This policy shall not apply if it is in conflict with rules of the applicable national associations.

2. Each institution shall comply with the conference scholarship rules of which it is a member.

D. Out-of-State Scholarships

1. No more than 47 percent of the state subsidized scholarships available to the separate programs for women's athletics and men's athletics shall be awarded to out-of-state students. Of this number, no more than 30 shall be used for football. Out-of-state scholarships in excess of this number may be awarded if funds come from a source other than State funds, and provided the total scholarship limits as set forth in Section 9.4B of this Part are not exceeded.

2. An institution may waive out-of-state fees for a student athlete only while he is an active participant. If the out-of-state student-athlete has completed his eligibility, then his out-of-state fees may be waived for not more than one year. This policy shall not apply if it is in conflict with rules of the applicable national association.

E. Penalties

1. An institution that exceeds the out-of-state limit in any given year may be required to reduce the total number of out-of-state scholarships allowed the following year up to the number in excess of the limit.

2. For violation of giving athletic scholarships other than those authorized, an institution shall lose such scholarships, plus an additional scholarship for not less than one year; the student-athlete(s) awarded the scholarship(s) shall be ineligible at that institution for not more than one year.

3. An alternate penalty for awarding a student-athlete an unauthorized scholarship may be a loss of eligibility for that student-athlete for one year.

Section 9.5 Eligibility

A. The following eligibility policies shall apply to a student-athlete competing in an athletic contest sponsored by an institution:

1. A student-athlete shall be a bona fide registered student, regularly enrolled as a candidate for a degree, and doing full-time work in a regular course of study, unless a graduating senior.

2. A student-athlete shall comply with the applicable national association rules as it applies to graduation and/or years of competition.

3. A high school graduate, upon initial matriculation at an institution, who is ineligible to participate in a contest or organized practice during the first year in residence according to NCAA, NJCAA and AIAW rules, shall be eligible after the completion of two semesters, or three quarters, and 24 credit hours.

4. A student-athlete beyond the first year at an institution shall earn at least 24 semester hours, or the equivalent, in between seasons of participation in that respective sport. In the event of hardship, the respective national organizations' policy shall prevail.

5. All eligibility requirements shall be satisfied during the semester or quarter, or summer session preceding the semester or quarter, in which a student-athlete intends to participate (incomplete work within his own institution excepted). Only those credit hours granted after regular class attendance will satisfy the requirements set forth in Subsection 1, 3 and 4 of Section 9.5A of this Part.

6. A student-athlete who has not officially attended an institution for one full academic year (two full semesters or three full quarters) may appeal to the Coordinator of Athletics for immediate eligibility, if eligible at the time he left school.

7. A student-athlete having served in the armed forces, on official church missions or any other official government service shall:

a. Upon return be eligible at the academic level attained at the time of induction provided that the eligibility shall not exceed four years in any sport and provided he is eligible under all other policies.

b. After serving a minimum of 18 months, Subsection 3 of Section 9.5A of this Part is waived for the period of service.

c. While a member (other than at the service academies), athletic participation shall not count against a student-athlete's total intercollegiate competition.

d. If suspended for academic, disciplinary or other reasons by an institution, and who enlists voluntarily, shall not be eligible upon his discharge until the requirements set forth in Subsection 6.e. of Section 9.5A of this Part are met.

e. Be eligible immediately upon return to the same institution, if he withdraws from an institution after midterm of a regular semester or quarter in good standing and voluntarily enlists and is on active duty for a period of at least six months.

8. A student-athlete whose eligibility changes at the end of a quarter or semester shall become eligible or ineligible to compete at the time the eligibility is officially certified by the student-athlete's institution, which shall not be later than the first day of classes of the following semester or quarter; if the student-athlete is eligible to compete at the time of the institution's first participation in a national association championship, the student-athlete shall remain eligible for the remainder of the meet or tournament.

9. A transfer student must be eligible to reenter the institution from which he is transferring.

10. All junior college level intercollegiate competition will count toward intercollegiate competition at an institution.

11. An institution may abide by a national association's hardship rule. The Coordinator of Athletics shall be presented the pertinent situation in writing and shall act as an agent to the

national association.

12. A junior college graduate or a junior college transfer is eligible upon registration when he meets the appropriate national association requirements regarding the junior college rules.

B. Penalty

A student-athlete entering an institution in violation of Sub-section 9 of Section 9.5 A of this Part (#9 above) shall be permanently barred from participation at the institution.

Section 9.6 Recruiting

A. An institutional employee, who is not a member of the institution's athletic staff, shall not serve as a talent scout (one who travels for an institution checking high school material, grades, and ability during the season and not actively taking part in coaching), unless the service is rendered on a voluntary basis. He shall not receive compensation or travel expenses.

B. Each institution shall be allowed to spend up to \$10,000 of its \$20,000 Board allocation (Cf. Section 9.3 B of this Part) for its athletic recruitment program.

C. Signing Dates

Each institution will honor its national organization concerning the signing dates of students athletes.

D. Pre-enrollment Applications and Letters of Intent

1. Pre-enrollment Applications or Letters of Intent shall be signed on forms furnished and/or approved by the Coordinator of Athletics. A parent's (or guardian's) signature shall be required on the form if and only if the student-athlete is under 18 years of age. When both parents are alive and are not divorced or judicially separated, then the father shall sign this application on behalf of the minor. If one or both parents are deceased, then the tutor of the minor is the proper party to sign the application. If the parents are separated or divorced, then the parent bearing legal custody and/or with whom the minor resides shall sign this application.

2. To be valid and binding, a duly signed and dated pre-enrollment application or letter of intent shall be forwarded to the Coordinator of Athletics within 15 days after a student-athlete (and parent or guardian if required) signs the form. Failure to forward the form as prescribed shall render the student-athlete free to sign with another institution.

3. The following policies shall apply to an institution if and only if they are not in conflict with the rules of the national association of which the institution is a member.

a. A student-athlete, who signs an athletic scholarship (partial or full) with one institution, and whose application is filed with the Coordinator of Athletics within 15 days of the signing date, shall not sign with a second institution without loss of one year of eligibility; during this period, he shall not practice with or play for the second institution, nor be eligible for any type of scholarship award or other financial assistance, unless the student-athlete is released by the original signing institution. If released, the policy as set forth in Section 9.6 E of this Part shall prevail. (These provisions shall also apply to a student-athlete who participates with one institution and then transfers to a second institution. These provisions shall not apply to a student-athlete whose financial assistance was terminated by the original institution with which he enrolled.)

b. An athletic scholarship award given by an institution to high school and transfer student-athletes shall be recognized and honored by all other institutions.

E. Migrants or Transfers

1. A migrant or transfer is a student-athlete who enters an institution after having registered at another institution. (Attendance at summer school is excepted.)

2. Migrant and transfer student-athletes will be eligible to participate and can receive aid but cannot compete until the completion of one calendar year of residence at an institution. A student-athlete that attends an AIAW member institution will follow the existing transfer rule.

F. Penalties

1. If a prospective student-athlete is party to falsification of records, he shall be permanently barred from participating in athletics at an institution.

2. If there is proof that an individual, who is in any way a representative of an institution, has been a party to falsifying records or participating in any manner in irregular procedures regarding the establishing of a student-athlete's academic average, that institution shall be barred from any championship and post-season game participation in that sport for a period of one year.

