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STATE OF LOUISIANA
EXECUTIVE DEPARTMENT
BATON ROUGE

EXECUTIVE ORDER NO. 79

Committee on Compensation for the Judicial System

WHEREAS, there is no existing public or private agency, committee or commission to make appropriate studies and recommendations in the public interest with respect to the salaries of our judicial officers; and

WHEREAS, it has been several years since the last pay increase was granted the members of our judiciary, leaving them in need of an adjustment as a result of the inflationary process we have experienced since that time; and

WHEREAS, in the public interest it is deemed necessary and desirable to give serious study to this matter in order to make the judiciary sufficiently attractive and to encourage more of our best legal minds to seek positions in the judicial branch,

NOW, THEREFORE, by virtue of the authority vested in me as Governor of Louisiana, pursuant to the Constitution and applicable statutes of the State of Louisiana, I do hereby establish and appoint the Committee on Compensation for the Judicial System, whose function shall be to conduct studies and make recommendations to the Governor and to the Legislature with respect to the factors to be considered and the compensation to be paid to the judicial officers of Louisiana. I do hereby appoint to said committee, Mr. Ed Stagg, Mr. Alfred Brown, Mr. Wallace Armstrong, Mr. Victor Bussie, Mr. Chuck McCoy, Mr. F. A. Graugnard, Mrs. Jean Boese, Mrs. Mary Lou Winters, Mr. Emmitt Douglas, Justice Mack E. Barham, Justice Walter F. Marcus, Jr., Judge James E. Bolin, Judge Edward A. de la Houssaye III, Judge Oliver S. Delery, Judge Denald A. Beslin, Judge Ernest N. Morial, Camille F. Gravel, Jr., and Dr. J. Denson Smith.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of January, A.D., 1975.

EDWIN EDWARDS
Governor of Louisiana

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR
DIVISION OF ADMINISTRATION

POLICY AND PROCEDURE
MEMORANDUM NO. 1

Subject: Policy and Procedure Memoranda

Effective Date: March 1, 1966

Authorization: Title 39 of the Revised Statutes of 1950

All memoranda setting forth fiscal policy and procedures issued by the Commissioner of the Division of Administration shall be compiled in manual form, with copies provided to each State agency. Copies shall be maintained by the agency head and by the chief fiscal officer for the agency. Two binders will be provided by the Division of Administration for the retention of policy and procedure memoranda.

Mary Evelyn Parker
Commissioner

POLICY AND PROCEDURE
MEMORANDUM NO. 2 (REVISED)

Subject: Extension of the Employment of an Employee Who Has Reached the Age of Retirement

Effective Date: August 1, 1970

Authorization: Title 42 as amended in 1968 Regular Session

In order to provide sufficient notice to those State employees who are nearing or over the age of sixty-five years, this memorandum supersedes Policy and Procedure Memorandum No. 2, issued July 11, 1969.

Act 292 of the 1968 Regular Session states:

“ § 585. Compulsory retirement at age seventy

Effective beginning August 1, 1970, except as herein otherwise specifically provided, any member shall be retired forthwith upon attaining the age of sixty-five years if the member then has completed at least fifteen years of creditable service. If the member has not completed at least fifteen years of creditable service at that time, he or she shall be retired upon completion of fifteen years of creditable service or upon attainment of age seventy, whichever event

State agencies in excess of \$500.00, with the exception of Louisiana State Department of Highways and Louisiana State University, will be held on deposit by the Division of Administration until damaged property and equipment have been repaired, reconstructed, or replaced.

When the cost of repairs, construction, and replacement of items have been determined, this office should be notified and all contracts should be submitted to the Commissioner of Administration for approval.

If replacement of a like item is not essential and if insurance recovery is more than sufficient for replacement, construction, or repairs, surplus funds will be returned to the State Treasury.

Mary Evelyn Parker
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 11**

Subject: Policy and Procedure Memorandum

Effective Date: September 1, 1966

Authorization: Title 39, Section 330-B of the Revised Statutes of 1950

This order is issued to establish a uniform procedure for the reporting, disposition approval, and subsequent disposition of State owned surplus property. Whenever any item of property is no longer of use to an agency or is to be traded in, scrapped, sold, or dismantled for parts, Form BF-11, "Surplus Property Transaction," will be submitted to the Property Control Section of the Division of Administration by all State agencies. Where surplus motor vehicles are involved, Form 121R, "Vehicle Condition Report," will continue to be submitted to the Purchasing Section.

The Property Control Section will periodically send bulletins to all State agencies listing available surplus property. Any item made available for transfer to any State agency will be without charge, except for transportation.

All agencies are urged to comply with this memorandum in promptly and properly reporting surplus property. In this manner, the State can realize the economies to be found in minimizing idle property levels,

relieving congested storage, and fostering efficient utilization of usable items.

Mary Evelyn Parker
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 12**

(Editor's Note: Superseded by Policy and Procedure Memorandum No. 49.)

**POLICY AND PROCEDURE
MEMORANDUM NO. 13**

Subject: Disposition of Proceeds—Sales of Surplus

Effective Date: November 1, 1966

Authorization: Title 39, Section 330-B of the Revised Statutes of 1950, and Executive Order No. 16, dated September 15, 1964

It is the purpose of this memorandum to establish policy and procedure for the handling and disposition of proceeds from the sale of surplus state property.

Fiscal Policy and Procedure Memorandum No. 11, dated August 25, 1966, establishes the procedure for reporting agency surpluses to the Property Control Section of the Division of Administration. When the disposition of surplus can be handled most efficiently and economically at the agency level, appropriate instructions and authorization for disposal will be provided. When the sale is conducted at the agency level, all proceeds are to be forwarded to the Property Control Section.

It shall be policy that all net proceeds from the sale of surplus property shall accrue to the fund from which the original purchase was made.

Mary Evelyn Parker
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 14**

Subject: Definition of "Property"

Effective Date: November 1, 1966

Authorization: Part XI of Title 39, Section 330-B of the Revised Statutes of 1950 and Executive Order No. 16, dated September 15, 1964

This memorandum is to clarify policy regarding classes of property subject to Property Control procedures as defined in Part XI of Title 39 of the Revised Statutes. "Property" under this title is defined as non-consumable movable property owned by an agency. Property purchased with funds derived from revenue producing activities such as revolving, system, or athletic funds, as well as general operating funds, come within the scope of this definition.

Disposition of surplus property items in all classes including those described above shall be accomplished according to procedures established by the Property Control Section of the Division of Administration.

Mary Evelyn Parker
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 15**

Subject: Fiscal Information Required From Non-Budgeted Agencies

Effective Date: January 15, 1967

Authorization: Title 39 and Section 1, Chapter 12 of Title 49

This memorandum is to specify minimum fiscal information required of those agencies of the State which operate from self-generated revenues and do not submit detailed budget requests for Executive and Legislative consideration.

Act 452 of 1966 amends Title 49 of the Louisiana Revised Statutes of 1950 by authorizing the Governor to require information and reports from all agencies, boards, or commissions.

In order to achieve uniform and meaningful reporting from these agencies, the following information should be submitted by February 28th of each fiscal year on forms provided:

- (1) **Program Data**—to include statutory provisions regulating operations, brief comment on scope

of activities, and statistical data on units of accomplishment under various programs.

- (2) **Financial Plans**—Summary financial information including detailed sources of revenues and major classifications of expense for the current fiscal period ending next June 30th and the ensuing fiscal year.

Additionally, each such agency must submit financial reports for each fiscal year depicting the results of operations and financial position. These reports should be submitted by August 15th, following close of the fiscal period.

To facilitate compliance with this order, affected agencies should have expenditures classified according to standard code classification. They should also adopt the State's fiscal year which ends June 30th. Enclosed are forms to assist in preparing the required financial data.

Mary Evelyn Parker
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 16**

Subject: Purchasing—Policy, Procedures, Rules and Regulations

Effective Date: March 1, 1967

Authorization: Title 39, R.S. 1950, Part V, Purchasing, Executive Orders 20, 21, 22

1. General Information

"Purchasing Procedures Rules and Regulations" promulgated January, 1965, in the Louisiana Purchasing Manual, are amended to include the policy and procedures contained herein, to provide for the cancellation of purchasing authority issued prior to March 1, 1967; to delegate new purchasing authority; and to require that these Orders be promulgated as the Official Rules and Regulations for Purchasing effective March 1, 1967.

2. Purpose and Scope

The purpose of this Policy and Procedure Memorandum is to require the implementation of centralized purchasing in the Division of Administration in the degree desired, and

to provide a delegation of purchasing authority to expedite the handling of small purchases by State agencies on a day-to-day basis.

The policies and procedures contained herein shall apply to all agencies of the State Government as required by Act No. 91 of the 1964 Louisiana Legislature; the Executive Orders of the Governor, Nos. 20, 21, and 22; and the Official Rules and Regulations for Purchasing contained in the State of Louisiana Purchasing Manual.

3. Policy and Procedures

Policy

3.1. 1 Purchasing for all State agencies, with certain exceptions, as determined by the Commissioner, shall henceforth be made by the Purchasing Section, Division of Administration.

3.1. 2 All delegations of purchasing authority issued prior to March 1, 1967, are hereby revoked.

3.1. 3 Certain large State agencies may apply to the Commissioner and where justified may receive purchasing authority not to exceed \$1,000.

3.1. 4 Purchasing authority is hereby specifically delegated to all State agencies to buy maintenance, repair, operating supplies, and services wherever the cost does not exceed \$100.

State agencies may also purchase in the agency level the following supplies and services without prior approval of the Commissioner:

- (1) Federal Government surplus property;
- (2) Standard replacement equipment parts which must be obtained from the manufacturer or his agent;
- (3) Purchasing transactions between State budget units except on Penitentiary-manufactured products;
- (4) Fresh fruits and vegetables, milk, fish, perishable foods, and farm products;

(5) Professional services such as physician, dentist, attorney, and veterinary;

(6) Public utility services, water, electricity, telephone, and telegraph;

(7) Textbooks, newspapers, subscriptions, periodicals, and library books;

(8) Repairs to automobiles, trucks, office machines when obtained from authorized dealer;

(9) Food and supplies required for the operation of boats in isolated areas;

(10) Postal service, including postage meter rentals;

(11) Purchase and/or rental of special films used for instruction or entertainment;

(12) Sign painting, lettering doors and windows;

(13) Purchases of any kind costing \$25 or less may be made without competitive bidding.

3.1. 5 State agencies shall purchase from Commodity Contracts made by the Purchasing Section, Division of Administration, Catalog Index (Rev. 2/67).

3.1. 6 All of the purchasing rules and regulations contained in the brochure "How to Sell to the State of Louisiana," issued November 1, 1964, are hereby made a part of these Official Rules and Regulations and the same shall be binding on all suppliers to the State of Louisiana and all State agencies alike.

3.1. 7 Colleges, Trade Schools, Universities, and the Department of Education will continue to purchase under requirement of Act 91 of the 1964 Louisiana Legislature, Executive Orders 20, 21, 22, and the Rules and Regulations contained in the Louisiana Purchasing Manual.

3.1. 8 An Inspection Unit is hereby created within the Purchasing Section, Division of Administration, and the same is hereby made a part of the Official Rules and Regulations. This part shall apply to all agencies of the

State Government, subject to the requirements of Act 91 of the 1964 Louisiana Legislature and the Executive Orders of the Governor referred to in the preceding paragraph (3.1.7).

3.1. 8.1 The principal function of the Inspection Unit shall be:

- a) To inspect and accept or reject all deliveries made to facilities operated under the direct jurisdiction of the Purchasing Section;
- b) To conduct check inspections of deliveries made to State agencies;
- c) To review the work of inspection done by designated personnel of other State agencies;
- d) To maintain records necessary to the proper performance of its duties;
- e) To contribute its knowledge and experience to the other units of the Purchasing Section.

3.1. 8.2 The Inspection Manual, as contained in the Louisiana State Purchasing Manual and under separate cover, for the specific use of agency personnel, is hereby made a part of the Official Rules and Regulations.

Procedures

3.2. 1 State agencies required to submit Purchase Requisitions for all commodities listed in the Purchasing Schedule shall continue to requisition their requirements through the Purchasing Section on a quarterly basis.

3.2. 2 Division of Administration Purchase Requisitions (Form DA 101 Rev. 10/66) will be submitted by all State agencies to the Purchasing Section for all requirements exceeding \$100, except where specifically delegated to the agencies or as may be directed in the following sections.

3.2. 3 Small purchases of \$100 or less will be made by State agencies in the following manner:

- (1) Mailing out requests for prices to at least three bona fide vendors;

- (2) Accepting three telephone quotations, if the need is urgent.

Records of quotations (Form A-11 Rev. 3/61) shall be kept, for review by the Purchasing Section, Exhibit No. 3.

3.2. 4 State agencies who have received a special delegation of purchasing authority may make purchases of maintenance repair, operating supplies or services not to exceed \$1,000 by receiving informal quotations under the following conditions:

- (1) Provided commodities are not under contract;
- (2) Commodities or items are required to be purchased under Quarterly Purchasing Schedules;
- (3) Provided maximum competition was obtained by sending out requests for prices to five bona fide vendors;
- (4) If prices received are over \$1,000, the entire file shall be forwarded to the Purchasing Section, Division of Administration, prior to issuance of Purchase Order.

3.2. 5 Purchases from commodity contracts will be made by all State agencies by issuing Division of Administration Purchase Release Orders, Form 105B (Rev. 8/65).

Purchase Release Orders for maintenance, repair and operating supplies will be mailed directly to the supplier, with one copy to the Division of Administration, except as noted below.

Purchase Release Orders for equipment (Budget Categories 301, 501, 601, and 701) shall be mailed to the Purchasing Section, Division of Administration, for approval by the Budget Section.

Purchase Release Orders are accepted in lieu of Purchase Requisitions on contract items.

3.2. 6 Automobiles, trucks, tractors, jeeps, ambulances, construction equipment, heavy machinery, and insurance shall be requisitioned through the Division of Administration as

required by Executive Order No. 20, dated October 22, 1964.

- 3.2. 7 Emergency, Out of Schedule, and Revolving Fund purchasing shall be made as required by Executive Order No. 22, dated October 22, 1964, and this Policy and Procedure Memorandum.

Extreme Public Emergency involving jeopardy to life and property or the continuation of an essential program shall be certified to the Commissioner of Administration, in writing, in duplicate, and signed by the head of the State agency.

A delegation of purchasing authority is hereby made to State agencies to take affirmative action without prior approval of the Commissioner of Administration in the following eventualities:

- (1) Riot
 - (2) Hurricane or storm damage
 - (3) Fire
 - (4) Failure of water well
 - (5) Emergency purchases for any purpose if the cost is less than \$100.
- 3.2. 8 Purchasing Rules and Regulations contained in the Louisiana Purchasing Manual and the brochure "How to Sell to the State of Louisiana" are hereby made a part of this Policy and Procedure Memorandum and will apply to and be binding on all State agencies and the vendor selling to the state of Louisiana alike.
- 3.2. 9 Authorization of Capital Outlays for the improvement of lands or the construction, alteration, or reconstruction of any building or other structure may be made solely by the Governor or the Commissioner of Administration; and no work shall be commenced and no contract entered into until plans and specifications, estimates of cost and bids received covering the work contemplated has been approved and authorized in accordance with Section 56, Title 39, R. S. 1950.
- 3.2.10 Effective March 1, 1967, it shall be mandatory that all food products within the

scope of the Standard Specifications listed below be purchased, inspected, and acceptance of delivery under the requirements and conditions set forth in the specific commodity in the Standard Specifications, printed under separate cover.

Standard Specifications for Fresh Fruits and Vegetables (Class 10), dated April 1, 1956;

Standard Specifications for Poultry and Eggs (Class 11), dated April 1, 1956;

Standard Specifications for Processed Foods (Class 12), dated April 1, 1956;

Standard Specifications for Cereal, Cereal Products and Beans (Class 13), dated April 1, 1956;

Standard Specifications for Seafood (Fresh, Frozen, and Canned) (Class 14), dated July 1, 1965;

Standard Specifications for Meat and Meat Products.

Purchasing procedure for the above classes of food products shall be made by submitting a completed Prelisted Purchase Requisition to the Purchasing Section, Division of Administration.

The Purchasing Schedule reminder will be mailed to State agencies, with Prelisted Purchase Requisition forms attached.

3.2.11 The procedures outlined in the Inspection Manual shall be the procedures to be followed in all of the activities of the Inspection Unit and shall include the activities of agency personnel wherever referred to in the Inspection Manual.

3.2.12 Printing and Engraving purchases shall be made in accordance with Act No. 84 of the 1964 Louisiana Legislature and the instructions contained in the Rules and Regulations as set forth in the following detailed procedures.

3.2.12.1 Authority is delegated and all State agencies may purchase without prior approval of the Commissioner:

- a) Published copyrighted items:

- (1) Technical or scientific books;
 - (2) Pamphlets, reports, and charts;
 - (3) Tax and tariff schedules;
 - (4) Subscriptions to newspapers, magazines, and periodicals;
- b) Art work and similar professional services;
 - c) Student yearbooks and student newspapers;
 - d) Artistic, cultural or entertainment programs, posters, and tickets.

3.2.12.2 Emergency and special printing jobs may be approved for agency purchasing on an individual basis.

3.2.12.3 Instructions for making requisitions to the Purchasing Section, Division of Administration:

- a) All items of printing shall be requisitioned on Form DA 101.
- b) Only one type of printing job included on each requisition.
- c) Each requisition must be accompanied by either a sample of the item requested on reprints or a clean layout with complete instructions for the printer to follow.
- d) Each requisition for book and publication work shall be submitted with complete manuscript copy including cuts, illustrations, and other pertinent information with detailed instructions as to trim, page size publication, size of illustration, type and color of cover stock, and all other details necessary to correctly interpret the requirements.
- e) Each requisition for printing or engraving shall give the quantity, size, title of job, complete description of the printing job, the name of the last supplier, date the printing job was purchased, the quantity and the cost of the entire job.
- f) Thirty (30) days must be allowed for

delivery. Larger quantities, or for difficult or unusual printing job, a longer delivery time must be allowed.

- g) Each requisition shall show the agency name, address, delivery point, delivery date desired, requisition number, and fiscal year and appropriate coding.
- h) All purchase requisitions must be signed in ink, by duly authorized agency personnel.

3.2.12.4 All State agencies shall refer to "General Instructions" and "General Requirements for Printing and Binding Specifications" information is required.

Mary Evelyn Parker
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 17 (REVISED)**

Subject: Expenditure of Funds for Construction, Alterations, or Reconstruction of Any Building or Other Structure

Effective Date: September 15, 1967

Authorization: Title 39 of the Revised Statutes of 1950

Instructions: This memorandum supersedes the Commissioner's Policy and Procedure Memorandum No. 17 effective September 1, 1967, and all memoranda and manuals in conflict herewith.

In instances where an agency contemplates an expenditure for construction, alterations, or reconstruction of any building or other structure in excess of \$1,000 per project, and the source of funds is other than the issuance of bonds, it will be necessary to submit Form DA-125 to this office for approval.

SECTION 56. Authorization of Capital Outlays

No work shall be commenced and no contract shall be entered into for the improvement of lands or the construction, alteration, or reconstruction of any building or other structure, involving an expenditure from the State Treasury under any appropriation, notwithstanding any allotment therefor, except for the expenditure of funds dedicated in the Constitution to the construction and maintenance

State of Louisiana
OFFICE OF THE GOVERNOR
Division of Administration

Proposed Construction Renovations, Alterations, or
Reconstruction of Any Building or Other Structure

Date: _____

Agency: _____

Description of Project:

Source of Funds:

- | | |
|---|--|
| <input type="checkbox"/> General Fund | <input type="checkbox"/> Revolving Fund |
| <input type="checkbox"/> Bd. of Liquidation | <input type="checkbox"/> Agency Fund |
| <input type="checkbox"/> Systems Fund | <input type="checkbox"/> Other (Explain) |

Justification:

Maintenance:

1. Est. Annual Maintenance:

2. Source of Supporting Funds:

Budget Changes Necessary:

Submit Form
BA-7

COST ESTIMATE

| ITEM | COST | SOURCE OF FUNDS |
|-------------------------------|------|-----------------|
| Personal Services (101): | | |
| Contractual Services (201) | | |
| TOTAL: | | |
| Materials and Supplies (301): | | |
| TOTAL: | | |
| Related Benefits (401): | | |
| TOTAL: | | |
| Other: | | |
| TOTAL: | | |
| Total Cost: | | |

Submitted By: _____

Title: _____

Action:

Approved

Disapproved

Comment: _____

of the highway system of the State, until plans and specifications, estimates of cost, and the bids received, covering the entire work contemplated, and the proposed contract, or the undertaking of the work, has been approved and authorized by the Governor. The Governor shall not so approve nor authorize any contract, nor the undertaking of the work, in any case in which he finds, from the plans, specifications, estimates, and the bids therefor, or otherwise;

1. That the cost of the complete work contemplated will exceed the amount of appropriation therefor, or

2. That the work contemplated will be insufficient for the purpose for which such appropriations were made, or

3. That after providing for debt service and for the ordinary recurring expenses and capital outlays, cash will not be available in the Treasury to pay promptly for the work.

This form must be completed even in instances where Federal Grants are involved, indicating that funds are available, and should be signed by the authorized Budget Unit Head.

This policy does not apply to the Department of Highways or the Department of Public Works. It also does not apply to routine activities of all other State agencies that are normally construed as preventative maintenance.

N. P. Himbert
Acting Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 18**

Subject: Information Required From Budget Agencies to Expedite Equipment Purchases

Effective Date: October 23, 1967

Authorization: Title 39, Section 53

The Division of Administration has received numerous requests for non-scheduled equipment purchases; i.e., requests for equipment purchases that are not listed in the budget.

The Purchasing Section of the Division of Administration submits all equipment purchase requests to the Budget Office for approval. The requests are normally approved provided the article indicated on the Quarterly Request for Equipment is listed in the budget and funds are available in the equipment category.

The Division of Administration has followed a policy of accepting the agency's own priority of scheduled equipment requests until such time as the funds provided for such purchases are exhausted.

This policy was adopted on the Division of Administration's own recognition of the fact that funds are not always provided for all of the equipment requested in the budget, and this allows the agency to set its own equipment priority and in so doing enables the agency to better meet its immediate needs.

The Division of Administration is also cognizant of the fact that emergency situations will occur—emergency needs for equipment purchases that could not be anticipated and were consequently not scheduled in the budget request.

The policy governing such non-scheduled purchases is that a letter must be submitted to the Commissioner of Administration, giving full justification for the requested non-scheduled purchase. This applies on both the Quarterly Request for Equipment schedule and the budget schedule of equipment purchases. The letter must also indicate which scheduled article of equipment is to be substituted.

All agencies would greatly expedite the processing of their equipment purchases if they would cross-reference the article desired on the bottom of the purchase order as follows:

Example: "See Page No. 25-Item No. 13-16"

Any request failing to meet the above provisions will be subject to disapproval.

N. P. Himbert
Acting Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 19**

Subject: Request for Approval of Federally Assisted Programs

Effective Date: November 6, 1967

Authorization: Act 504 of the Revised Statutes of 1964

Act 504 of the Revised Statutes of 1964, Section 663, reads as follows:

“Any other provisions of the laws of this State to the contrary notwithstanding, except as otherwise provided in this Chapter, no State agency may hereafter enter into any contract or agreement with any federal agency with respect to any program, other than programs recommended in the executive budget to be supported jointly by State funds and grants, loans, or other assistance of the United States government, nor accept or use federal funds or credits in any such program nor otherwise participate hereafter in any such program, unless the State agency first has submitted to the Governor plans for participation in such proposed program and unless such plans are approved by the Governor. The plans submitted to the Governor shall include a description of the proposed program, the nature and amount of contributions or other assistance thereto or participation therein to be made by the State government or any of its agencies and by the federal government, the reasons why the State should participate in such program, and any other information which the Governor may require.”

The purpose of this memorandum is to inform State agencies that all proposed contractual programs supported entirely or in part by the Federal Government, must be submitted to this office so that final and formal action may be taken by the Governor.

All contracts should be submitted in duplicate and should disclose the information required by Act 504. The request should contain a detailed breakdown by fiscal year indicating state portion, if applicable, and federal portions of funds to be received under each contract.

Upon receipt of approval, your agency must submit a request for change of annual approved budget (Form BA-7).

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 20**

Subject: Acquisition of State Surplus Property by State Budget Units

Effective Date: February 22, 1968

Authorization: Title 39, R.S. 1950, Part XI, Property Control, Sections 321-332

1. General Information

Regulations and orders by the Commissioner, Section 332, Act 115 of the 1964 Louisiana Legislature, are amended to include the Policies and Procedures contained herein; to provide that State budget agencies requesting State surplus property, be required to pay for movable property; and to provide that funds received be placed in the revolving fund established for maintenance of the Surplus Property Program.

2. Purpose and Scope

The purpose of this Policy and Procedure Memorandum is to require State budget units to pay a fair market price for surplus property; to maintain the State's Surplus Property Revolving Fund Account; and to prevent State agencies from supplementing budgets for equipment where budgets have previously been approved by the Louisiana Legislature.

The policies and procedures contained herein shall apply to all agencies of the State Government in accordance with these amended regulations and orders by the Commissioner of Administration.

3. Policy and Procedures

All State agencies requesting State surplus property shall make a written request to the Purchasing and Property Control Section, Division of Administration.

The State Property Control Officer shall place a fair market price for such surplus property requested, and notify the State agencies to make remittance to the Division of Administration, State Property Revolving Fund Account.

The State Director of Purchasing shall approve the transfer of State surplus property by the issuance of Form BF11, and/or the issuance of a sales invoice which shall serve as a receipt for the funds submitted, and shall also be recognized as the authority of the agency to claim the State surplus movable property listed therein.

N. P. Himbert
Commissioner

SURPLUS PROPERTY TRANSACTION

BF 11

Complete Instructions on Reverse Side

STATE OF LOUISIANA
DIVISION OF ADMINISTRATION
 8th FLOOR STATE OFFICE BUILDING 150 RIVERSIDE MALL
 P.O. BOX 44095 BATON ROUGE, LOUISIANA

No. 34174

DATE

SECTION I REPORT AND EVALUATION

Reporting Agency

The following described State-owned Property is surplus to needs of this agency and is reported for disposal. (Use separate report for each article or groups of identical articles.)

RECOMMENDED DISPOSAL

Sale by Div. of Ad

Transfer Scrap Dismantle for Parts

ARTICLE

MANUFACTURER

QUANTITY

ADDITIONAL DESCRIPTION (MODEL, WEIGHT, DIMENSIONS, CAPACITY, ETC.)
 FOR MOTOR VEHICLE SUBMIT CONDITION REPORT FORM 121 R

SERIAL NUMBER

PROPERTY TAG NUMBER

DATE ACQUIRED

New Used

ORIGINAL COST

ESTIMATED VALUE

CONDITION

Good Fair Poor

MAY BE INSPECTED BY CONTACTING

LOCATION

SIGNATURE

RELOCATED

NAME AND TITLE (TYPED)

RECEIVED BY

SECTION II APPROVAL

SECTION III RECEIPT

DIVISION OF ADMINISTRATION
 COMMISSIONER

Receipt of the above property is hereby acknowledged

DISPOSITION REQUESTED IS

Approved Disapproved

SIGNATURE

REMARKS

TITLE

DATE

This Section For Division of Administration Use Only

SIGNED

BULLETIN SENT

TITLE

DATE

APPROVAL SENT

Transfer is authorized to the following agency:

OTHER DISPOSITION

INVENTORY ADJ. BY

DATE

SALE NO.

INVOICE NO.

SOLD TO

AMOUNT

**POLICY AND PROCEDURE
MEMORANDUM NO. 21**

Subject: Deficiency Expenditures by State Agencies

Effective Date: July 31, 1968

Authorization: Act 9 of the 1968 Regular Session

The purpose of this memorandum is to acquaint all agencies with the provisions of Section 12, Act 9, Regular Session 1968.

Section 12. No State agency, except as hereinafter provided, may incur a deficit for any expenditure, capital improvement or make payment of any funds whatsoever, in excess of the funds allotted to it in this appropriation bill, unless such expenditure, capital improvement or payment of any funds whatsoever, shall have been first appropriated to it by the Board of Liquidation of the State Debt for such purposes or when such expenditure, capital improvement or payment of any funds is occasioned by an increase in the means of financing from sources other than State funds.

Should any State agency be required to incur a deficit for any expenditure, capital improvement or make any payment of any funds whatsoever in excess of the funds herein appropriated to it, it shall do so only by first complying with each of the following conditions, which shall not be waived: (1) Certification by the head of any such State agency that without such additional funds, in excess of the funds herein appropriated to it, either the lives of the employees employed fail to receive the required legislative approval, as hereinabove provided, neither the Division of Administration nor the State Treasurer shall authorize payment of same unless and until a new proposal be submitted to the Legislature, when not in session, in accordance with the provisions hereof.

If any authorization for payment of funds, in excess of those appropriated herein, is given to any State agency by any official of the State of Louisiana, whether said official is elected, appointed or employed, without strict

compliance with the provisions of this Section, such action shall be prima facie illegal and such official shall be in contempt of the Legislature and such action and such contempt shall be grounds for the Legislature to address such official out of office, if elected, or to direct his dismissal from his appointment or employment, as the case may be.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 22**

(Editor's Note: Superseded by Policy and Procedure Memorandum No. 55.)