Section 9.7 Supplemental Policies

A. A participant is any student-athlete who is on an athletic scholarship and/or who practices with an official team sponsored by an institution for intercollegiate competition.

B. A competitor is a student-athlete who takes part in any official intercollegiate contest.

C. A participant who drops from an athletic roster during a season may be replaced, provided the NCAA, NJCAA or AIAW rules are not violated.

D. 1. System institutions should operate under NCAA guidelines (Article Six, Personnel & Squad Limitation, Bylaw 6-1 of the Bylaws and Interpretations of the National Collegiate Athletic Association) which are permissive regarding limitation of coaches.

2. Before Athletic Directors, Women's Coordinators, and Head Coaches of major sports (as designated by the Coordinator of Athletics) can be employed by the system institutions, the nominees must be interviewed by the Athletic Committee and subsequently approved by the Board. The Coordinator of Athletics shall receive the nominee's resume at least seven days prior to the Board meeting.

E. Spectator Control

1. The responsibility of spectator control is vested with the Director of Athletics and/or any other institution official designated by the president of the home institution where the game or contest is being held; person(s) so designated shall be responsible for adequate policing, pertinent announcements over public address systems and other measures necessary for the prevention of any exhibition of unsportsmanlike conduct.

2. All students, prior to participating in any intercollegiate athletic activity, must sign a statement allowing the Coordinator of Athletics to examine the students' entire academic record at his discretion.

Section 9.8 Penalties That May be Assessed by the Coordinator

The Coordinator may impose any one or combination of the following penalties:

A. Warn an institution to desist from violating specific policies of the Board or rules of national associations.

B. Reduce an institution's number of scholarships either in total or in a particular sport for a period of one year or more.

C. Reduce an institution's out-of-state scholarships either in total or in a particular sport for a period of one year or more.

D. Require an institution to refund monies spent on scholarships for ineligible student-athletes.

E. Declare any student-athlete ineligible at one or all institutions for any specified period of time (which period may be indefinite or permanent).

F. Place an institution on probation.

G. Declare an institution ineligible for championships or post-season play in one or more sports for a specified period.

H. Prevent an institution from issuing new scholarships in one or more sports for a specified period.

Section 9.9 Appeals

A. A ruling by the Coordinator may be appealed to the Faculty Commission.

B. Procedures for Appealing

1. A notice of appeal shall be submitted in writing to the Coordinator within five days of the ruling. The Coordinator shall not make public any penalties until the institution has appealed the ruling to its satisfaction or has exhausted all routes of appeal.

a. If the institution submits the appeal, it shall be signed by the athletic director.

b. If a student-athlete wishes to appeal, his appeal, along with the institution's recommendations, shall be submitted by the athletic director of the institution which the student-athlete attends or wishes to attend.

c. Only those appeals submitted in accordance with the above shall be considered valid.

2. Upon receipt of a valid appeal, the Coordinator shall:

a. Call a meeting of the Faculty Commission within 15 days.

b. Notify all interested parties of the time and place of the meetings.

C. Meeting of the Faculty Commission

1. Composition and Organization

a. The Faculty Commission representative(s) of the institution(s) which submitted the appeal shall not serve on the Commission during the time this appeal or that of the student-athlete(s) is heard.

b. Five members of the Faculty Commission, who are eligible to serve on the Commission to hear the appeal, shall constitute a quorum.

c. The meeting shall be presided over by the Chairperson of the Faculty Commission, except in cases where the institution which the Chairperson represents is involved in the appeals case; in which case, the Vice Chairperson shall preside.

2. Hearing the Appeal

a. The Coordinator shall present the case and the basis for his ruling. This presentation shall include a written brief of the facts and supporting documents.

b. The institution(s) or individual(s) shall present the information pertinent to the appeal. This presentation shall include a written brief of the facts and supporting documents.

c. These written briefs shall be provided to each eligible member of the Faculty Commission at least seven days prior to the date of the meeting.

d. The Coordinator, the appealing institution(s) or individual(s), and eligible member of the Commission may ask questions of any witness.

e. Copies of all documents related to the case shall be made a part of the minutes of the hearing.

f. If information pertinent to the case is not available at the time of the hearing, the case shall be left open until such information is secured. If an institution refuses to provide information when requested to do so, or provides false information, the Coordinator's ruling shall prevail.

B. Further Appeal

1. An aggrieved party may appeal the decision of the Faculty Commission to the Board through the Athletic Committee. The chairperson of the Committee shall be notified of the party's decision to appeal within five days of the Commission's decision.

2. The review by the Athletic Committee shall be on the record compiled at the Faculty Commission hearing, which shall be forwarded through the Coordinator to the members of the Committee.

3. The Committee shall review the decision and make recommendations to the Board for its action.

Section 9.10 Lists and Reports

A. To the Coordinator:

1. The following lists shall be completed on forms furnished by the Coordinator (unless furnished by the member con-

ference), shall be certified by the registrar at each institution as to: credits, classification, hours earned and entrance dates; and shall be signed by the institution's athletic director or coordinator:

a. An eligibility squad list shall be submitted the day prior to the beginning of competition in each sport.

b. A participation list shall be submitted within 15 days of the completion of competition of each sport.

c. A transfer and junior college graduate list shall be submitted within six weeks of the date the student-athlete(s) entered the institution.

2. The Coordinator shall forward a completed copy of each of the lists to all institutions.

B. To the Board:

1. The following lists shall be completed on forms furnished by the Coordinator and shall be signed and certified by the institution's president and athletic director(s).

a. An annual report on financial aid to student-athletes shall be submitted at the close of each fiscal year.

b. An annual report on the number of coaches and their respective salaries shall be submitted at the close of each fiscal year.

c. An annual report on athletic income and expenditures shall be submitted at the close of each fiscal year. These reports should be divided to show the amount appropriated for each individual sport for both men and women.

2. The Coordinator shall furnish copies of these reports to all Board members and institution officials.

Section 9.11 Tickets and Passes

A. General Policies

1. Faculty and full-time employees of an institution shall have reduced prices on the purchase of season tickets only.

2. An institution shall offer a student spouse pass for \$10, which shall be valid for all sports.

3. Ticket prices for standing room space is left to the discretion of the institution.

4. An institution shall present a change in ticket plans to the Athletic Committee for its review and approval.

B. Football Ticket Policies

1. Minimum prices for football tickets at an institution shall be as follows:

a. Box Seats — \$5.00

b. Reserved Seats — \$3.50

c. General Admission — \$3.00

d. Student or child — \$1.00

2. An institution may charge \$2.50 for general admission seats in the end zone if the seats are bleachers.

C. Complimentary Tickets and Passes

1. Complimentary tickets for home games may be issued as enumerated below upon an advanced request:

a. Each player of the home team - up to four tickets.

b. Each manager of the home team - up to two tickets.

c. Current members of the Louisiana High School Coaches Association - up to two tickets.

d. President of the home institution - up to 24 tickets.

e. Athletic director(s) of the home institution - up to 16 tickets.

f. Each working member of the media - up to two tickets.

g. Each member of the home athletic staff - up to six tickets.

h. Each member of the Legislature - up to two tickets.

i. Mayor of the city where institution is located - up to two tickets.

j. Coordinator of Athletics - up to four tickets.

k. The home member of the Faculty Commission - up to four tickets.

l. Each working game official - up to two tickets.