**POLICY AND PROCEDURE
MEMORANDUM NO. 23**

**Subject: Use of Facsimile Signatures and Seals
Authorized**

Effective Date: July 31, 1968

Authorization: Act 534 of the 1968 Regular Session

The purpose of this memorandum is to acquaint all Agencies with the amendment to Title 39 of the Louisiana Revised Statutes of 1950 by adding thereto a new section to be designated Section 1 of Section 240 of Title 39.

§ 240. Use of facsimile signatures and seals authorized; penalty for fraudulent use

A. Definitions. As used in this Section:

(1) "Public security" means a bond, note, certificate of indebtedness or other obligation for the payment of money, issued by this state or by any of its departments, agencies or other instrumentalities or by any of its political subdivisions.

(2) "Instrument of payment" means a

check draft warrant or order for the payment, delivery or transfer of funds.

(3) "Authorized officer" means any official of this State or any of its boards, commissions, departments or agencies or of any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted.

(4) "Facsimile signature" means a reproduction by engraving, imprinting, stamping or other means of the manual signature of an authorized officer.

B. Any authorized officer, after filing with the Secretary of State his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(1) Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed, and

(2) Any instrument of payment.

Upon compliance with this Section by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

C. When the seal of the State of Louisiana or any of its departments, agencies, or other instrumentalities or of any of its political subdivisions is required in the execution of a public security or instrument of payment, the authorized officer may cause the seal to be printed, engraved, stamped or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal.

D. Any person who with intent to defraud uses on a public security or an instrument of payment (1) a facsimile signature, or any reproduction of it, of any authorized officer, or (2) any facsimile seal, or any reproduction of it, of the State of Louisiana or any of its departments, agencies, or other instrumentalities or of any of its political subdivisions, is guilty of a felony and shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 24**

Subject: Prohibits expenditure or encumbrance of funds over and above the amount appropriated or otherwise allocated for expenditure during any fiscal year

Effective Date: July 31, 1968

Authorization: Act 210 of the 1968 Regular Session

The purpose of this memorandum is to acquaint all agencies with the provisions of Act 210 of the 1968 Regular Session of the Legislature.

Section 1. The expenditure of any moneys in excess of the funds appropriated or otherwise allocated for expenditure by any board, commission, department or agency of the State during any fiscal year shall constitute reasonable cause for removal from office of the officer or officers, whether elected or appointed, responsible therefor, on address by the Legislature in accordance with the provisions of Article IX, Section 3 of the Constitution, unless said officer first has obtained approval therefor of the Board of Liquidation, and of the Legislature by a majority vote of the members thereof taken by mail ballot conducted by said Board of Liquidation. Provided however, that the provisions of this Act shall not apply to the Department of Military Affairs of the Department of Public Safety when a state of emergency has been declared by the Governor so long as the department heads shall certify to the Governor that the expenditure of funds is necessary as a direct result of said state of emergency.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 25**

Subject: Prohibition of Spending in Anticipation of Legislative Appropriation by Agencies of the State

Effective Date: July 31, 1968

Authorization: Act 324 of the 1968 Regular Session

The purpose of this memorandum is to acquaint all agencies with the provisions of Subsection A of Section 97 of Title 39.

Section 97. Conditions under which public money may be withdrawn from the treasury.

- A. No money of the State or for which the State is responsible shall be withdrawn from the treasury or otherwise disbursed for any purpose except to pay obligations under expenditures authorized either by appropriation, dedication of revenues or other lawful authority and pursuant to allotment as in this Chapter provided and not in excess of the amount so authorized; provided however, that the provisions of this Act shall not apply to the Department of Military Affairs or the Department of Public Safety when a state of emergency has been declared by the Governor so long as the department heads shall certify to the Governor that the expenditure of funds is necessary as a direct result of said state of emergency.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 26**

Subject: Establishment and reestablishment of agency working capital funds and quarterly reports required

Effective Date: July 31, 1968

Authorization: Act 639 of the 1968 Regular Session

The purpose of this memorandum is to acquaint certain agencies with the provisions of Act 639 of the 1968 Regular Session of the Legislature.

Section 2. Each state department official, commission, institution or agency authorized by this act to maintain a revolving fund shall submit to the Division of Administration a statement of operations for the 1967-1968 fiscal year and a balance sheet of June 30, 1968. During the fiscal year 1968-1969, there shall be submitted to the Division of Administration a quarterly report of operations showing in detail all sources of income and all costs of operation. The nature and contents of such

statements and reports shall be made pursuant to rules and regulations of the Division of Administration.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 27**

Subject: Cancellation of Fiscal Policy and Procedure Memorandum No. 5 dated February 23, 1966

Effective Date: July 31, 1968

Authorization: Act 38 of the 1968 Regular Session of the Legislature; also, Title 40, Chapter 14, Sections 1001-1009

The purpose of this memorandum is to cancel Fiscal Policy and Procedure Memorandum No. 5, dated February 3, 1966, entitled "Electronic, Scientific, and Data Processing Equipment".

A new memorandum will be issued by the Joint Legislative Data Processing Committee at a later date.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 28**

Subject: Electronic, Scientific, and Data Processing Equipment

Effective Date: July 31, 1968

Authorization: Act 38 of the 1968 Regular Session of the Legislature; also, Title 40, Chapter 14, Sections 1001-1009

A Joint Legislative Data Processing Committee has been created by passage of Act 38, Regular Session 1968, establishing this committee as a permanent legislative committee. The duties and responsibilities, formerly imposed upon the Division of Administration, pertaining to selection, purchase and installation of data processing equipment, are now a responsibility of this committee.

All State agencies, including Louisiana State University and the Department of Highways, are required to

submit requests for electronic data processing equipment of the Joint Legislative Data Processing Committee for approval, where all or any part of such equipment is to be purchased with State and/or Federal funds for use by any State agency. The only exception is that this will not apply with respect to any agency or agency property financed in whole or in part by Federal funds, where to do so would conflict with Federal requirements.

The Division of Administration, under authority contained in Title 39, Revised Statutes, still bears the responsibility for prescribing and installing of accounting reports and procedures for all state agencies in carrying out their responsibilities for financial administration and supervision.

All memoranda and manuals in conflict herewith are superseded.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 29**

**Subject: Quarterly Payroll Report Must Accompany
Quarterly Allotment Requests**

Effective Date: October 1, 1968

Authorization: Title 39 of the 1950 Revised Statutes

Please refer to a memo from this office dated August 17, 1964, which read as follows:

“We are requesting that you send this office a copy of the payroll for your agency for the pay period ending September 30, 1964, and for the last pay period of each quarter thereafter.

We request that you send the payroll information immediately following payment. This will be submitted in most cases before the quarterly allotment request and the continuing salary schedule have been completed.

It is necessary to receive this information on a current basis for it to be of use, and we will appreciate your cooperation.”

This memo is still in effect and it is imperative that it be followed explicitly.

N. P. Himbert
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 30**

(Editor's Note: Superseded by Policy and Procedure Memorandum No. 43.)

**POLICY AND PROCEDURE
MEMORANDUM NO. 31**

(Editor's Note: Superseded by Policy and Procedure Memorandum No. 37.)

**POLICY AND PROCEDURE
MEMORANDUM NO. 32**

(Editor's Note: Superseded by Policy and Procedure Memorandum No. 34.)

**POLICY AND PROCEDURE
MEMORANDUM NO. 33**

Subject: Request for New or Substitute Positions

Effective Date:

Authorization: Title 39 of the Louisiana Revised Statutes of 1950

It is the purpose and intent of this memorandum to revise and amend Form BA-8, “Request for New or Substitute Positions”, issued under Policy and Procedure Memorandum No. 3, dated February 23, 1966.

This revised form will be used, without exception, to request authorization for any new position not authorized in the Executive Budget and also to request authorization for any substitution of previously approved positions on the Personnel Position Control.

In utilizing the revised Form BA-8, a request for new positions will be executed as follows:

- Column 1. Classification or Title
- Column 2. Organizational Unit or New Position
(Functional Section or Unit)
- Column 3. Date of Occupancy

DIVISION OF ADMINISTRATION
REQUEST FOR NEW OR SUBSTITUTE POSITION

Agency _____ Date _____

Identification Number _____

| C or U | (1) Classification or Title | (2) Organizational Unit or New Position | (3) Date of Occupancy | (4) Monthly Salary | (5) Cost for Remainder of Current Year | (6) Justification: Explain in detail | (7) Title of Position to be Replaced | (8) Organizational Unit |
|--------------|-----------------------------------|---|-----------------------------|--------------------------|--|--|--|-------------------------------|
| | | | | | | | | |

(6) Continued

98

PERSONNEL POSITION CONTROL

| Authorized Personnel - Budgeted | Number | Authorized | Adjusted Personnel Control |
|---------------------------------|--------|------------|-------------------------------|
| Incumbents | | | |
| Vacancies | | | |
| Total | | | |

| Funds | Pro Rata | Amount |
|---------|----------|--------|
| State | % | |
| Federal | % | |
| * Other | % | |

* Explain in detail (reverse side)

(Budget Unit Head)

(Title)

Approved: _____
Commissioner of Administration

Date _____

CERTIFICATE: I certify that this request, if approved, will (will not) change the Personnel Position Control (authorized number of employees) as stipulated in the Executive Budget; that the position to be filled is not now or will not be filled prior to receipt of approval; that the substitution requested automatically cancels or eliminates the position substituted and in no manner changes the status of the approved Personnel Position control; that this request, if approved, will (will not) impair or exceed the total amount of monies allocated in Personal Services (101) category for Fiscal Year _____.

IN ALL CASES USE THE "JUSTIFICATION" COLUMN TO EXPLAIN HOW FUNDS WILL BE MADE AVAILABLE FOR THE REQUEST.

Note: A separate form must be executed on each and every individual request for change

- Column 4. Monthly Salary
- Column 5. Cost for Remainder of Current Year
- Column 6. Justification-Explain in detail

For substitution of previously approved positions:

- Column 1. Classification or Title
- Column 2. Organizational Unit or New Position
(Functional Section or Unit)
- Column 3. Date of Occupancy
- Column 4. Monthly Salary
- Column 5. Cost for Remainder of Current Year,
including December
- Column 6. Justification-Explain in detail
- Column 7. Title or Position to be Replaced
- Column 8. Organizational Unit (Functional Section
or Unit)

A separate Form BA-8 must be completed for each and every request submitted for the Commissioner's approval and must also indicate whether the position affected is Classified (C) or Unclassified (U).

It must be emphasized that the approval of a classification substitution in no manner changes the numerical position of the control. Approval of a substitution automatically cancels and eliminates the substituted position from the authorized Personnel Position Control in the Executive Budget and replaces it with the approved change. Under no circumstance will the substituted position be retained on the adjusted control. Also, the approval of a new position automatically advances the numerical position of the control.

The Personnel Position Control block must be completed before approval can be granted. In the column "Number" the agency must designate the current personnel position control by incumbents and vacancies. This will include all previously authorized changes.

If the request for change represents a new position, the total adjusted personnel control will show a numerical increase of one (1) position. If the request represents a substitution of a previously budgeted position, the adjusted personnel control will remain the same. In all cases the control block must be completed.

In the second block headed "Funds—Pro Rata—Amount", the agency will disclose the source of funds intended to defray the additional salary expense. If the cost is to be borne by a joint State-Federal participation, indicate the pro rata cost of each source. If funds are derived from other sources, e.g., self-generating, etc., explain in detail on the reverse side of this form.

This memorandum supersedes Policy and Procedure Memorandum No. 3 and all memoranda and manuals in conflict herewith are superseded.

Form BA-8 should be duplicated by your agency as future needs arise.

Bernard F. Sliger
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 34**

(Editor's Note: This Policy and Procedure Memorandum has been rescinded)

**POLICY AND PROCEDURE
MEMORANDUM NO. 35**

(Editor's Note: Form BA-27 referred to in this Policy and Procedure Memorandum is no longer in use.)

Subject: Monthly Personnel Status Report (BA-27)

Effective Date: July 1, 1969

Authorization: Title 39 of the Revised Statutes of 1950

It is the purpose of this memorandum to prescribe a uniform procedure for the reporting on personnel to the Division of Administration.

Form BA-27 will be used, without exception, to report on the status of your personnel (classified, unclassified and instructional) and must be received by the Division no later than five (5) working days after the end of the month. No monthly warrants will be processed prior to the receipt of this report.

A copy of this report must be submitted monthly by all agencies. If there were no positions vacant during all or part of the month, please so indicate, but be sure to include the requested payroll information.

Form BA-27 will be utilized as follows:

Column 1—Name of Former Incumbent (if known)

- Column 2—Class or Title of Position
- Column 3—Section or Division
- Column 4—Monthly Salary
- Column 5—Source of Funds (Show amount from State, Federal, Self-generated Sources)
- Column 6—Date Vacancy Occurred
- Column 7—Date Vacancy Filled (If not filled, leave blank)

The section listing the monthly payroll should reflect only those factors relating to salaries continuing (101-01).

Form BA-27 should be duplicated by your agency as future needs arise.

Form BA-27 eliminates the necessity of submitting a quarterly payroll report to the Division.

W. W. McDougall
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 36 (REVISED)**

Subject: Investment of State Funds

Effective Date: July 1, 1969

Authorization: Act 40 of the 1969 Regular Session

The purpose of this memorandum is to acquaint all State agencies, boards and commissions with the provisions of Act 40 of the 1969 Regular Session of the Legislature.

R.S. 39:462 of the Louisiana Revised Statutes of 1950 was amended and re-enacted during the 1969 Regular Session to authorize and direct the State Treasurer and the heads of State departments, boards, commissions and other State agencies, to invest all available funds that are in excess of their immediate cash requirements in Time Certificates of Deposit. In addition, the amendment to R.S. 39:462 by said Act 40, for the first time, authorizes the State Treasurer and the heads of State departments, boards, commissions and other State agencies to invest funds in direct U. S. Treasury obligations when the State Treasurer or department head determines said funds are available for investment for less than thirty (30) days.

It should be noted that under this Act, United States Treasury Bills cannot be purchased for more than thirty (30) days.

Act 40 also provides that said Act does not apply to funds of State colleges and universities derived from gifts and grants, endowment funds and reserve funds established for bond issues, and in such event, authorizes colleges and universities to continue to invest as "they now do under existing laws". However, it also authorizes colleges and universities to invest funds available for less than thirty (30) days in direct United States Treasury obligations maturing in not more than twenty-nine (29) days, if such funds are determined to be available for investment.

Banks issuing Time Certificates of Deposit under the authority of this Act shall pay interest at a rate equal to the rate determined by the United States Treasury to have been the average interest rate on the last sale of Treasury Bills with the same length of maturity; provided that if at any time the interest rate provided above is in excess of the maximum rate banks are permitted to pay on Time Certificates of Deposit for the same period of time by regulations of the Federal Reserve System or the Federal Deposit Insurance Corporation, the interest rate shall be the maximum established by those regulations.