- m. Each member of the home Athletic Council - up to two tickets.
- n. Visiting football team: up to 300 tickets, mailed in advance; players and managers - two tickets each.
- o. Visiting basketball team: up to 30 tickets, mailed in advance.
- p. Minister pronouncing invocation - up to two tickets.
- q. Each vice president of the home institution - up to six tickets.
- r. State Superintendent of Education - up to four tickets.
- s. Each member of the Board of Regents - up to two tickets.
- t. Each member of the Board of Trustees - up to two tickets.
- u. Each member of the Board representing the district where the institution is located - up to an additional four tickets.
- v. Each former president of the home institution - up to four tickets.
- w. Each conference commissioner involved - up to four tickets.
- x. Each team physician - up to two tickets.
- y. Parish Superintendent of Education - up to two tickets.
- z. Marching Band Director for the home institution - up to two tickets.

2. Unless precluded by national association rules, an institution shall be allowed to grant three tickets to prospective student-athletes for attendance at an intercollegiate contest.

3. Arrangements for special occasions (e.g., band night) may be made to admit the particular individuals without issuing tickets.

4. Identification cards shall be available to members of the Faculty Commission and members of the institutions' athletic staffs. A holder of one of these cards shall be eligible for two complimentary tickets to any intercollegiate athletic event under the jurisdiction of the Board.

5. Former student-athletes who have lettered may be issued one complimentary ticket for a maximum period of five years following the completion of his eligibility.

6. Any additional tickets, over and above those stipulated above, which are disbursed by system presidents to persons for gifts and/or services must be justified by the president through the Coordinator of Athletics to the Board for its approval prior to the season in question.

Section 9.12 Intercollegiate Athletic Contracts

A. An intercollegiate contract or agreement is valid if:

- 1. It is approved by the Board, or
- 2. It involves \$1,000 or less, or
- 3. It is on a home and home basis with an equal guarantee (not to exceed \$20,000), or
- 4. It contains a penalty clause that requires a reasonable guarantee.

B. Distribution Procedures

1. The presidents of system institutions shall forward one copy of contracts that require the specific review and approval of the Board to the Board through the Coordinator of Athletics.

2. The presidents of system institutions shall forward two copies of contracts that require the specific review and approval of the Board to the Executive Director of the Board.

3. The presidents of system institutions shall forward to the Board through the Coordinator of Athletics a list of those contracts that are within the guidelines, as specified in Subsection A., #2, #3 and #4.

4. All contracts that are within the guidelines, as stated in Subsection A., #2, #3, #4 above, and not sent to the Board for specific review and approval will be retained on file for the information and inspection of the Coordinator of Athletics.

C. Required Provisions of a Contract or Agreement

- 1. It shall be all inclusive.
- 2. It shall contain the final terms of the proposal.
- 3. It shall be signed by the president of the contracting institution.
- 4. It shall have attached an explanation of terms and a statement of benefits to the institution.

D. If the contract is of an urgent nature, an institution may enter into a contract provided that the Coordinator of Athletics and the Athletic Committee review the information and authorize the signing thereof, and subsequently, copies of the contract shall be forwarded to the Board for review.

Bill Junkin
Executive Director

RULE

Board of Trustees for State Colleges and Universities

The following is added to the Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities as Part IV, Sections 4.15 and 4.16

Section 4.15 Interim Courses

For a three semester hour course, a minimum of three calendar weeks, 45 clock hours, are required. Exceptions may be made to the weekly time limitation for undergraduate courses provided such exceptions are justified in writing, approved by a college or university committee and placed on file in the Board of Trustees' office. A student crossing college lines within an institution to enroll in a course offered during an interim session must first secure the written permission of the Dean, or of a person designated in writing by the Dean, of the college in which the student is registered.

Section 4.16 Excessive Loads

A student wishing to carry a student credit hour load which exceeds the stated maximum must secure written permission of the Dean, or of a person designated in writing by the Dean, of the college in which the student is registered.

Bill Junkin
Executive Director

RULE

Board of Trustees for State Colleges and Universities

Chapter 1 constitutes an initial publication in a complete revision, by the Board of Trustees for State Colleges and Universities, of its Policies and Procedures Manual. Chapter I replaced Parts I and II, Except Article IX of Part I. Article IX of Part I remains in effect until further notice.

Chapter I. Bylaws

Article A.

Part I. Definitions

Section a. College and University System - The term "college and university system", when used in these bylaws, shall refer to the system of campuses governed by the Board of Trustees for State Colleges and Universities which includes: Delgado Community College at New Orleans; Grambling State University at Grambling; Louisiana Tech University at Ruston; McNeese State University at Lake Charles; Nicholls State University at Thibodaux; Northeast Louisiana University at Monroe; Northwestern State University of Louisiana at Natchitoches; Southeastern Louisiana University at Hammond; University of Southwestern Louisiana at Lafayette.

Any other college, university, school, institution or program now or hereafter under the supervision and management of the Board of Trustees for State Colleges and Universities.

Section b. The Board of Trustees for State Colleges and Universities - The "Board of Trustees for State Colleges and Universities", or "Board", as used in these bylaws, shall refer to the governing board of the college and university system and shall be composed of the Board of Trustees, duly appointed and qualified as provided by law.

Section c. President of the Board - The term "President of the Board" as used by these bylaws shall refer to the Board member who is duly elected President or Acting President of the Board.

Section d. Executive Director of the Board - The term "Executive Director of the Board", or "Director", as used in these bylaws shall refer to the duly appointed Director or Acting Director, who shall be the principal executive officer of the Board.

Part 2. Board Officers

Section a. Election of Officers - At the first regular or special meeting of the Board in the calendar year, the Board shall elect a President and a Vice-President.

The President and Vice-President shall be members of the Board. Each of these officers shall hold office for one year or until a successor has been elected.

Section b. President of the Board - It shall be the duty of the President to preside at all meetings of the Board, to name the members of all standing and special committees of the Board and to fill all vacancies in the membership of such committees, in accordance with the provision of these bylaws.

Section c. Vice-President of the Board - In the absence of the President of the Board, it shall be the duty of the Vice-President to perform all the duties of the President.

Section d. Secretary of the Board - The Executive Director of the Board shall serve as Secretary to the Board, to the Executive Committee and to standing and special committees. He shall be appointed by and shall hold office at the pleasure of the Board and shall keep minutes of all Board and committee meetings. Copies of all minutes, papers and documents of the Board may be certified to be true and correct copies thereof by the Secretary.

Article B.

Part 1. Meetings

Section a. Regular Meetings - The Board or Executive Committee shall meet monthly. The Board shall meet on or before the second Monday of January each year. (R.S. 17:1833).

Section b. Special Meetings - A special meeting of the Board may be called by the President of the Board or upon receipt of a written request signed by nine members specifying the propose of the desired meeting. Notification shall be sent by mail or wire to each member at least five calendar days before the time of the meeting.

Section c. Quorum - A majority of voting Board Members shall constitute a quorum for the transaction of business at any regular or special meeting.

Section d. Rules of Order - When not in conflict with any of the provisions of this article, *Robert's Rules of Order* (latest revision) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board.