Furthermore, Act 40 states that the following provisions are not amended by said Act:

- (a) provisions requiring banks to handle deposits of State funds and cashing of State checks and drafts without charge;
- (b) provisions requiring banks having funds of local depositing authorities on deposit to lend each said authority an amount equal to 75% of the amount on deposit at a rate of interest not to exceed 6%, and requiring such banks to receive at par all checks deposited for the authority;
- (c) provisions requiring banks to handle funds and checks belong to cities of a population of more than 150,000 without charge; and
- (d) laws with respect to investments by any retirement system of the State or any political subdivision or agency thereof.

In order to comply with the provisions of this Act, those agencies, boards and commissions that have funds available for investment must receive the maximum return on funds invested at the same rate available to other investors in the banking institutions in which the investment is made.

W. W. McDougall
Commissioner

POLICY AND PROCEDURE
MEMORANDUM NO. 37 (Revised)

Subject: Reporting of Professional Services

Effective Date: August 1, 1972

**Authorization: Act 328 of 1972 Regular Session of the
Legislature (R.S. 39:10.1)**

It is the purpose of this memorandum to provide for a central listing in the Division of Administration of architects, engineers, clerk of the works and attorneys including bond attorneys or counsel, etc.; to require quarterly reports from each State agency including non-budget units containing information relative to such professional persons or firms employed or retained by each, the nature and duration of their services rendered to said agency, the amount of their fees and compensation, and any other information deemed pertinent by the Commissioner of the Division of Administration, and to provide further with respect to the above.

10.1 Professional and other services; reports

- (A) The Division of Administration shall establish and maintain a central file or listing of all architects, engineers, clerk of the works, attorneys, including bond attorneys or counsel, and public relations persons or firms employed or retained by each State agency, board, commission or department, including non-budget units. Each such list shall be kept separately by profession, and shall contain information relative to such employment or retention, including a detailed description of the nature of services rendered to the agency, the extent and duration of such services, the amount of the fee or other compensation paid in return for such services, and any other information deemed pertinent by the Commissioner of the Division of Administration.
- (B) Each State agency, board, commission or department, including non-budget units, shall forward on a quarterly basis on forms to be supplied by the Division of Administration, a report of all professional services retained or employed which are required to be listed in a central listing as provided in Subsection (A) above. Each quarterly report to the Division of Administration shall contain the data and information required to be listed under the provisions of Subsection (A) of this section and shall be for the period covering the quarter immediately preceding the date of the

quarterly report, and such reports shall be submitted no later than fifteen days after the end of each such quarter.

- (C) The Division of Administration shall establish and maintain a complete listing of all State agencies, boards, commissions or departments, including non-budget units, which have failed to file the reports required under the provisions of this section within fifteen days after the end of each quarter. Said list shall then be submitted to the legislative budget committee and the office of the legislative auditor for their information.
- (D) The Division of Administration shall provide the office of Secretary of State with a complete listing, as herein provided, of all persons or firms who render professional services and who are retained or employed by each State agency, board, commission or department, including non-budget units, and said listing shall be provided no later than thirty days after the end of each quarter. The Secretary of State shall make all such listings and information available for public inspection and shall, upon request of the Legislative Council, provide copies or allow the reproduction of copies of any such listings or information within the offices of the Legislative Council.
- (E) Any officer or employee of the State who shall willfully fail to comply with the provisions of this section shall be deemed guilty of misconduct and shall be subject to demotion, suspension or dismissal from State service in the discretion of his appointing authority.
- (F) All listings and information required to be established and maintained under the provisions of this section shall be open to public inspection and, except to the extent otherwise provided herein, shall be subject to the provisions of R.S. 44:1 through R.S. 44:40.

We are attaching detailed instructions for reporting professional services, a copy of form PR-7 (Rev. 7-71), a specimen copy of a completed PR-7 form, and a specimen copy of a completed EDP professional services report form.

Those agencies that are reporting professional services for the first time will use the typed PR-7 form. Thereafter, the EDP form will be submitted.

Professional services that are not listed on the EDP form will be added by submitting additional listing on the typed BF-7 form. This form may be duplicated as needed.

This memorandum supercedes PPM No. 31, dated October 25, 1968, and PPM No. 37 issued under date of August 10, 1971, and all other memoranda and manuals in conflict herewith.

Charles E. Roemer, II
Commissioner

**Instructions For Reporting
Professional Services:**

I. General Information:

The Division of Administration will mail quarterly to each agency, two (2) copies of a computer listing of persons or firms contracted by your agency in previous quarters. The agency will update the report for current quarter.

After updating, one copy of the form must be submitted to the Division of Administration no later than the 15th day of the month following the close of the quarter. Do not attach this report to your budget quarterly report.

Identification numbers of person or firms contracted must be reported in form as shown on specimen attached to PPM 37. Refer to Par. II 3 (e) and (f).

II. Specific Information:

1. Enter "Quarter Ending Date" and "Date of Report."
2. Under columns headed "Compensation Paid During Quarter," enter actual disbursements made during quarter from Federal and State funds. Enter a zero under each category if there are no payments made.
3. Corrections to list: All corrections referred to in following paragraphs are to be made on the computer listing sent to you. New professional services not listed on computer form must be submitted on form PR-7 (Rev. 7-71).
 - (a) Firm or person ID number listed as 99-9999999 indicates that a number was not supplied by your agency.
 - (b) Asterisks shown under columns "Contract Date" or "Estimated Completion Contract"

indicates that your agency did not submit this information.

- (c) Zeros are shown under column headed "Total Amt. Contract" if no information was submitted.
- (d) Contracts which are completed must be deleted by drawing a line through the "Name" and "Description of Services Rendered."
- (e) Social Security number of individual(s) will be shown in the following order:

Three digits, dash, two digits, dash, and remaining four digits; for example:
999-99-9999

- (f) Firm Federal ID number will be shown in order as follows:

Two digits, dash, and then the remaining seven digits; for example:
99-9999999

4. Negative reports must be submitted by agency if no services were contracted. Your agency will be listed as not reporting if a negative report is not submitted. This is an indication that you have not complied with the R.S. 39:10.1 sub-section (E) which states,

"Any officer or employee of the State who shall willfully fail to comply with the provisions of this Section shall be deemed guilty of misconduct and shall be subject to demotion, suspension or dismissal from State service in the discretion of his appointing authority."

Instructions

- Column 1 Record the name of the person, or firm name of the company employed, or contracted to perform the services.
- Column 2 If the individual is not associated with a firm and/or is performing the services as an individual contractor record the individual's Social Security number. However, if the party to the contract is a firm, partnership, association, or corporation use the firm's Federal Identification Number.
- Column 3 Indicate the numerical code listed below to describe the type of services for which you are contracting.

1. Attorneys, Bond Counsel, or other legal work or expenses
2. Architect
3. Public Relations
4. Management Consultants
5. Medical services, including nursing, medical specialists or medical technicians
6. Veterinary or veterinary type services
7. Engineering and engineering type services including drafting
8. Clerks of the Works
9. Instructors, professors or academic or vocational instructors
10. Accounting
11. Data Processing Rental Contracts
12. Data Processing Consultants
99. Other

Column 4 Record a brief description of the services performed.

Column 5 Record the date of the contract or agreement under which the work is being performed.

Column 6 Record the total amount of the contract or the estimated annual anticipated amount where the services contracted for are of an "as needed" basis and the amount is indefinite. In the case of services contracted for on a "retainer" basis include the annual amount anticipated.

Column 7 Record the amount paid during the quarter, excluding any amounts owed or not paid. Use column 7 (a) to record the amounts of Federal funds if any paid on this contract. Record the amount of State funds paid under this contract in column 7 (b).

Column 8 Record the date at which the contract is expected to be completed or terminated.

Column 9 If the individual or firm is on a retainer indicate the approximate monthly retainer paid.

NOTE: In columns 6, 7, and 9 requiring dollar amounts, record whole dollars only.

**POLICY AND PROCEDURE
MEMORANDUM NO. 38**

Subject: State Unclassified Personnel Classification Codes

Effective Date: November 15, 1969

Authorization: Act 38 of 1964

It is the purpose of this memorandum to provide a standard classification code for all full-time and part-time personnel in the unclassified service.

Act 38 of 1964 requires the Division of Administration to maintain a listing of the names and certain information concerning all persons employed by or under the control of State agencies, boards, and commissions other than employees who are in the classified service. This includes elected State officials and their unclassified personnel.

The classification code does not specifically define the title or status of the unclassified employee, but rather for administrative convenience, groups germane titles under one broad functional classification.

Inasmuch as no specific pay plan exists in the unclassified service, it is not necessary to further break down functional classifications into status or grades. A director, whether the director of a major hospital or the director of a small service agency, serves in the capacity of a director and is so classified. The same will hold true for assistant director, executive secretary, etc. Exceptions of the above will be considered upon request.

New unclassified personnel must be classed under the job classifications provided on the listing.

If a proposed classification cannot be covered by the job classifications provided on the listing, a request for an additional classification must be approved by this office.

**W. W. McDougall
Commissioner**

**State Unclassified Personnel
Position Title Codes**

| Title Code | Position Titles |
|------------|------------------------|
| 002 | Accountant |
| 008 | Actuary |
| 010 | Adjutant General |
| 018 | Adm Aid |
| 012 | Admin Asst |
| 531 | Admin Med Cons |
| 015 | Adm Official |
| 023 | Admin Service Official |
| 026 | Admin Technician |

| | | | |
|-----|--------------------------|-----|-----------------------------|
| 027 | Administrator | 204 | Budget Officer |
| 009 | Adv Mgr Press | 209 | Bus Driver |
| 034 | Aid Officer | 215 | Cardiologist |
| 036 | Aid Tag | 216 | Carpenter |
| 037 | Air Op Train Off | 217 | Cashier |
| 043 | Amp Veh Mech | 219 | Cateress |
| 044 | Analyst | 195 | Chairman |
| 046 | Anesthesiologist | 223 | Chaplain |
| 047 | Anesthetist | 224 | Chemist |
| 048 | Architect | 228 | Chiroprapist |
| 011 | Asst Administrator | 230 | Clerk |
| 071 | Asst Aid Officer | 238 | Collector of Revenue |
| 072 | Asst Attorney General | 246 | Commissioner |
| 073 | Asst Auditor | 245 | Commissioner of Agriculture |
| 085 | Asst Commissioner | 796 | Commissioner of Insurance |
| 087 | Asst Comptroller | 247 | Compliance Officer |
| 091 | Asst Co-ordinator | 248 | Comptroller |
| 090 | Asst Counsel | 253 | Confidential Asst |
| 092 | Asst Counselor | 258 | Consultant |
| 102 | Asst Director | 262 | Co-ordinator |
| 058 | Asst Editor | 281 | Counsellor |
| 125 | Asst Exec Director | 784 | Counsellor's Aid |
| 055 | Asst Exec Secretary | 284 | Curator |
| 135 | Asst Instructor | 497 | Custodial Worker |
| 507 | Asst Leg Auditor | 287 | Custodian of Voting Mach |
| 137 | Asst Librarian | 288 | Cust of Notarial Records |
| 075 | Asst Manager | 290 | Data Surveyor |
| 143 | Asst Pathologist | 303 | Dentist |
| 602 | Asst Principal | 289 | Deputy Cust of Not Rec |
| 511 | Asst Psychologist | 309 | Dermatologist |
| 146 | Asst Radiologist | 382 | Director |
| 151 | Asst Secretary | 397 | Draftsman |
| 149 | Asst Sec to Board | 398 | Editor |
| 150 | Asst Sec to Sec of State | 400 | Egg Grader |
| 152 | Asst Secretary Treasurer | 402 | Electrician |
| 155 | Asst Security Officer | 403 | Electroinsep Tech |
| 156 | Asst State Fire Marshal | 405 | Employment Interviewer |
| 157 | Asst Superintendent | 408 | Engineer |
| 124 | Asst Supervisor | 406 | Engineers Aid |
| 166 | Asst to the Board | 689 | Entomologist |
| 167 | Asst to the Commissioner | 409 | Equip Operator |
| 103 | Asst to the Director | 797 | Evaluator |
| 174 | Asst to the Treasurer | 415 | Examiner |
| 127 | Asst Vice-President | 769 | Executive Asst |
| 053 | Associate Director | 773 | Exec Asst Supervisor |
| 065 | Associate Editor | 417 | Exec Counsel |
| 066 | Associate Manager | 418 | Exec Director |
| 181 | Attorney | 416 | Exec Secretary |
| 795 | Attorney General | 419 | Ex-officio Commis Member |
| 183 | Auditor | 427 | Field Representative |
| 184 | Automotive Mechanic | 429 | Financial Aid Officer |
| 187 | Barber | 690 | Fire Marshal |
| 198 | Bookkeeper | 423 | Foreman |
| 193 | Bookmobile Asst | 703 | Forester |
| 194 | Bookmobile Librarian | 436 | Gateman |
| | | 437 | General Counsel |

| | | | |
|-----|-----------------------------|-----|----------------------------|
| 440 | Governor of State | 603 | Principal Asst |
| 441 | Governor's Asst | 617 | Psychiatrist |
| 432 | Guage Reader | 618 | Psychologist |
| 444 | Guard | 620 | Public Aff Officer |
| 446 | Gynecologist | 621 | Public Relations |
| 463 | Health Survey Per | 622 | Purchasing Agent |
| 465 | Homemaker | 623 | Purchasing Clerk |
| 469 | Hosp Infections Control Off | 624 | Purchasing Officer |
| 471 | Hostess | 625 | Radiologist |
| 481 | Inspector | 192 | Receptionist |
| 489 | Instructor | 629 | Records Mgmt Asst |
| 482 | Instructor's Aid | 628 | Records Mgmt Officer |
| 495 | Inventory Control Off | 630 | Recreation Leader |
| 496 | Investigator | 786 | Register of St Land Office |
| 500 | Lab Assistant | 631 | Register of Voters |
| 503 | Land Surveyor | 633 | Registrar |
| 505 | Law Clerk | 634 | Relief Worker |
| 506 | Legis Auditor | 520 | Repairman |
| 508 | Liaison Officer | 643 | Research Asst |
| 035 | Library Aid | 645 | Research Geologist |
| 510 | Librarian | 646 | Reservationist |
| 519 | Lieutenant Governor | 649 | Resident Warden |
| 512 | Life Guard | 651 | Revenue Officer |
| 212 | Maid | 652 | Right-of-way- Agent |
| 524 | Maintenance Operations Off | 654 | Schools Officer |
| 526 | Manager | 655 | Scrub Technician |
| 535 | Member of Advisory Comm | 657 | Secretary |
| 537 | Member of Board or Comm | 538 | Sec to Board or Comm |
| 536 | Member of Council | 656 | Sec of Senate |
| 539 | Metal Worker | 662 | Secretary of State |
| 547 | Mimeograph Operator | 658 | Secretary Treasurer |
| 550 | Music Therapist | 664 | Security Officer |
| 552 | Neurologist | 668 | Social Worker |
| 553 | News Bureau Asst | 669 | Spec Asst Gov Health |
| 554 | Night Checker | 670 | Spec Asst to Admin |
| 559 | O & T Asst | 672 | Special Counsel |
| 560 | Office Asst | 675 | Specialist |
| 562 | Ophthalmologist | 676 | Specimen Collector |
| 563 | Orthopedist | 679 | Sports Writer |
| 565 | Otolaryngologist | 702 | State Comptroller |
| 569 | Pathologist | 705 | State Superintendent |
| 570 | PBX Operator | 706 | State Treasurer |
| 571 | Pediatrician | 707 | Statistician |
| 572 | Personnel Mgmt Off | 798 | Steno Clerk |
| 577 | Pharmacist | 235 | Stenographer |
| 578 | Photographer | 710 | Student |
| 579 | Phys Ed Aid | 720 | Superintendent |
| 581 | Physician | 722 | Supervisor |
| 582 | Physicist | 733 | Surgeon |
| 587 | Plumber Foreman | 692 | Tax Collector |
| 588 | Podiatrist | 461 | Technician |
| 589 | Polygraph Exp | 740 | Therapist |
| 591 | Porter | 410 | Trade Director |
| 592 | Poultry Grader | 749 | Treasurer |
| 598 | Pres of Bd or Comm | 233 | Typist |
| 601 | Principal | 501 | Utility Laborer |

| | |
|-----|----------------|
| 755 | Veterinarian |
| 756 | Vice-Chairman |
| 757 | Vice President |

**Higher Education Personnel
Position Title Codes**

Definitions and Instructions

General

All nonclassified and/or unclassified personnel, regardless of title of position assigned at the institution, shall be reported under the appropriate title code shown on the attached code list.