Section e. Order of Business - The order of business for regular meetings of the Board shall be as follows:

Roll call and invocation.

Correction and approval of minutes of preceding regular meeting and of all special meetings held subsequent thereto.

Reports and recommendations of standing committees.

Reports and recommendations of special committees.

Reports and recommendations of the Director of the Board.

New business.

Section f. Meetings - All regular meetings of the Board shall be open except when otherwise ordered by the Board for the consideration of executive matters. No final or binding action shall be taken in a closed or executive session. At least ten days prior to each regular meeting of the Board, the Director of the Board shall prepare and forward to each member of the Board a tentative agenda for the meeting. The Director shall place a particular item or subject on the agenda upon the request of any member of the Board.

All matters requiring action of the Board, however, may be acted on even though not carried on the agenda.

A poll by mail or phone shall be authorized only when, in the opinion of the President of the Board, an **extreme emergency** exists.

Section g. Compensation of Members - Each member of the Board shall be paid \$50.00 for each day of actual attendance at meetings of the Board or of a committee appointed by the Board on which the member serves, or while on business for the Board as assigned by it, plus travel and other expenses incurred in the performance of official duties. Reimbursement of travel and expenses shall be in conformity with regulations governing such expenses of State officials.

Section h. Minutes - The minutes of the meetings of the Board shall record official action taken upon motions or resolutions which are voted upon by the Board, and may contain a summary or report and pertinent discussion. In all cases when the action is not by a unanimous vote, the "ayes" and "nays" and abstentions of the individual members shall be recorded upon the request of any member of the Board.

The remarks, personal views, or vote explanation of an individual member shall be included in the minutes only upon request of that member. The foregoing provisions relative to contents of the minutes shall in general also apply to minutes of committees of the Board. The minutes of the Board become official only when completed by the Secretary and approved by the Board.

Official actions of the Board may be given to the press by the President of the Board or by the Director of the Board, after each meeting and prior to the completion or approval of the minutes.

Section i. Reference to Committees - In cases where practicable or desirable, before taking action on any subject or matter clearly within the sphere of any standing committee, the Board may refer such subject or matter to the appropriate committee, which committee shall submit its recommendations in writing together with any appropriate resolutions necessary to implement them.

Section j. Presentation of Materials to the Board - All college and university presidents shall present their material, as well as the number of required copies, 15 calendar days prior to the Board meeting in order that the agenda may be sent to the members of the Board ten calendar days prior to the meeting date.

All requests for leaves of absence must be in the office of the Board at least 30 calendar days before such action is planned, except in extreme emergency situations.

All personnel changes shall be incorporated in a single item to be brought before the Board for its action.

Article C.

Part I. Committees

Section a. Executive Committee - There shall be an Executive Committee consisting of the President, the Vice-President and seven other members appointed by the President from among the chairmen and vice-chairmen of the standing committees. The Executive Committee shall consider matters referred to it by the Board, shall execute orders and resolutions assigned to it by the

Board, and shall take immediate action if an emergency requiring such action arises between Board meetings. All acts of the Executive Committee shall be submitted to the Board for ratification or rejection, at its next meeting, except in matters in which the Board shall have delegated to the Executive Committee full power to act. Whenever the Board delegates to the Executive Committee full power to act with respect to any matter, affirmative action by a majority of the entire membership of the Executive Committee shall be required.

Section b. Standing Committees - All standing committees shall consist of no less than five voting members of the Board. Unless and until otherwise decided by the vote of a majority of the membership of the Board, the standing committees of the Board shall consist of the following:

Academic Affairs Committee - To this committee may be referred matters concerning academic organization, curricula, personnel, and other matters relating to faculty, scholarships and other academic affairs.

Athletic Committee - To this committee may be referred all matters of policy concerning athletic programs.

Finance Committee - To this committee may be referred all matters related to the financial and budgetary operations.

Grievance Committee - To this committee may be referred grievances brought to the Board by personnel of the colleges and universities under its jurisdiction.

Legislative Committee - To this committee may be referred all matters of a legislative nature brought before the Board.

Physical Plants Committee - To this committee may be referred matters relating to physical plants of the institutions under the control of the Board.

Student Affairs Committee - To this committee may be referred all matters of policy concerning non-academic affairs relating to student welfare.

Section c. Appointment and Term - Members of all standing committees, one of whom shall be designated as chairman and one of whom shall be designated as vice-chairman, shall be appointed by the President of the Board within 30 days following his election as president. The term of committee appointees shall run concurrently with that of the President.

Vacancies occurring among the appointive members of any committees, however arising, shall be filled by the President of the Board for the remainder of the term.

Section d. Meetings of the Standing Committees - It shall be the duty of the chairman of each committee to call and to preside over the necessary meetings. The secretary of the Board shall keep minutes of all committee meetings. The minutes of each meeting of the committee, showing its action and recommendation, shall apply with the provisions of Article B, Part I, Section h. above.

Section e. Quorum for Committee Meetings - A majority of the members of any committee of the Board shall constitute a quorum for the transaction of business. A committee chairman, at any committee meeting, may appoint to membership on the committee in question any Board member in attendance at the committee meeting then being held.

Section f. Special Committee - As need arises, the Board may create special committees with such function, powers and authority as it may determine. Special committees shall be established for temporary periods not exceeding the term of the President. Unless otherwise provided by the action of the Board for such a committee, the President shall determine the number of its members, shall appoint the members and shall designate the chairman.

Article D.

Part I. Duties, Powers and Functions of the Board

Section a. General Duties - It shall be the function of the

Board to establish and maintain in each of the colleges and universities the highest quality of instruction in the various major branches of knowledge for graduates of the high school courses of study.

Section b. General Statement of Administrative Policy - The Board of Trustees shall determine broad administrative and educational policies for the conduct of all of its affairs and the affairs of the college and university system and shall provide for the execution of its policies by the presidents of the various colleges and universities and Board staff elected by the Board to hold office at its pleasure.

Section c. Other Duties, Powers and Functions - In its supervision and management of the colleges and universities comprising the college and university system under its administration, the Board shall have authority to:

Sue and be sued, including the right to recover all debts owing to the Board or any university or college under its management, and to retain legal counsel therefor.

Actively seek and accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and to comply with rules and regulations governing grants from the Federal government or any other person or agency which are not in contravention of the constitution and laws.

Receive and expend or allocate for expenditure to the institutions under its jurisdiction all monies appropriated or otherwise made available for purposes of the Board and/or the institutions under its jurisdiction.

Borrow money and issue notes, bonds or certificates of indebtedness for the same and pledge fees, rents and revenues to guarantee payment thereof, in accordance with law and with approval of the State Bond Commission.

Determine the fees which shall be paid by students.

Purchase land and purchase or construct buildings necessary for the use of the state colleges and universities in accordance with applicable laws.

Purchase equipment, properly maintain and make improvements to facilities necessary for the use of the state colleges and universities in accordance with applicable laws.

Lease land or other property belonging to it or to any college or university within its system in accordance with law.

Sell or exchange land or other property not needed for university purposes in accordance with law.

Employ or approve the employment, fix or approve the salaries, and fix or approve the duties and functions of personnel for the Board and the state colleges and universities.

Formulate curricula and programs of study.

Adopt, amend and repeal rules and regulations necessary or proper for the business of the Board and for the government of the colleges and universities under its jurisdiction.

Adopt, amend or repeal rules and regulations for the governance and discipline of students.

Affiliate with any institution giving any special course of instruction, upon such terms as the Board deems appropriate which terms may include the retention by such institution of the control of property, faculty and staff.

Adopt, amend or repeal rules and regulations pertaining to the conferring of degrees.

Enter into contracts and agreements with other public agencies with respect to cooperative enterprises and undertakings relating to or associated with college and university purposes and programs.

Perform such other functions as are necessary or incidental to the supervision and management of the state colleges and universities.

Elect the heads of the various institutions.

Article E.

Part I. Board Staff

Section a. Executive Director - The person appointed by the Board as its Executive Director shall act as the chief administrative and executive officer of the state college and university system under its jurisdiction and shall serve as secretary to the Board, to the executive, and to the standing and special committees. He shall be responsible to the Board for the conduct of the affairs of the system and shall be subject to control and supervision by the Board. He shall execute and enforce all the decisions, orders, rules and regulations of the Board with respect to the conduct of the system. The duties of the Executive Director shall be to:

Receive, as Secretary of the Board, all requests by the Board of Regents for information and all other communications relative to the exercise of that Board's power and shall forward such to the President of the Board.

Perform such services assigned by the Board as may be necessary to accomplish the purposes for which the Board was established.

Maintain the office of the Board and insure the efficient functioning of the Board's staff.

Conduct continuing inquiry and studies into the problems of higher education.

Survey and study carefully the organization, management, and all other affairs of each institution under the control of the Board and report findings to the Board.

Recommend any changes that will increase efficiency and economy in the operation of each institution.

Compile and distribute to responsible officials copies of the laws and rules and regulations for the governance of the State Colleges and Universities System.

Employ, with the approval of the Board, members of the Board's staff.

Section b. The Staff - The Board shall authorize the employment of such personnel as may be required to carry out the function of the Board. It may assign to the personnel so employed such functions and duties as may be necessary to accomplish the purpose for which it was established.

Deputy Executive Director and Director of Finance - This officer shall act in the place and stead of the Executive Director when that administrator shall so direct or when circumstances so demand. The Director of Finance shall develop and maintain among the institutions a uniform system of accounts and financial reports and shall supervise financial operations of the institutions as required by the Board. This person shall assist the Executive Director in such matters as may be required by the Board or by its chief executive officer. The Director of Finance shall directly supervise the Assistant Director of Finance.

Assistant Director of Finance - This assistant shall work directly under and report immediately to the Director of Finance. In that Director's absence, the assistant shall assume the duties of Director of Finance. The Assistant Director of Finance is responsible for overseeing the work of such Fiscal Analysts as the Board sees fit to employ.

Fiscal Analysts - These analysts shall work directly under and report immediately to the Assistant Director of Finance. As accountants it is the work of such analysts to monitor the financial affairs of the System's institutions, to perform periodic management, systems and financial reviews as well as other similar tasks assigned them.

Director of Academic Research and Planning - This officer shall assist the Executive Director in performing his function primarily as it concerns the academic affairs of the colleges and universities of the system. The Director of Academic Research and Planning should be familiar with the programs offered by the System's institutions and stand ready as researcher to furnish

information on them or to make recommendations on program changes. The person in this position shall supervise the work of both the Assistant Director of Academic Research and Planning and the Supervisor of Research and Publications. This officer shall also act as legislative liaison and shall keep the Board informed of matters of interest to it and to the system of higher education it governs. This is the staff person assigned to work with the Grievance Committee on complaints lodged by personnel under the jurisdiction of the Board.

Assistant Director of Academic Research and Planning - This officer shall work directly under and report immediately to the Director of Academic Research and Planning. Under that Director's guidance, the person in this position is proximately involved in evaluating proposals for new academic programs or for their discontinuance and in recommending to the Director of Academic Research and Planning action on such proposals. In addition to the primary task of program evaluation, the Assistant Director will assist the Director of Academic Research and Planning in carrying out the other tasks of that office.

Supervisor of Research and Publications - This supervisor shall work directly under and report immediately to the Assistant Director of Academic Research and Planning. Under that officer's guidance, the person in this position is proximately involved in all areas of data gathering and necessary research. Further, this supervisor shall keep current all Board publications, chiefly its *Policies and Procedures Manual* and shall act as liaison with the *Louisiana Register*, the journal of regulations and legal notices issued by the Executive Branch of the State Government.

Coordinator of Athletics - This coordinator shall supervise the intercollegiate athletic activities of the System's institutions and in so doing assist the Executive Director in performing his function as it concerns intercollegiate athletic affairs. The Coordinator of Athletics shall interpret and enforce such athletic policies as the Board declares and shall do likewise for the rules and regulations of applicable national and regional athletic associations.

Coordinator of Physical Plants - This coordinator shall supervise the budgeting and expenditure of capital outlay funds by the institutions of the State Colleges and Universities System and by this supervision assist the Executive Director in carrying out the responsibilities he has in this area. The Coordinator of Physical Plants shall visit the institutions and report to the Board the status of all operations involved in the construction and repair, maintenance, expansion and reduction of the physical plants of the schools.

Special Assistant to the Director - This assistant shall work directly under and report immediately to the Executive Director. The person in this position is to assist the Executive Director in his role as the chief administrative officer of the State Colleges and Universities System governed by the Board of Trustees. Supervised by the Director, the Special Assistant shall generally serve as administrative liaison with standing committees of the Board and shall specifically coordinate the Director's contact with the Student Affairs Committee.

Board Recorder and Records Supervisor - This supervisor shall work directly under and report immediately to the Executive Director. The person in this position is to assist the Executive Director in his role as Secretary to the Board. It is the responsibility of the Board Recorder and Record Supervisor to record minutes of all meetings of the Board and its committees and to file, index and preserve all minutes, papers and documents pertaining to the Board and committee proceedings. This person shall be the custodian of all the records of the Board.

Other administrative and clerical assistants shall be employed by the Executive Director upon approval of the Board.

The Board may employ on a fee basis such technical and professional assistance, including legal counsel, as may be neces-

sary to carry out the powers, duties and functions of the Board.

General Staff Responsibilities and Prerogatives:

Persons who sign checks shall be bonded.

The staff of the Board shall be eligible for membership in the teacher or state retirement systems.

The Executive Director and/or an appropriate member of the Board staff shall work closely with the various committees created by the Board.

The Board shall utilize the vast potential of the experienced competent professionals associated with the various institutions under the jurisdiction of the Board.

Article F.

Part I. Rights, Duties and Responsibilities of Administrative Officers and Faculty

Section a. The President - The President shall be the chief administrative officer of each institution with the authority to implement the policies of the Board, subject to its supervision and to the laws of the state of Louisiana. This officer, with administrative staff and faculty, shall develop and maintain institutional plans, policies and academic standards.

The President shall recommend the appointment or the termination of faculty and of other employees, subject to applicable due process and to the approval of the Board in which body rests sole power of so appointing or terminating.

The President, subject to procedures of due process, has the authority to expel, dismiss and suspend students, to place limitations on continued attendance and to levy penalties for disciplinary violations.

Section b. The Administrative Staff - Each President shall, subject to Board approval, establish an administrative staff to assist in the governance of the institution.