All definitions herein exclude persons holding a classified Civil Service position.

Where no definition is given, if in doubt as to proper classification, please refer to the current edition of Dictionary of Occupational Titles, a publication of the U. S. Department of Labor, Bureau of Employment Security.

Persons having a "split" assignment shall be assigned the code representing the assignment in which the most time or effort is required. Example—The Registrar teaches a class requiring 12% of the total time or effort required to fulfill his obligation to the institution. Therefore, 88% is applicable to his duties as Registrar, and he would be coded 950.

Professor—One who holds the rank of professor and is 901 engaged in professional work related to the instructional, research, extension or public service functions of the institution.

Associate Professor—One who holds the rank of associ- 902 ate professor engaged in professional work related to the instructional, research, extension or public service function of the institution.

Assistant Professor—One who holds the rank of assistant 903 professor and is engaged in professional work related to the instructional, research, extension or public service function of the institution.

Instructor—One who holds the rank of instructor and is 904 engaged in professional work related to the instructional, research, extension or public service function of the institution.

Teaching Professional—A professional person, not hold- 905 ing faculty rank, employed for the purpose of

instructing students. This Category includes contract teachers (elementary or secondary teachers in a laboratory school or public school teachers employed to supervise practice teaching, etc.)

Graduate Teaching Assistant—A graduate student who in 906 addition to his course work is primarily engaged in teaching, and who has primary responsibility for one or more class sections (e.g., discussion classes or lower level courses). The category should not include graduate students who are graders or who perform related nonteaching functions.

Nonteaching Professional—A person whose duties re- 907 quire a broad understanding of the purpose and goals of the organization he serves or a body of knowledge upon which the organization depends, and whose qualification for his position normally requires a baccalaureate or higher degree. This category should include professional persons engaged in research or who provide support to faculty in pursuit of their research or teaching functions, such as research chemists, research physicists or similarly trained persons. It should also include those professional persons with a specific skill or knowledge and ability who are engaged in science, engineering and related areas. Professional employees assigned to a laboratory school should be included in this classification.

Nonteaching Graduate Assistant—A graduate student 908 who performs duties in support of an instructional, research or public service function, but who does not have the principal responsibility for one or more class sections. This category includes graduate students performing functions such as grading or reading, and graduate assistants engaged in research or who perform work, assisting faculty, which cannot be classified as routine clerical work.

Technician—An employee trained in a particular non- 909 clerical technical field which is directly related to the function of the institution. A technician's education may require either a baccalaureate degree or two years of specific training. This category includes X-ray technicians and other persons working in the medical center, as well as technicians working in support of teaching, research and related fields.

Director of Academic Affairs—Academic Vice President 910 or Dean of the institution.

Academic Affairs Staff Administrator—Academic deans, 911 assistant deans, department chairmen, and other

persons of similar title who have formal assignments of administrative responsibility.

Director of Instructional or Research Division—Director 912 of an organized instructional or research activity such as farm, creamery, nursery school, home management houses, Director of Research, Director of Agricultural Experiment Station, Director of Agricultural Extension Service, etc.

Instructional or Research Division Staff Member—913 Assistant Directors and Personnel who are members of the staff of instructional or research divisions described under Director of Instructional or Research Division above.

President (Chancellor)—The person who has been designated by the appropriate governing board as president of the LSU or Southern University System and any college or university, or as chancellor of an institution of higher education.

Vice President—A person designated as described under 921 President (Chancellor) above who acts for the chief executive in administration of the system or institution.

Executive Staff Member—Top management and administrative personnel who directly assist the chief executive and vice president(s) in administration of the system or institution, such as executive assistant(s), administrative assistant(s), etc.

Executive Secretary—Secretary to the governing board, 923 chief executive or top management administrators.

Director of Business and Fiscal Affairs—The person 924 responsible for administering the business and fiscal affairs of the system or institution, such as Vice President for Finance, Business Manager, etc.

Business and Fiscal Affairs Staff Member—Assistant to 925 Director of Business and Fiscal Affairs and other top management personnel under the direct supervision of the director of this function.

Director of Institutional Research—Person responsible 932 for collection of data and preparation of analytical studies needed for informed decision making related to planning and management of higher education programs and institutions, and reporting thereof.

Institutional-Research Staff Member—Assistant to Director 933 of Institutional Research and supporting staff members.

Director of a Student Service Division—Persons usually 950 having title of, but not limited to, Admissions Officer, Registrar, Dean of Student Services, Dean of Men, Dean of Women, Director of International Students, Director of Student Union, Director of Student Housing, etc.

Student Service Division Staff Member—Assistant to 951 Division Director and supporting staff members. Include House Mothers, Hostesses, Counselors, Head Residents, Asst. Head Residents, etc.

Administrative Health Service Physician—Physician who 952 directs medical staff (physicians, nurses, etc.) of student health service.

Director of a General Institutional Division—Such as, but 970 not limited to, Directors of Publications, Public Relations, Alumni Affairs, Foundation, Intra-Mural Sports, and Museum Curator, etc.

General Institutional Division Staff Member—Assistants 971 to the Division Directors and supporting staff members.

Student Worker—A student employee other than a 999 graduate teaching assistant or a nonteaching graduate assistant. Student workers usually include students working as office helpers, food service helpers, or custodial helpers.

ACADEMIC

Instruction, Research, Extension and Public Service

| Title Code | Position Title |
|------------|---|
| 901 | Professor |
| 902 | Associate Professor |
| 903 | Assistant Professor |
| 904 | Instructor |
| 905 | Teaching Professional |
| 906 | Graduate Teaching Assistant |
| 907 | Nonteaching Professional |
| 908 | Nonteaching Graduate Assistant |
| 909 | Technician |
| 910 | Director of Academic Affairs |
| 911 | Academic Affairs Staff Administrator |
| 912 | Director of Instructional or Research Division |
| 913 | Instructional or Research Division Staff Member |

NON ACADEMIC

| Title Code | Position Title |
|------------|------------------------|
| 920 | President (Chancellor) |
| 921 | Vice President |
| 922 | Executive Staff Member |
| 923 | Executive Secretary |

General Administration

| Title Code | Position Title |
|------------|--|
| 924 | Director of Business and Fiscal Affairs |
| 925 | Business and Fiscal Affairs Staff Member |
| 926 | Auditor |
| 927 | Assistant(s) to Auditor |
| 928 | Comptroller |
| 929 | Assistant to Comptroller |
| 930 | Purchasing Agent |
| 931 | Assistant(s) to Purchasing Agent |
| 932 | Director of Institutional Research |
| 933 | Institutional Research Staff Member |
| 934 | Director of Data Processing |
| 935 | Data Processing Staff Member |
| 936 | Director of Information Services |
| 937 | Information Services Staff Member |
| 938 | Director of Personnel |
| 939 | Personnel Division Staff Member |

Student Services

| Title Code | Position Title |
|------------|---|
| 950 | Director of Student Service Division |
| 951 | Student Service Division Staff Member |
| 952 | Administrative Health Service Physician |
| 953 | Health Service Physician |

Libraries

| Title Code | Position Title |
|------------|-----------------------------|
| 960 | Head Librarian |
| 961 | Assistant to Head Librarian |
| 962 | Librarian |
| 963 | Librarian Assistant |
| 964 | Archivist |

General Institutional

| Title Code | Position Title |
|------------|--|
| 970 | Director of a General Institutional Division |
| 971 | General Institutional Division Staff Member |

Plant Operation and Maintenance

| Title Code | Position Title |
|------------|--------------------------------------|
| 980 | Institution Architect |
| 981 | Institution Engineer |
| 982 | Superintendent of Plant |
| 983 | Assistant to Superintendent of Plant |
| 984 | Operating Engineer |
| 985 | Landscape Architect |
| 986 | Chief of Campus Security |
| 987 | Storekeeper |

Intercollegiate Athletics

| Title Code | Position Title |
|------------|---|
| 990 | Athletic Director |
| 991 | Assistant to Athletic Director |
| 992 | Head Coach |
| 993 | Assistant to Head Coach |
| 994 | Coach |
| 995 | Athletics Business Manager |
| 996 | Assistant to Athletics Business Manager |
| 997 | Athletics Publicity Director |
| 998 | Assistant to Athletics Publicity Director |

Other

| Title Code | Position Title |
|------------|----------------|
| 999 | Student Worker |

**POLICY AND PROCEDURE
MEMORANDUM NO. 39**

Subject: Mandatory Retirement for Members of the Louisiana State Employees' Retirement System

Effective Date: August 1, 1970

Authorization: R.S. 42:585

R.S. 42:585 provides that effective August 1, 1970, unless extensions are granted, all members of the Louisiana State Employees' Retirement System with 15 years or more of service shall be retired upon reaching 65 years of age and employees with less than 15 years of service shall be retired upon attaining 15 years of service or reaching age 70, whichever occurs first. In either case, extensions of employment may be made on a year-by-year basis, by the Board of Trustees of the Retirement System, with the approval of the Commissioner of Administration; however, such extension shall not extend employment beyond age 70.

The appointing authority of each State agency shall be responsible for the full implementation of mandatory retirement as provided by R.S. 42:585 for all employees within his agency. This responsibility shall include but not be limited to the following:

1. The determination of each employee within the agency who will be affected by mandatory retirement. The Retirement System will send each agency a list affected members which the appointing authority may use as a reference.
2. The notification and counsel of each affected employee at least six months prior to the effective date of his retirement. Employees who will be affected on August 1, 1970 should be notified and counselled by February 1, 1970.
3. The submission of a certified Request for Extension of Employment at least 90 days prior to the effective date of retirement for each employee age 65 with 15 or more years of service that said authority desires a one-year extension of employment. The attached Request for Extension of Employment form should be filled out in triplicate by the member and the appointing authority and forwarded to the Board of Trustees.

The appointing authority shall be responsible for advising the member of the decisions of the Board of Trustees and the Commissioner of Administration. The Board of Trustees and the Commissioner of Administration may accept a delayed Request for Extension of Employment provided the member and appointing authority can prove that an error in records or other valid extenuating circumstances exist that caused the delay in submission of the request. Any application for Extension of Employment that is not approved and received by the appointing authority prior to the applicable member's effective

date of mandatory retirement shall be declared null and void.

4. The immediate termination of State employment of each member who comes under the provisions of R.S. 42:585 upon his date of eligibility unless extended.

The appointing authority of each agency shall be held responsible for all expenditures of State funds for salaries, insurance, retirement, etc., incurred in the employment of any member of the Louisiana State Employees' Retirement System who shall be employed in violation of mandatory retirement under the provisions of R.S. 42:585.

We are attaching an excerpt of R.S. 42:585 for your information and guidance.

W. W. McDougall
Commissioner

Louisiana Revised Statutes 42:585

§585. Compulsory retirement at age seventy

Effective beginning August 1, 1970, except as herein otherwise specifically provided, any member shall be retired forthwith upon attaining the age of sixty-five years if the member then has completed at least fifteen years of creditable service. If the member has not completed at least fifteen years of creditable service at that time, he or she shall be retired upon completion of fifteen years of creditable service or upon attainment of age seventy, whichever event first occurs. However, in any case in which the employer certifies that the continuance in service of a member who has attained the age of sixty-five years or over would be advantageous to the state service by reason of his expert knowledge and qualifications, and upon written application of the member and his employer, the board, with the approval of the Commissioner of Administration, may authorize the continuance in service of the member beyond such age for periods of one year, but not beyond the age of seventy years. Retirement in all cases shall be mandatory upon the attainment of age seventy. The provisions of this section, however, shall not be effective until August 1, 1970. Added by Acts 1968, No. 292, § 1.

POLICY AND PROCEDURE MEMORANDUM NO. 40

Subject: State Employees Group Insurance Program

State of Louisiana
Office of the Governor
Division of Administration

REQUEST FOR EXTENSION OF EMPLOYMENT
(Beyond Retirement Age)

| | |
|-------------|------|
| AGENCY NAME | DATE |
|-------------|------|

(EMPLOYEE INFORMATION)

| | | |
|-----------------------------|---|----------------------------|
| NAME | DATE OF BIRTH | NUMBER |
| CLASSIFICATION OR JOB TITLE | | CLASSIFIED UNCLASSIFIED |
| MONTHLY SALARY \$ | MEDICAL REPORT ATTACHED YES _____ NO _____ | DATE OF MED. REPORT |

AGENCY CERTIFICATION: I certify that the continuance in service of _____ EMPLOYEE
 _____ would be advantageous to the public service by reason of his/her knowledge and
 qualifications, and do hereby request that an extension of one year beyond his/her retirement age be granted,
 or, until _____
 (LAST DAY OF ADDITIONAL PERIOD.)