The duties and responsibilities of administrative staff members shall be designated in job descriptions and the lines of authority shall be specified on an organizational chart.

Section c. The Faculty - Faculty participation in the operation of the institution and in the determination of the educational policies shall be through the medium of an elected Faculty Senate and through faculty participation on institutional committees, both elected and appointed.

Specific rights, duties and responsibilities of the faculty are contained in later chapters.

Part I. Board Councils

Section a. Presidents' Council (PC) - A Presidents' Council shall be created and shall be composed of each of the presidents of the colleges and universities governed by the Board. It shall enact its own bylaws and rules of procedure consistent with the policies of the Board. It shall elect its own chairman and secretary. The PC shall meet upon call by its chairman or at the direction of the Board.

The PC shall bring matters to the attention of the Board, shall consider matters referred to it by the Board and make recommendations to the Board through the Secretary of the Board.

After a meeting of the PC the minutes shall be sent to each member of the Board.

Section b. Faculty Advisory Council (FAC) - A college and university faculty council shall be created and shall consist of one faculty representative from each of the colleges and universities.

The representative and one alternate shall be selected by the Faculty Senate of each institution.

Bylaws of FAC - The FAC will elect a chairman, vice-chairman and a secretary in the fall of each year. Other members may be selected or appointed by the chairman as deemed necessary by the FAC.

The institution from which from which the FAC chairman is elected will provide sufficient funds to defray travel expenses of the chairman, who will represent the faculties at Board Meetings. Each

institution will pay expenses of the faculty representative or the alternate to the FAC meetings and to meetings of the Board of Trustees at which their presence is requested by the Board.

The FAC may present recommendations, through the Director, to the Board or any committee of the Board. Members of the FAC are available to serve on ad hoc Board committees or subcommittees.

Section c. Student Advisory Council (SAC) - A college and university student advisory council shall be created and shall consist of one student representative each of the colleges and universities, under the jurisdiction of the Board, this representative being the president of the Student Government Association.

Article H.

Part 1 Adoption, Amendment or Repeal of Bylaws

Bylaws may be adopted, amended or repealed at any meeting of the Board, No such action shall be taken unless notice of such proposed adoption, amendment or repeal shall have been given at a previous meeting, or unless notice in writing of the proposed change shall have been served upon each member of the Board at least 30 days in advance of the final vote upon such change. Upon a vote of two-thirds of the entire voting membership of the Board, the requirements for such notice may be waived.

Article I.

Part 1. Rules and Regulations of the Board

Section a. Actions by the Board establishing rules, regulations, policies or methods of procedure not contained in these bylaws shall be known as "Policies and Procedures of the Board of Trustees."

Section b "Policies and Procedures of the Board of Trustees" may be adopted by the Board, or may be amended or repealed, in whole or in part at any meeting of the Board in accordance with law.

Bill Junkin

Executive Director

RULE

Southern University Board of Supervisors

The Southern University Board of Supervisors, at its meeting on June 27, 1981, adopted an increase in charges for room and board at Southern University in Baton Rouge. The increases in room and board charges - Baton Rouge Campus follow:

**Increases in Room and Board Charges
Baton Rouge Campus**

	1980-81 Fall and Spring Semester Rates	Adjustments	1981-82 Fall and Spring Semester Rates
Freshman Complex: (Air Conditioned)	\$465	\$ 60	\$525
East Hall: (Air Conditioned)	\$418	\$107	\$525
Non-Air Conditioned Halls: (Two Occupants per Room)	\$381	\$ 49	\$430
Married Students Apartment: (One Bedroom)	\$112 per month	\$ 38 per month	\$150 per month
Married Students Apartment: (Two Bedrooms)	\$124 per month	\$ 41 per month	\$165 per month

Note: Summer Semester rates are computed at one-half of the Fall and Spring Semester rates for all dormitories with the exception of Married Student Apartments which has a constant monthly rate.

	1980 Fall	Adj.	1981 Fall	1981 Spring	Adj.	1982 Spring	1981 Summer	Adj.	1982 Summer
Board:									
7-Day Plan	\$468	\$ 37	\$505	\$514	\$ 41	\$555	\$259	\$ 21	\$280
5-Day Plan	\$360	\$ 75	\$435	\$392	\$ 82	\$474	\$205	\$ 43	\$248

Note: Proposed charges for 7 and 5 Day Meal Plans are computed on a daily rate of \$4.59 for 7 - Day Plans and \$5.51 for 5 - Day Plans.

Jesse N. Stone, Jr.
Secretary

RULE

Southern University Board of Supervisors

The Southern University Board of Supervisors, at its meeting on July 25, 1981, adopted an increase in fees for the Southern University at Shreveport-Bossier Campus. The fee change increases the allotment for the Annual Yearbook by \$2.75 per semester. A per semester charge of \$8.00 was adopted to cover the costs of services, operations and activities in the Student Center.

Jesse N. Stone, Jr.
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, has set the maximum allowable monthly income limit (cap rate) for long term care eligibility at \$794.10 for an individual. For a couple occupying the same room in a long term care facility, the double cap rate of \$1,582.20 shall apply.

This increase in the maximum income level allows the Medical Assistance Program to be in compliance with Federal regulations 42 CFR 435.230 and 435.1011 which set the cap rate at 300 percent of the Supplemental Security Income (SSI) payment amount.

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

RULES

Office of the Governor Office of Telecommunications Management

The office of Telecommunications Management has adopted the following amendments to its Administrative Rules and Regulations to read as follows:

Add to Section 1.1 the following definition:

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

Amend Subsection 4.3.1 to read:

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

Add a new Subsection 4.3.2 to read:

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

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

Amend Subsection 4.4.1 to read:

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

Alexis M. Holstead, Director
Office of Telecommunications Management

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The following revision to the Air Quality Ozone State Implementation Plan was approved August 27, 1981 by the Environmental Control Commission.

SIP REVISION

Add to page 21A of Louisiana SIP
Revisions for ozone abatement

The Plan submitted between March and November 1979 and conditionally approved by the Environmental Protection Agency in February 1980, projects attainment of the oxidant standard by December 31, 1982. This is being accomplished without the additional hydrocarbon reductions resulting from the installation of secondary seals on volatile organic compound storage tanks with external floating roofs. Consequently, since the plan shows attainment by December 31, 1982 and the plan is conditionally approved, the Air Quality Division intends to allow the emissions abated by the use of secondary seals to be banked by the emitter, if so desired. The emitter must enter into an enforce-

able agreement with the Commission, (which becomes part of the state implementation plan) before the reductions can be credited to his account. The Department specifically reserves the right to establish and govern the conditions under which a banked offset may be used. The banked offset is the property of the person making the deposit.

B. Jim Porter
Assistant Secretary
Office of Environmental Affairs

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in New Orleans, Louisiana, on August 25, 1981:

WHEREAS, studies conducted by the Louisiana Department of Wildlife and Fisheries have clearly demonstrated the detrimental effects that webbing has on gamefish such as largemouth bass, striped bass and crappie in freshwater man-made reservoirs; and

WHEREAS, a survey conducted by the Department indicated a moderate commercial fishery does exist in Toledo Bend, however, the majority of commercial fishermen fished only on a part-time basis, and the primary fish sought after were catfishes; and

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

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

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of all gill nets, trammel nets, flag webbing and fish seines in the Louisiana portion of Toledo Bend and further be it resolved that the use of hoop nets be restricted to "vertical sets," and that the use of hoop nets be prohibited during the period March 1 through May 15 each year in that portion of Toledo Bend from a point north of Logansport where the lake enters Texas, and south to a point on the lake where the Texas Duck Refuge Canal intersects the old channel of the Sabine River. This prohibition will become effective October 20, 1981 and will remain in effect for a two-year period.

Jesse J. Guidry
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in New Orleans, Louisiana on August 25, 1981:

WHEREAS, the waterfowl hunting regulations for the 1981-82 season have been announced by the United States Fish and Wildlife Service; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is authorized to establish the dates during which ducks, geese, and coots may be hunted within the federal frameworks: now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission, does hereby establish the following dates for the hunting of ducks, geese, and coots:

West Zone

Ducks and Coots: November 7 - December 6, 30 days; December 19 - January 12, 25 days; (55 days total).

Geese: November 7 - December 6, 30 days; December 19 - January 27, 40 days; (70 days total).

East Zone

Ducks and Coots: November 14 - November 30, 17 days; December 19 - January 20, 33 days; (50 days total).

Geese: November 14 - November 30, 17 days; December 19 - February 9, 53 days; (70 days total).

Special Scaup Season

January 21 - January 31; (11 days). Restricted to certain coastal areas in Southeast Louisiana.

THEREFORE, BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt all other federal regulations controlling the hunting of waterfowl including shooting hours, baiting, firearm usage, etc., except that the noon and 2:00 p.m. shooting hours on a number of wildlife management areas as previously established by the Commission, and announced, shall remain in effect.

Jesse J. Guidry
Secretary

Notices of Intent

NOTICE OF INTENT Department of Agriculture Advisory Commission on Pesticides and Commissioner of Agriculture

In accordance with the provisions of LSA 49:951 et seq., the Administrative Procedure Act, and LSA 3:1623, relative to the authority of the Commissioner of Agriculture to enact rules and regulations concerning pesticides, and LSA 3:1631, relative to the duty of the Advisory Commission on Pesticides in the enactment of said rules and regulations, notice is hereby given that the Commissioner of Agriculture, State of Louisiana, and the Advisory Commission on Pesticides, will conduct public hearings for consideration of proposed rules relative to aerial application of pesticides to utility rights-of-way as follows:

September 23, 1981, 7:00 p.m. - Ouachita Parish Agriculture Building, West Monroe, Louisiana.

September 30, 1981, 7:00 p.m. - Louisiana State Exhibits Museum, Shreveport, Louisiana.

October 7, 1981, 7:00 p.m. - Sheraton Motor Inn, Alexandria, Louisiana.

October 13, 1981, 7:00 p.m. - Business Administration Building, Room 179, University of New Orleans, New Orleans, Louisiana.

October 14, 1981, 7:00 p.m. - Jefferson Davis Fairgrounds, Jennings, Louisiana.

October 21, 1981, 1:00 p.m. - A. D. Smith Auditorium, State Education Building, Baton Rouge, Louisiana.

A copy of the proposed text of said rules and regulations may be secured by writing to Mr. Harry F. Calhoun, Department of Agriculture, Box 44153, Baton Rouge, Louisiana 70804, or in person at Mr. Calhoun's office, 9151 Interline Boulevard, Baton Rouge, Louisiana.

Written comments will be accepted by Mr. Calhoun up to and including October 16, 1981, or may be presented in person at any of the hearings listed above.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally in writing, at the said public hearings, as provided by LSA 49:953.

Bob Odom
Commissioner of Agriculture

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pesticides - Rights-of-Way**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs (savings) to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no impact on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Utility companies in parishes whose governing authorities elect to come under the Rule will be required to expend funds for newspaper publication of notices of scheduled aerial applications of pesticides to utility rights-of-way. The estimation of this cost of indeterminate.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

John W. Impson
Assistant Commissioner

Jean S. Perry
Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of Agriculture
Advisory Commission on Pesticides
and
Commissioner of Agriculture**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1623, relative to the authority of the Commissioner of Agriculture to enact rules and regulations concerning pesticides, and LSA 3:1631, relative to the duty of the Advisory Commission on Pesticides in the enactment of said rules and regulations, notice is hereby given that the Commissioner of Agriculture, State of Louisiana, and the Advisory Commission on Pesticides will conduct a public hearing for consideration of proposed rules and regulations concerning certification and recertification of pesticide sales supervisors at 1:00 p.m. on Wednesday, October 21, 1981, in the A. D. Smith Auditorium, State Education Building, Baton Rouge, Louisiana.

A copy of the proposed text of said rules and regulations may be secured by writing to Mr. Harry F. Calhoun, Department of Agriculture, Box 44153, Baton Rouge, Louisiana 70804, or in person at Mr. Calhoun's office, 9151 Interline Boulevard, Baton Rouge, Louisiana.

Written comments will be accepted by Mr. Calhoun up to and including October 16, 1981, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the said hearing, as provided by LSA 49:953.

Bob Odom
Commissioner of Agriculture

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pesticides Sales Supervisors**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no effect on the estimated costs (savings) to the agency. The agency presently has funds to absorb the cost.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No additional revenues will be collected if the rule is adopted.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no additional cost or benefits to affected groups. The rule is merely for the purpose of clarifying procedures of the Advisory Commission on Pesticides in certification of such individuals.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

John W. Impson
Assistant Commissioner

Jean S. Perry
Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of Agriculture
Dairy Stabilization Board**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 40:931.8 C, relative to procedures for adoption of rules and regulations by the Dairy Stabilization Board, notice is hereby given that the Department of Agriculture, Dairy Stabilization Board, will conduct a public hearing at 9:00 a.m., October 8, 1981, in the Conference Room of the 21st floor, State Capitol, Baton Rouge, Louisiana.

The purpose of said hearing is to consider the adoption of the following amendment to the Rules and Regulations of the Dairy Stabilization Board proposed by a petition filed by Kraft, Inc:
Proposed Rule

Amend Section 1.2 of said Rules and Regulations by adding thereto, at the end of the present listing of definitions, the following definition:

"Warehouse delivery method" means that delivery method where title and possession to dairy products passes from the seller to the buyer or the buyer's agent when delivered to buyer at any warehouse owned, used or controlled by buyer."

Amend Section 13.2.6 of said Rules and Regulations to read as follows:

"There shall be only four authorized methods of delivery in Louisiana for dairy products and they are the drop delivery method, dock pickup delivery method, warehouse delivery to a warehouse designated by the buyer, and the full services delivery method (for definitions of delivery methods, see Section 1.2). In addition to the regulations contained in this Section, the drop delivery method, the dock pickup delivery method, the warehouse delivery method, and the full service method are subject to all other Rules and Regulations of this Act."

Written comments will be accepted by Mr. Bob Simon, Director, Dairy Stabilization Board, Department of Agriculture, 4432 Florida Boulevard, Baton Rouge, Louisiana 70802 up to and including October 4, 1981, or may be presented in person at the hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, at the said public hearing, as provided by LSA 49:953.