COMMENTS: _____

SIGNED _____ DATE _____
 AGENCY HEAD
 DO NOT WRITE BELOW THIS LINE

Under the authority of Title 39 of the Revised Statutes of 1950 (as amended) this request is approved/
 disapproved for the following reasons: _____

SIGNED _____ DATE _____
 COMMISSIONER OF ADMINISTRATION

INSTRUCTIONS

This form must be submitted at least 90 days prior to date of retirement. Send original and one copy to the
 Division of Administration. Retain one copy for Agency Files. The original will be returned to the Agency
 when executed.

Effective Date: April 17, 1970

Authorization: Executive Order No. 70 of March 3, 1969; R.S. 39:192; R.S. 42:821; et seq.

A contract has been made for a uniform group health and life insurance program for State employees to become effective July 1, 1970. This program will provide hospitalization, surgical, medical and life insurance coverage. The premiums for this insurance will be shared equally by the employer and employee concerned.

Dependent life insurance is also available under this insurance policy but the entire premium for dependent life insurance must be borne by the employee.

When this uniform insurance program becomes effective, employer funds are not to be expended for any other employee insurance program unless expressly authorized by the Commissioner of Administration but there will be no objection to payroll deductions for insurance programs where premiums are paid entirely by the employee, if mutually agreeable to the employer and the employee.

Enrollment in part or all of the uniform insurance program is optional with the employee. Between now and July 1, 1970, representatives of the insurer will contact you and your employees about enrollment. Steps have been taken to insure that in moving from any present insurance plan to the uniform insurance program there will be no period in which the employee does not have insurance protection.

W. W. McDougall
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 41**

Subject: Affidavit Attesting That Public Contract Was Not Secured Through Employment or Payment of Solicitor

Effective Date: January 25, 1971

Authorization: Title 39, Section 4; Title 38, Section 2220

The purpose of this memorandum is to seek the compliance with R.S. 38:2220 which states as follows:

“Affidavit Attesting That Public Contract Was Not

Secured Through Employment or Payment of Solicitor

A. All architects, engineers, contractors, subcontractors, or any person, corporation, firm, association, or other organization receiving value for services rendered in connection with the construction of a public building or project shall execute an affidavit attesting:

(1) that affiant employed no person, corporation, firm, association, or other organization, either directly or indirectly, to secure the public contract under which he received payment, other than persons regularly employed by the affiant whose services in connection with the construction of the public building or project or in securing the public contract were in the regular course of their duties for affiant; and

(2) that no part of the contract price received by affiant was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the contract, other than the payment of their normal compensation to persons regularly employed by the affiant whose services in connection with the construction of the public building or project were in the regular course of their duties for affiant.

B. No public contract shall be granted to any person, corporation, firm, association, or other organization refusing to execute the affidavit required by Subsection A above.

Added by Acts 1965, No. 38, § 1.”

Any State agency, board, or commission (budget and non-budget units) contemplating the employment of any architect, engineer or contractor should so advise them of the necessity of compliance with R.S. 38:2220 at the time of submitting specifications or programs for the buildings or facilities sought to be constructed, renovated, remodeled, etc.

In order to comply with the provisions of this Act, the attached affidavit specified by R.S. 38:2220 should be attached to and become an integral part of the document or contract and be submitted to the Division of Administration with the contract for approval.

W. W. McDougall
Commissioner

**ADDENDUM TO: FISCAL POLICY
AND PROCEDURE MEMORANDUM NO. 41**

Subject: Revision to: Affidavit Attesting That Public

STATE OF LOUISIANA

PARISH OF _____

AFFIDAVIT ATTESTING THAT PUBLIC CONTRACT
WAS NOT, NOR WILL NOT BE SECURED
THROUGH EMPLOYMENT OR PAYMENT OF SOLICITOR

KNOW ALL MEN BY THESE PRESENTS, that a public contract is contemplated between _____ and _____, represented by _____, who attests that he is empowered and authorized to execute said documents.

FURTHER, _____, who being duly sworn, does depose and attest that:

(1) Affiant employed no architects, engineers, contractors, sub-contractors, or any person, corporation, firm, association, or other organization, either directly or indirectly, to secure the public contract under which he received payment, other than persons regularly employed by the affiant whose services in connection with the construction, renovation, or other repairs to any public building or project or in securing the public contract were in the regular course of their duties for affiant; and

(2) No part of the contract price received by affiant was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the contract, other than the payment of their normal compensation to persons regularly employed by the affiant whose services in connection with the construction of the public building or project were in the regular course of their duties for affiant, as outlined in R.S. Title 39, Section 4; R.S. Title 38, Section 2220.

WITNESSES:

BEFORE ME, the undersigned authority, personally appeared _____, who being duly sworn, deposes and states that the above is true and correct in all respects recited.

SWORN TO AND SUBSCRIBED before me, this ____ day of _____, 19__.

Contract Was Not Secured Through Employment or Payment of Solicitor

Effective Date: May 25, 1971

Authorization: Title 39, Section 4; Title 38, Section 2220

The purpose of this addendum is to provide a revised affidavit form No. DA-101 for use in complying with the provisions of Fiscal Policy and Procedure Memorandum No. 41, issued under date of January 22, 1971.

You are requested to use the revised form in submitting affidavits covering subsequent contracts.

H. Benny Turcan
Assistant Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 42 (REVISED)**

Subject: Income Not Available and Unencumbered Balances

Effective Date: July 1, 1973

Authorization: R.S. 39:91

The purpose of this Memorandum is to provide for a uniform system of reporting and transmitting income not available, unencumbered balances and all other revenues transmitted to the Comptroller's Office through the use of Revenue Collection/Transmittal Report Form AO-8 (5-71).

This memorandum is revised to require all agencies to code revenues according to the new Uniform State Accounting Codes. Enclosed is a copy Form AO-8, giving examples of revenues and appropriate code numbers, along with instructions.

When this report is completed, the original and duplicate should be mailed directly to the State Comptroller's office.

Supplies of these forms are available from the Division of Administration, Accounting Office.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 43 (REVISED)**

Subject: Equipment Purchase Approval (BA-22 Revised 6-73)

Effective Date: July 1, 1973

Authorization: Title 39 of the 1950 Revised Statutes

Instructions: This memorandum supersedes the Commissioner's Policy and Procedure Memorandum No. 43 effective October 1, 1971, and all memoranda and manuals in conflict herewith.

It is the purpose of this memorandum to provide for Form BA-22 (Revised) to be used in all acquisitions of machinery and equipment allotted under Capital Outlays-Acquisitions. This form must accompany each requisition, affecting this allotment, submitted to the State Purchasing Section. After processing by the Purchasing Section, it must then be approved by the Commissioner of Administration.

The State Purchasing Officer is hereby directed to return, without action, any purchase requisition received without a properly executed BA-22 (Revised) attached.

Form BA-22 (Revised) is designed so that the agency can indicate by a check (✓) mark whether the purchase is a scheduled item or a substitution for a scheduled item. It will further show by a check (✓) and Property Tag No. the equipment to be replaced. This equipment is to be turned in immediately to the Division of Administration Purchasing and Property Control Section upon receipt of the new equipment.

The Machinery and Equipment Balance Section of Form BA-22 (Revised) should indicate Allotment Balance as of the last purchase requisition submitted.

Agencies may reproduce attached Form BA-22 (Revised) as need dictates.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 44**

Subject: Prior Year Account Report (Form AO-9)

Effective Date: November 12, 1971



STATE OF LOUISIANA
 DIVISION OF ADMINISTRATION
 ACCOUNTING OFFICE
 REVENUE COLLECTION/TRANSMITTAL REPORT

| | | |
|----------------------------------|------------|-----------------|
| AGENCY | AGENCY NO. | DATE SUBMITTED |
| ADDRESS: STREET AND NUMBER | | PERIOD |
| CITY, PARISH, STATE AND ZIP CODE | | REPORT NO. PAGE |

AO 8 R 5/71

| AGENCY NUMBER | FUND NUMBER | TYPE | REVENUE | CODE | AMOUNT | COLLECTED YEAR TO DATE | REMITTED YEAR TO DATE | ESTIMATED |
|---------------|-------------|------|---------|------|--------|------------------------|-----------------------|-----------|
| 115 | | | | | | | | |

| | | | |
|--------------|------|--------|----------|
| CHECK NUMBER | DATE | AMOUNT | TOTALS → |
|--------------|------|--------|----------|

\$ Certified by: _____ Date: _____

| COMPTROLLER'S USE | ORDER NUMBER | FUND | ACCOUNT | AMOUNT | ORDER NUMBER | FUND | ACCOUNT | AMOUNT |
|-------------------|--------------|------|---------|--------|--------------|------|---------|--------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Mail Original and Duplicate to: Comptroller's Office, P.O. Box 44274, Baton Rouge, La. 70804

COMPTROLLER'S COPY

STATE OF LOUISIANA
DIVISION OF ADMINISTRATION
REQUEST FOR CAPITAL OUTLAYS - ACQUISITIONS

Name of Agency _____

Address _____ Date _____

COMMISSIONER OF ADMINISTRATION
DIVISION OF ADMINISTRATION
CAPITOL BUILDING
BATON ROUGE, LOUISIANA

Re: Machinery & Equipment
Fiscal Year _____

Dear Sir:

Attached hereto is our Requisition No. _____ dated _____
in the amount of \$ _____ approximate, for the purchase of: _____

This machinery and equipment is listed on the Machinery and Equip-
ment Schedule of the Executive Budget, Page _____, Item No.
_____.

Request that this piece of machinery and equipment be substituted for
the above scheduled item.

This machinery and equipment replaces the item identified by Property
Tag No. _____ which will be turned in immediately to the
Division of Administration Purchasing and Property Control Section
upon receipt of new equipment. (Act 115 of the 1964 Regular Session)

Budgeted for Machinery
and Equipment \$ _____

Amount previously spent
or obligated _____

Balance \$ _____

For the Director

By: _____
Accounting Section - Fiscal Division

Authorization: R.S. 39:92

The purpose of this memorandum is to provide for a Prior Year Account Report Form AO-9 and a current uniform system of reporting the transactions of the Prior Year Account.

The filing date of the Prior Year Account Report is changed to a new reporting date of October 20th following the close of the fiscal year. This filing date will conform more closely with the Prior Year required closing date of September 30th.

You are requested to furnish the Legislative Auditor with a copy of this report.

Attached are instructions in submitting the Prior Year Account Report (Form AO-9).

H. "Benny" Turcan
Assistant Commissioner

**Instructions for Preparation
of
Prior Year Account Report (Form AO-9)**

Form AO-9 is to be used to show the final disposition of your Assets and Liabilities of the current year just ended. Hence, the name "Prior Year Account Report."

Cash & Receipts

From your AO-1 Current Year Report, page 2, you will start with Item III which is your cash balance as of June 30, 1971 which automatically becomes the amount of Item 1 on the AO-9.

Item 2—Accounts Receivable is Item IV of the AO-1.

Item 2A—State Appropriation is the amount actually drawn from the State Treasury after the close of business June 30th.

Item 2B—Board of Liquidation—drawn only.

Item 2C—Accounts Receivable—from your AO-1 (IV A & B).

Item 2D—Adjustment—show increase if you received more monies than anticipated. Show decrease if you failed to collect the full anticipated amount and if it is "Non Collectable."

Item 2E—Any portion of 2C that remains to be collected. Itemize and explain in detail.

Item 3—Total Accounts Receivable collected.

Item 4—Total Cash and Receipts (1 + 3).

Disbursements

Refer to AO-1, page 2—Item VI of your Current Year Report

Item 5—Should be the total of Item VI A (Accounts Payable of your current year AO-1).

Item 6—Adjustments—Should reflect the net increase or decrease of Item 5 transactions.

Item 7—Payables remaining—This should reflect only unpaid items remaining in Item 5 — (Itemize, giving dates, amounts and purchase order number).

Item 8—Total Payables Disbursed.

Item 9—Other Disbursements:

- A. Surplus remitted to Treasurer (furnish check numbers, dates and amounts).
- B. Surplus—Federal Government.
- C. Income not available remitted to Treasurer (furnish check numbers, dates and amounts).
- D. Miscellaneous (Explain). Account for payroll deductions in this space.

Item 10—Total Disbursements (Item 8 + 9).

Item 11—Cash Balance (Item 4 minus Item 10).

Item 13—Surplus due Treasurer—This amount, if a balance remains, should be shown on the report and a check issued immediately payable to State Treasurer and accompanied by the Revenue Collection/Transmittal Report Form AO-8.

**POLICY AND PROCEDURE
MEMORANDUM NO. 45**

Subject: Revised Purchasing Documents

Effective Date: July 1, 1972

Authorization: Title 39 of the 1950 Revised Statutes

STATE OF LOUISIANA
 DIVISION OF ADMINISTRATION
 STATE ACCOUNTING OFFICE
 P. O. Box 44095
 Baton Rouge, Louisiana 70804

PRIOR YEAR ACCOUNT REPORT
 FISCAL YEAR 19__ - 19__

Name of Department _____

| | Budget Unit | Schedule Number |
|---|----------------------|----------------------|
| 1. Beginning Cash (Item III, AO-1) | | \$ _____ |
| 2. Add: Accounts Receivable: (Attach Detailed Schedule) | | |
| | State | Federal |
| | <u>Appropriation</u> | <u>Appropriation</u> |
| | | <u>Other</u> |
| | | <u>Receivables</u> |
| A. Established at June 30 (Item IV, AO-1) | \$ _____ | \$ _____ |
| B. Adjustments (Increase (+) or Decrease (->) Explain) | _____ | _____ |
| C. Adjusted Accounts Receivable (2-A plus or minus 2-B) | _____ | _____ |
| D. Less Amounts to be Collected | _____ | _____ |
| Total Accounts Receivable Collected (Item 2-C minus 2-D) | _____ | \$ _____ |
| 3. Total Cash Available | | \$ _____ |
| 4. Accounts Payable (Attach Detailed Schedule): | | |
| A. Established at June 30, (Item VI-A, AO-1) | \$ _____ | |
| B. Adjustments (Increase (+) or decrease (->) Explain) | _____ | |
| C. Adjusted Accounts Payable | _____ | |
| D. Less: Amounts to be Paid | _____ | |
| Total Accounts Payable Paid (Item 4-C minus Item 4-D) | _____ | \$ _____ |
| 5. Other Disbursements | | |
| A. Payroll Deductions | \$ _____ | |
| B. Income Not Available Remitted to Treasurer | _____ | |
| C. Surplus Remitted to Treasurer | _____ | |
| D. Surplus Remitted to Federal Government | _____ | |
| E. Miscellaneous (Explain Below) | _____ | |
| _____ | _____ | |
| _____ | _____ | |
| Total Other Disbursements (Items 5-A through 5-E) | \$ _____ | |
| 6. Total Disbursements (Items 4 + 5) | | \$ _____ |
| 7. Cash Balance (Item 3 minus Item 6) | | \$ _____ |
| Add: Item 2-D | | \$ _____ |
| Deduct: Item 4-D | | \$ _____ |
| 8. Balance | | |
| Less: A. Reserve for Federal Funds | \$ _____ | |
| B. Reserve for Future Operations | _____ | |
| C. Reserve for Other Funds | _____ | \$ _____ |
| 9. Surplus Due State Treasurer (_____ Fund) | | \$ _____ |

It is the purpose of this memorandum to lay the initial groundwork for proper allocation of costs by function. In order to perform this task, which will become mandatory by July 1, 1972, it has been necessary to revise certain purchasing documents. This change only refers to the coding data on the bottom of the forms and is to be used for fiscal management and analysis. Therefore, all documents not containing this information will be returned to the sender without action.