Bob Odom
Commissioner of Agriculture

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Dairy Stabilization Board**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No savings anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect on revenue collections anticipated.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Addition of the fourth approved method of delivery will be an added convenience to dairy processors, producers and wholesalers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No anticipated effect on competition and or employment among affected groups.

John Compton, Jr. Jean S. Perry
Deputy Commissioner of Agriculture Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions intends to adopt 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.

PROPOSED 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 downstream, 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.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bank Operations through Mortgage
Company Subsidiaries**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Any additional costs to this agency associated with increased bank examinations necessitated by the adoption of the proposed rule will be covered by increases in annual assessments to the banks.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
After a lag time of from three to five years, the adoption of the proposed rule should generate increased revenue collections through the monetary dynamics of increasing aggregate home mortgage money supply and thereby increasing total bank deposits upon which annual assessments are based.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The adoption of this rule would allow State-chartered banks to participate in home mortgage subsidiary companies much the same as National chartered banks do now and at the same time maintain state level examination and supervision. By allowing the State-chartered banks to participate in this manner, certain tax advantages will accrue to the banks and after a period of time additional funds should become available for lending to the potential homeowner.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The Louisiana Bankers Association sent a copy of these six rules to their seventeen-member study group and received no adverse reaction. Employment within the banking system will only be increased a small amount. The building industry might have a substantial increase in employment through this additional source of funding.

Hunter O. Wagner, Jr.,
Commissioner

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. The 1981-82 Revised *Guidelines for Tuition Exemption Continuing Education Program for Teachers*. (Bulletin 1533) This was adopted as an Emergency Rule by the Board at its meeting of July 23, 1981 and advertised in the *Louisiana Register*, August, 1981.

2. The Board adopted the Annual Program Plan for the Administration of Vocational Education for 1981-82.

Copies of the above policy changes may be viewed at the Department of Education, 626 N. Fourth St., Baton Rouge, LA. 70804, from 8 a.m. through 5 p.m., Monday - Friday.

Interested persons may comment on the proposed policy changes and or additions, in writing, until 4:30 p.m. October 5, 1981, at the following address: State Board of Elementary and Secondary Education, P.O. Box 44064, Capitol Station, Baton Rouge, LA. 70804.

James V. Soileau
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Ancillary Personnel Program Participation Costs 350 applicants at \$117 per applicant per semester at 3 semesters per year = \$122,850 increase in interagency transfer for tuition fund.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Colleges and universities will receive approximately \$122,850 in tuition funds per year. The Attorney General's office will receive approximately 33% in collection costs instead of 5%.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Jean S. Perry
Legislative Fiscal Analyst

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Annual Program Plan

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Federal vocational education funds received by Louisiana are matched 50-50, but there are no implementation costs otherwise.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.

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

Benefits to eligible recipients, i.e., local education agencies, vocational technical schools, and teacher training institutions, are vocational education programs requiring approximately fifteen million dollars. (The original Plan was submitted for seventeen million dollars.)

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

Vocational education funds are used for training purposes as well as to conduct program improvement and support services for vocational education. Certainly budget cuts will decrease program offerings.

George B. Benton, Jr.
Deputy Superintendent

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

Office of the Governor Department of Veterans Affairs

The Louisiana Department of Veterans Affairs intends to have the rules of eligibility requirements and rules pertaining to the collecting and handling of fees from veterans regarding lodging in the Louisiana War Veterans Home, administered by the Department of Veterans Affairs, published in the *Louisiana Register*.

These proposed rules in their entirety may be reviewed at the Department of Veterans Affairs, Fourth Floor, Old State Capitol. Written comments may be submitted through October 5, 1981, to Mr. John L. McGovern, Director, Department of Veterans Affairs, Fourth Floor, Old State Capitol, Baton Rouge, Louisiana 70801

John L. McGovern
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: War Veterans Home

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Since this service is already implemented, there will be no new costs or savings to this Department.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no new effects on revenue collections imposed by this program as the service is already implemented.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Since this service is already in effect, there will be no new estimated costs and benefits to affected groups, namely the residents and potential residents of the Home.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment, as the service has no effect in this area.

John L. McGovern,
Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Veterans Affairs
Office of the Governor

The Louisiana Department of Veterans Affairs intends to have the rules and eligibility requirements pertaining to its State Aid Program, already enacted into law by Act 54 of the 1948 Legislature and subsequently amended by Acts 170 and 636 of the 1973 and 1977 Legislatures respectively, published in the *Louisiana Register*.

These proposed rules in their entirety may be reviewed at the Department of Veterans Affairs, 4th Floor, Old State Capitol. Written comments may be submitted through October 5, 1981 to Mr. John L. McGovern, Director, Department of Veterans Affairs, Fourth Floor, Old State Capitol, Baton Rouge, Louisiana 70801.

John L. McGovern
Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Aid Program

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

As this program has already been implemented and in force for a number of years, students have already benefitted financially; therefore there will be no new impact.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections, as the program is already implemented.

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

There will be no new effect related to estimated costs and benefits to affected groups, namely, college and vocational school students, as the program is already implemented.

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

There is no estimated effect on competition and employment, as the program is already in effect.

John L. McGovern,
Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT
Office of the Governor
Department of Veterans Affairs

The Louisiana Department of Veterans Affairs intends to have the rules and regulations governing the operation of the Veterans Affairs Commission published in the *Louisiana Register*.

These proposed rules in their entirety may be reviewed at the Department of Veterans Affairs, Fourth Floor, Old State Capitol. Written comments may be submitted through October 5, 1981, to Mr. John L. McGovern, Director, Department of Veterans Affairs, Fourth Floor, Old State Capitol, Baton Rouge, Louisiana 70801.

John L. McGovern
Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Veterans Affairs Commission

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

As the Commission is already active, there are no estimated implementation costs (savings) to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There are no estimated effects on revenue collections, as the regulations in question have already been implemented.

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

No new estimated costs and benefits to affected groups are expected as these rules and regulations are already in effect.

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

No new estimated effect on competition and employment is expected as these rules and regulations are already in effect.

John L. McGovern
Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT
Office of the Governor
Department of Veterans Affairs

The Louisiana Department of Veterans Affairs intends to have the rules for administration of the War Veterans Home published in the *Louisiana Register*.

These proposed rules in their entirety may be reviewed at the Department of Veterans Affairs, Fourth Floor, Old State Capitol. Written comments may be submitted through October 5, 1981, to Mr. John L. McGovern, Director, Department of Veterans Affairs, Fourth Floor, Old State Capitol, Baton Rouge, Louisiana 70801.

John L. McGovern
Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: War Veterans Home
Concerning and Handling of Fees

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

Since this service is already in effect, there will be no new cost or saving to the Department.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no estimated effect on revenue collections by this program.

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

There will be no new costs or benefits to the affected groups, namely the veterans in the Home.

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

There is no estimated effect on competition and employment in regard to this program.

John R. McGovern
Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT
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, intends to adopt a set of 14 proposed rules.

Interested persons may direct inquiries to Mr. Thomas G. Hagan, State Director of Data Processing, Office of Data Processing, 555 St. Tammany Street, Baton Rouge, Louisiana 70806, telephone number (504) 925-3912. Written comments on the proposed adoption will be received through October 4, 1981, at the above address.

The following rules are proposed for adoption:

- 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.

Firm 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 Civil Service 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 equipment but do not have Civil Service 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, including 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.

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.
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.

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