The revised coding schedule provides space for the following information:

1. Means of Financing

A. Fund—Denotes nature of fund (Federal, State, Self-Generated, Local, and Revolving Funds). Specify name where designated.

2. Agency Code

This is the twelve digit code currently utilized for personnel position control and identifies the Department, Division, Section, and Unit. The first four digits are the Budget Unit designation as contained in the Appropriations Bill and the last eight digits designated the functional breakdown and serve as cost centers. The Agency Code must contain twelve digits even though as many as the last eight may be all zeroes.

3. Expenditure Code

Division of Administration expenditure code by character and object.

4. Encumbered

Estimated cost of purchase based upon best available source.

The revised purchasing documents referred to in this memorandum supersede all such forms now in use. The new forms with revision dates are as follows:

- Form DA 101 (unlined) (Rev. 11/71) Purchase Requisition
- Form DA 101-A (lined) (Rev. 11/71) Purchase Requisition
- Form DA 105 (Rev. 1/72) Agency Purchase Order
- Form DA 105-A (Rev. 9/71) Division of Administration Purchase Order
- Form DA 105-B (Rev. 8/71) Division of Administration Purchase Release Order

Form DA 106 (Rev. 11/71) Division of Administration Purchase Order Change Order

Form DA 106-A (to be revised) Agency Purchase Order Change Order

Form DA 107 (Rev. 9/71) Partial Delivery Receiving Report

All agencies are encouraged to begin using the new forms as soon as possible so as to establish a coding routine without having to resort to a crash program at the end of the third quarter, March 31, 1972, when use of the revised forms becomes obligatory.

With the revised cost distribution schedule, all agencies are advised to begin planning to expand their present cost allocation so as to encompass the full functional breakdown as reflected by the Agency Code and the personnel position control. This should prove relatively simple for those agencies having the advantage of electronic or mechanical posting machines. Small agencies can obtain the same result by posting to a subsidiary ledger or special insert pages in the cash journal.

A full distribution of costs by functional components will become mandatory with the beginning of the Fiscal Year, July 1, 1972.

Those agencies requiring special assistance in setting up a cost distribution system can receive assistance by contacting the office of the State Director of Accounting. Any questions concerning the proper use of the various purchase documents listed above will be directed to the office of the State Director of Purchasing.

H. Benny Turcan
Assistant Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 46**

Subject: Identification of Publicly Owned Motor Vehicles.

Effective Date: July 26, 1972—12 O'Clock Noon.

Authorization: Title 49, Section 121 (A) (E) as Amended by Act No. 707 of 1972.

The purpose of this memorandum is to advise all State agencies, boards, commissions, and political subdivisions of the State of Louisiana of the provisions of Act No. 707 of 1972, requiring identification of publicly owned motor vehicles and boats.

“Section 1. Subsections A and E of Section 121 of Title 49 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted to read as follows:

§ 121. Name of board, department or subdivisions; marking on boat or vehicle; Louisiana public license plates; exemptions

A. Every boat, watercraft, aircraft, automobile, truck or other vehicle belonging to the State or to any of its political subdivisions, or to any department, board, commission or agency of any of its political subdivisions shall, if required by law, to bear a Louisiana license plate, bear a public license plate, and each such vehicle also shall have inscribed, painted, decaled, or stenciled conspicuously thereon, either with letters not less than two inches in height and not less than one-quarter inch in width or with an insignia containing not less than one hundred forty-four square inches, or if circular, not less than eight inches in diameter, the name of the board, commission, department, agency or subdivision of the State to which the boat, watercraft, aircraft, automobile, truck or other vehicle belongs, such as “Louisiana Department of Highways”, or “Louisiana Conservation Commission”, or “School Board—East Baton Rouge”, or “Sheriff—East Baton Rouge”, or “City of Baton Rouge”; provided, however, that recognized and approved abbreviations such as “La.”, “Dept.”, “Comm.”, “Bd.”, and the like, may be used.

E. Those automobiles used in crime prevention and detection and similar investigative work, if identified as required by this Section, could not be used effectively for such purposes, are exempt from the provisions of this Part, and in addition, the automobiles used by the governor, lieutenant governor, and statewide elected officials are exempt from the provisions of this Part.”

State agencies, boards, commissions, etc., may secure such identification from the Agri-Business Division of the Louisiana State Penitentiary by addressing the request to Mr. H. M. Lea, Agri-Business Division, Louisiana State Penitentiary, P. O. Box 201, Angola, Louisiana 70712. The identifying decals will be made available at nominal costs.

Charles E. Roemer, II
Commissioner of Administration

POLICY AND PROCEDURE
MEMORANDUM NO. 47

(Editor's Note: Form VEH5 referred to in this Policy and Procedure Memorandum is currently being revised.)

Subject: License Plates on Publicly Owned Vehicles

Effective Date: July 26, 1972—12 O'Clock Noon.

Authorization: Title 49, Section 121 (A) (E) as amended by Act No. 707 of 1972.

The purpose of this memorandum is to advise all State agencies, boards, commissions, and political subdivisions of the State of Louisiana of the requirements of R.S. 49:121 as amended by Act 707 of 1972 that all publicly owned vehicles except those specifically enumerated in Subsection E of Section 121 must bear “a public license plate”.

All State agencies, boards, commissions and political subdivisions of the State of Louisiana having automobiles heretofore exempt from the requirement of maintaining public license plates on publicly owned vehicles are requested to have the private plates removed from these vehicles and return said plates to the Motor Vehicle Division along with the following properly executed documents:

- (1) VEH-5 This form should be completed, listing the pertinent data requested, as well as checking the appropriate block on this form. Note: It is necessary that this form be notarized.
- (2) VEH-7 In completing this form, care should be taken to list the correct number of the tag being returned and the date such existing private plates are being returned. Please type the following statement “Converting from Free Private Plate to Free Public Plate” on the space immediately below the line requesting the number of the tag returned. Note: This form must be notarized.
- (3) Registration Certificate (Pink Slip) Your copy of the current registration certificate (Pink Slip) must accompany the forms VEH-5 and VEH-7 as well as the license plate.

For an adequate supply of the appropriate forms needed, please address your inquiry to: Motor Vehicle

DEPARTMENT OF PUBLIC SAFETY, MOTOR VEHICLE DIVISION, BATON ROUGE, LA. 70806
APPLICATION FOR CONVERT REGISTRATION

PLEASE TYPE OR PRINT IN BLACK INK

| | | | |
|--|--------------|-------------------------------------|----------------|
| VIN <small>Serial No. (1957 & Later Models)</small> | Title Number | 19 | License Number |
| <small>Motor No. (Prior to 1957 Models)</small> | | DO NOT WRITE IN ABOVE BLOCKS | |
| Name | | | Sales Tax Paid |
| Address | | | 7 |
| City, Parish and State | | | Zip Code |
| Make | Model | Body Style | Year |
| Driver's License Number | | Social Security Number | Serial Number |
| Color of Vehicle | | Odometer Reading | |
| VEHICLE IS SUBJECT TO CHATTEL MORTGAGE AS FOLLOWS: | | | |
| 1st | Date | | |
| Address | Amt. | | |
| 2nd | Date | | |
| Address | Amt. | | |
| The Above Acquired <input type="checkbox"/> New, <input type="checkbox"/> Used: Date | | | 19 |
| OWNER'S SIGNATURE | | | PREVIOUS TITLE |
| | | | No. |
| | | | State |

Any false answer given makes Applicant guilty of a criminal offense subject to a fine not to exceed \$5,000.00 or imprisonment not to exceed 4 years or both

I (We) hereby make application for registration of the vehicle described herein due to having converted the said vehicle as follows:

Converting truck or trailer from _____ lbs. to _____ lbs.

From passenger to truck _____ From truck to passenger _____

From passenger to for-hire _____ From for-hire to passenger _____

Tag returned _____ Date _____ 19 _____

Violation ticket no. _____

Sworn to and subscribed before me this _____ day of _____ 19 _____

Deputy or Notary Public

DO NOT USE THIS SPACE

FEE RECEIVED:

Original License Registration Fee\$ _____

Credit\$ _____

Bal.\$ _____

DEPARTMENT OF PUBLIC SAFETY
 BATON ROUGE, LOUISIANA 70806
 MOTOR VEHICLE DIVISION

Date _____

Deputy _____ 19 _____ License No. _____

DPS 1615

Form VEH-7 (R 12/72)

Division, P. O. Box 66196, Central City Station, Baton Rouge, La. 70806.

These requests will be expedited by the Motor Vehicle Division and a letter will be issued by the Motor Vehicle Division to the State Police advising them that the license plates of State vehicles are in the process of being converted. **Note:** Before mailing in the plates and forms, you are requested to make a photo copy of the registration certificate (pink slip) for identification purposes in the event any law enforcement officer questions the absence of license plates.

A specimen copy of completed forms VEH-5 and VEH-7 are attached for your use. Any inquiries regarding the preparation of these forms should be directed to Mr. Louis Boudreaux, Director of the Motor Vehicle Division, at the address listed above.

Charles E. Roemer, II
Commissioner of Administration

**POLICY AND PROCEDURE
MEMORANDUM NO. 48**

Subject: Printing Procedures

Effective Date: September 21, 1972

**Authorization: Act 94—1964 Regular Session of the
Legislature (R.S. 43:1)**

All administrative boards, commissions, departments, agencies, institutions, and offices within the Executive Branch of State Government shall purchase all requirements of printing and engraving through the Division of Administration, Printing Section.

Exceptions: Louisiana Department of Highways;
Louisiana State University & A & M College;
and State Port Authorities

All requisitions for printing, engraving, and binding shall be submitted directly by the agency to the Division of Administration, Purchasing and Property Control Section, Printing Office, and shall not be handled by the agency through the printing vendors or their representatives, including all Form Management Requisitions and Stock Level Inquiry.

Requisitions: All items of printing, binding or engraving shall be requisitioned on a Purchase Requisition (Form DA 101 or DA 101A, Revised 11/71) and only one (1) item of printing shall be requisitioned on

each DA 101. The requisition must be accompanied by either a sample of the item requested (if a reprint) or a clean layout with complete instructions for the printer to follow. In requesting book and publication work, complete manuscript copy shall be submitted including cuts, illustrations, etc., with detailed instructions as to trimmed page size or publication, size of illustrations, type and color of cover stock, and all other information necessary to correctly interpret the requirements.

When preparing a requisition for any printing or engraving, the quantity, size, title of job, and complete description of the printing job must be furnished.

Any and all requisitions received by the Printing Office not meeting the above requirements shall be returned to the agency submitting such requisition prior to entering the job requested.

Classes of Printing: The State printing contracts cover nineteen classes of printing, binding, and engraving. The Purchasing and Property Control Section, Printing Office, reserves the right to assign each request for printing to the proper contractor, to the Division of Administration Administrative Services Section, or any other State printing section, or to award to a commercial printer as a result of competitive bids taken by the Printing Office.

In all printing contracts, the right shall be reserved for all State boards, commissions, departments, institutions, and offices to do and perform printing, mimeographing, copying, and similar work for which they have existing facilities.

R.S. 43:1B (3) Delegation of Authority: The Commissioner of Administration may delegate the purchase of printing to any instrumentality whenever the best interests of the State will be served; however, the delegation of this authority does not preclude the procurement of these items through the Purchasing Department when the Commissioner deems it more desirable or practical to do so.

Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval, and invoices resulting from such purchases will not require approval by the Printing Office.

1. Prepublished items specifically limited to:
 - a. Technical or scientific books.
 - b. Pamphlets, reports, maps and charts.
 - c. Tax and tariff schedules.
 - d. Subscriptions to newspapers, magazines, and periodicals.
2. Art work and similar professional services.

3. College yearbooks and student newspapers.
4. Athletic, cultural or entertainment programs, posters, and tickets.

Where unusual problems are encountered, and an agency considers additional delegated authority necessary, an application for this authority may be submitted to the Commissioner of Administration. Such application must be in writing and must present detailed information in support of the request.

All purchases, whether made by the Division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43:1-30.

Information: All requests for information shall be directed to Division of Administration, Purchasing and Property Control Section, Printing Office, 8th Floor, State Office Building, 150 Riverside Mall, Baton Rouge, Louisiana. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Printing Office and shall not be handled by the agency through representatives or vendors. The facilities of the Printing Office are available to any agency and all requests will be handled promptly.

Charles E. Roemer, II
Commissioner of Administration

**POLICY AND PROCEDURE
MEMORANDUM NO. 48 (Addendum)**

Subject: Printing Procedures

Effective Date: September 21, 1972

**Authorization: Act 94-1964 Regular Session of the
Legislature (R.S. 43:1)**

This addendum is meant to supplement Policy and Procedure Memorandum No. 48 released September 21, 1972. Specifically, it is to clarify the policy on forms management.

1. State agencies will continue to use the TJM Warehouse Requisition (TJM Form No. 528 (R 3/70)).
2. These Warehouse Requisitions will be sent directly to TJM.
3. Forms will be shipped directly to the agency involved.
4. TJM will invoice specific agencies on a monthly

basis, attaching signed copies of Warehouse Requisitions.

5. Agencies will process invoices using State Requisitions as in the past.
6. TJM representatives will continue to work directly with State agencies relative to their printing needs.
7. At the initiation of a new form, the State agency will process a requisition through the Division of Administration to TJM.
8. Low Stock Notices on stock forms will be sent by TJM directly to the State agency involved.
9. The State agency will process the Low Stock Notice through the Division of Administration to TJM. The Low Stock Notice will be initialed and time-stamped by the Division of Administration and forwarded to TJM.

To summarize, our procedures will remain identical to those presently being followed with the single exception of processing Low Stock Notices through the Division of Administration.

Charles E. Roemer, II
Commissioner of Administration



**POLICY AND PROCEDURE
MEMORANDUM NO. 49**

Subject: Travel Regulations

Effective Date: November 1, 1972

Pursuant to the authority extended by Louisiana Revised Statutes 39:231, the following travel regulations have been established by the Commissioner of Administration. The regulations and allowances contained here-in pertain to the travel of State officers and employees on official State business, the expenses incurred thereon and the maximum claims for reimbursement that will be allowed. These regulations apply to all State agencies, boards, and commissions created by the Legislature or Executive Order and operating from funds appropriated, dedicated, self-sustaining and/or federal funds.

Legal Basis—L.R.S. 39:231

“The Commissioner, with the approval of the Governor, shall prescribe rules defining the conditions under which each of various forms of

transportation may be used by State officers and employees and used by them in the discharge of the duties of their respective offices and positions in the State service, and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class.”

Scope of Regulations

The following regulations cancel and supersede all outstanding regulations and special approvals or provisions issued by the Commissioner of Administration. After November 1, 1972, all travel regulations and disbursements will be governed by these regulations.

- I. Definitions: For the purpose of this section, the following words have the meanings indicated:
 - A. State Officer—
 - 1. State elected officials
 - 2. The appointed head of a State agency
 - 3. The principal assistant administrator of a State agency
 - 4. Members of boards and commissions
 - B. State Employee—Employees below the level of State Officer.
 - C. Authorized Persons—Advisors and consultants. Reimbursement of travel expenses for authorized persons shall require prior written approval from the Commissioner of Administration.
 - D. Official Domicile:
 - 1. The official headquarters of an officer or employee assigned to an office shall be the city in which the office is located, except where domicile is fixed by law.
 - 2. The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the agency head, provided that in all cases such designation must be in the best interests of the agency and not for convenience of the person.
 - 3. Every State Officer or employee, except

those on temporary assignment, shall be assigned an official domicile, and no travel or subsistence expenses shall be allowed at the place of official residence. The head of an agency may provide reimbursement for transportation necessary for effective operation of the agency within the official domicile. Lump sum allowance for transportation may be provided with written approval from the Commissioner of Administration.

- E. Temporary Assignment—Any assignment made for a period of less than thirty-one (31) consecutive days at a place other than the official domicile.
 - F. Traveler—A State Officer, State employee, or authorized person when performing authorized travel.
 - G. Travel Period— A period of time between the time of departure and the time of return.
 - H. In-State Travel—All travel within the borders of Louisiana and routine travel in adjacent states.
 - I. Out-of-State Travel—Travel to other states within the continental United States. All travel to states, nations, or territories outside the continental United States must be approved by the Commissioner of Administration prior to the time the travel is accomplished.
- II. Exceptions to Regulations:

The Travel Regulations established by the Commissioner of Administration shall govern reimbursement of travel expenses (transportation, meals, lodging, and miscellaneous expenses) for all State Officers and employees with the following exceptions:

 - A. Where allowances are fixed by law.
 - B. Where the best interests of the State call for exceptions; however, no change from the established regulations will be allowed without first securing prior written approval from the Commissioner of Administration.
 - C. Agency heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the Commissioner of Administration. Whenever regulations other than those

established by the Commissioner of Administration are to be used, three (3) copies of such regulations shall be submitted for review and consideration.

- D. Unless exception to these regulations is requested and approved, the rates and procedures contained herein will be the only basis upon which reimbursement may be made.

III. Eligibility for Reimbursement of Travel Expenses:

- A. All State Officers and employees are eligible to receive reimbursement for travel and subsistence only when away from "official domicile" on temporary assignment.

Temporary assignments will be deemed to have ceased after a period of thirty-one (31) days, and after such period, the place of assignment shall be deemed to be his official domicile. He shall not be allowed travel and subsistence unless permission to extend the thirty-one (31) day period has been previously secured from the Commissioner of Administration.

- B. A State Officer or employee whose residence is other than the official domicile of his office shall not receive travel and subsistence while at his official domicile nor shall he receive reimbursement for travel to and from his residence. Exceptions will be made only on the basis of prior written approval of the Commissioner of Administration.
- C. State Officers will be reimbursed on an actual expense basis except in cases where other provision for reimbursement has been made by statutes and/or cited herein. In cases where actual expenses are claimed, all State Officers will cooperate to the extent that all records of travel will be clear and complete. Receipts and other supporting documents must accompany the request for reimbursement.

IV. Authority to Incur Traveling Expenses (Applicable to all State Officers and Employees)

- A. All travel must be authorized and approved in writing by the head of the agency, board, or commission from whose funds the traveler is paid. A file shall be maintained on all approved travel authorization.
- B. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them

in the performance of a public purpose authorized by law to be performed by the agency, and must be within the limitations prescribed.

V. Transportation (Applicable to all State Officers and Employees)

- A. **Travel Routes**—The most direct and usually traveled route must be used by official State travelers. All mileage shall be computed on the basis of odometer readings or from point of origin to point of return on the basis of the current official State Highway Department Map. Any substantial deviations from distances shown in the standard highway mileage guides will be explained.

- B. **Method of Transportation**—A common carrier (train, bus, or airplane) should be used for out-of-State travel. As otherwise provided herein, air travel by State Officers and employees will be reimbursed only at coach or economy class rates. The difference between the air coach or economy class rates and first class air rates will be paid by the traveler, if travel was performed at first class air rates. If space is not available in less than first class air accommodations in time to carry out the purpose of the travel, the traveler will secure a certification from the airline indicating this fact. The certification will be attached to the travel voucher. When the head of an agency approves use of privately-owned automobile for out-of-State travel, the traveler shall be reimbursed travel cost (transportation, lodging, meals while en-route) not to exceed the cost of travel by coach/economy class air rates or first-class train fare plus one Pullman accommodation. Reimbursement shall be on the basis of the most direct route.

C. State-Owned Automobiles:

1. No State Officer or employee may operate a State-owned vehicle without having in his possession a valid State Driver's License.
2. No State-owned vehicle may be operated in violation of the generally recognized State or local laws.
3. All accidents, major and minor, involving State-owned vehicles must be reported immediately in writing to the Insurance Section of the Division of Administration,

together with name and addresses of available witnesses and principals.

4. All purchases made on credit cards must be signed for by the State Officer or employee making the purchase; and the license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be made via credit cards only when away from official domicile on travel status. In all instances, where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the report outlined in Item 7 of this section.
5. Travelers in State-owned automobiles, who purchase needed repairs and equipment while on travel status, shall make use of all fleet discount allowances and State bulk purchasing contracts where applicable. Each agency/department shall acquaint themselves with the locations of such allowance and/or contracts by contacting the Purchasing Office, Division of Administration.
6. No State Officer or employee may carry unauthorized passengers in State-owned automobiles.
7. The user of each State-owned automobile shall submit a monthly report to the agency head, board, or commission indicating the number of miles traveled, odometer readings, credit card charges, dates, and places visited. When an agency car pool vehicle is used, the traveler, upon returning the vehicle to the pool, shall report the operating condition of the vehicle to the person designated as the responsible assigning officer.

D. Personally-Owned Vehicles:

1. No personally-owned vehicle may be used on official State business unless prior written approval, as outlined in Section IV-Subparagraph A, has been granted.
2. No personally-owned vehicles may be operated on official State business in violation of the generally recognized State and local

laws, including the automobile insurance coverage requirements as provided by the Financial Responsibility Law of 1952.

3. All accidents, major or minor, involving personally-owned vehicles being operated on official State business, must be reported immediately in writing to the Insurance Section of the Division of Administration together with names and addresses of available witnesses and principals.
4. When two (2) or more persons travel in the same personally-owned vehicle only one charge will be allowed for the use or expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

VI. Reimbursement for Travel, Subsistence, and Other Expenses:

A. Transportation— For the purposes of reimbursement, the following regulations are prescribed:

1. A mileage allowance shall be authorized for travelers using personally-owned vehicles while in the conduct of official State business. Mileage shall be reimbursable on the basis of 12 cents per mile. Mileage will be computed as provided for in Section V. The traveler shall be required to pay all of his operating expenses of the vehicle such as, but not limited to, fuel, repairs, replacement of parts, and insurance.
2. State Officers and employees using either State-owned vehicles or personally-owned vehicles on official State business will be reimbursed for storage and parking fees, ferry fares, and road and bridge tolls.
3. State-owned credit cards will not be issued to State Officers or employees for use in the operation of privately-owned vehicles.
4. In no case will a traveler be allowed mileage or transportation when he is gratuitously transported by another person.
5. When an employee is required to use his personally-owned vehicle for agency activities in the immediate vicinity of his official domicile, the agency head may request authorization from the Commissioner of Administration for a lump sum allowance

for transportation or may provide reimbursement for transportation (mileage) as provided in Section VI-A-I.

6. Use of privately-owned aircraft is permitted, upon prior written approval from the Commissioner of Administration and as outlined in Section IV-A, has been granted. Reimbursement will be made as provided for in VI-A-1 on the preceding page. Before travel by privately-owned aircraft is authorized, traveler shall certify that (a) at least one hour of working time will be saved by such travel and (b) no other form of transportation, such as commercial air travel, will serve this same purpose.

B. Lodging and Meals—In-State Travel—For purposes of reimbursement, the following rates will apply:

1. Meals Only (including tips): Employees, while on in-State travel, may be allowed up to the following amounts for meals:

| | | |
|-----------|---|-------------|
| Breakfast | — | \$ 1.75 |
| Lunch | — | 2.25 |
| Dinner | — | <u>4.00</u> |
| | | \$ 8.00 |

2. Employees may be reimbursed for meals only in connection with overnight travel status on the following schedule:

Breakfast—When travel begins before 6:00 a.m. on the first day of travel, or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

Lunch—When travel begins before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

Dinner—When travel begins before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

Exception: When the continuous travel period, in the same calendar day, is ten (10) hours or more, employees may be

reimbursed for meals not to exceed \$2.25.

3. **Lodging Only:** Employees may be reimbursed actual expenses for lodging, at single occupancy rate, not to exceed \$15 (plus tax) per day. An exception to this will be for lodging in the City of New Orleans, and adjacent states, where the allowance will not exceed \$20 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

C. Lodging and Meals—Out-of-State Travel—For purposes of reimbursement, the following rates will apply:

1. Meals only (including tips): Employees, while on out-of-State travel, may be reimbursed up to the following amounts for meals:

| | | |
|-----------|---|-------------|
| Breakfast | — | \$ 2.25 |
| Lunch | — | 2.75 |
| Dinner | — | <u>5.00</u> |
| | | \$10.00 |

2. Employees may be reimbursed for meals only in connection with overnight travel status on the following schedule:

Breakfast—When travel begins before 6:00 a.m. on the first day of travel, or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

Lunch: When travel begins before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

Dinner: When travel begins before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

Exceptions: When the continuous travel period, in the same calendar day, is ten (10) hours or more, employees may be reimbursed for meals not to exceed \$2.75.

3. **Lodging Only:** Employees may be reimbursed actual expenses for lodging, at single occupancy rate, not to exceed \$22 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.
4. **Extended Stays:** For travel assignment involving duty for extended periods, usually in excess of thirty (30) days, at fixed location outside of the State, the reimbursement rate indicated in Items 1 and 3 on the preceding page should be adjusted downward. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. The traveler is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. It is the responsibility of each head of an agency to authorize only such travel allowance as are justified by the circumstances affecting the travel. The rates authorized will not exceed reimbursable allowance stated herein, unless special approval is granted by the Commissioner of Administration.

D. Other Expenses—Only the following expenses incidental to travel may be reimbursed:

1. Communication expense relative to official State business.
2. Registration fees at conferences.
3. Charges for storage and handling of equipment.
4. Taxi and bus fares.
5. Tips (for baggage handling only).
6. Limousine services to and from terminals or stations.

E. Special Meals (Meals for others):

Reimbursement may be made only under extraordinary circumstances. The request for reimbursement must be accompanied by an invoice and a statement of justification which fully describes the purpose of the gathering and lists all persons attending by name and title. The request for reimbursement must show the approval of the head of the agency/department. The statement will also indicate that the ex-

pense is in the best interest of the State. If any of the persons attending are State employees on travel status, such employees are required to deduct from their subsistence reimbursement claim the value of the meal(s) furnished.

F. Restrictions Governing Claims for Reimbursement:

1. Travel allowances shall not be granted for travel accomplished on Saturday, Sunday, or holidays unless approved by the head of the agency.
2. No claim for reimbursement shall be made for any lodging and/or meals furnished at a State institution or other State agency.
3. In case an employee travels by an indirect route for his own convenience, any extra cost shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by the most direct and usually traveled route.
4. Items included in any expense account which do not fully conform to these regulations will be disallowed for payment.

G. Receipts or Other Support (Applicable to State Officers and Employees):

Receipts or other substantiation are required for travel expenses, except for the following:

1. Taxicab, local bus or streetcar fares.
2. Routine meals (number of meals must be shown on travel voucher).
3. Telephone and telegraph under \$2.
4. Tips.

VII. General:

- A. **Funds for Travel Expense—**Persons traveling on official business will provide themselves with sufficient funds for all routine expenses. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting travel voucher covering the related travel.

The expense claim covering the related travel

shall be submitted not later than the 15th day of the month following the completion of travel, and any advance made for the purpose of travel shall be repaid no later than the time for expense claim is submitted.

- B. **State Agency Credit Cards**—Credit cards used in the name of the State agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the Commissioner of Administration.
- C. **Claims**—All claims for reimbursement for travel shall be submitted on State Form BA-12 (R 11/72), and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases, the date and hour of departure from and return to domicile must be shown.

Excepting where the cost of air transportation is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher depicting the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The travelers' copy of the passenger ticket shall be attached to the travel voucher.

In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the State agency.

When two (2) or more official travelers travel in one automobile, only the owner of a personally owned automobile used shall be entitled to reimbursement. The owner shall indicate the names of other official travelers who are passengers in his automobile.

- D. **Lodging**—Agency heads shall take necessary steps to inform all personnel on travel status that:

1. Whenever possible, travelers shall request and make use of special discount rates for lodging.

2. Requests for reimbursement for lodging that reflect above-average charges will be subject to subsequent review and justification.

E. **Advisors and consultants**—Reimbursement of expenses for travel to be performed by authorized persons who are called upon to contribute time and services as consultants or advisors, shall require prior written approval from the Commissioner of Administration. Complete explanation and justification must be shown on the travel expense form or attached thereto.

F. Any subsistence allowance or travel expense peculiar to a department not included in these regulations must first be approved by the Commissioner of Administration.

G. **Fraudulent Claims**—Any person who submits a claim pursuant to the aforementioned regulations, and who willfully makes and subscribes any such claim which he does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to immediate dismissal, as well as being criminally and civilly liable within the provisions of State law.

The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the State will be served.

Charles E. Roemer, II
Commissioner of Administration

**POLICY AND PROCEDURE
MEMORANDUM NO. 49 (ADDENDUM)**

Subject: State General Travel Regulations

Effective Date: July 1, 1974

This addendum is to change the mileage allowance from 12 cents a mile to 16 cents a mile due to the

increased cost of fuel and other car expenses because of the energy crisis.

Effective July 1, 1974, a mileage allowance authorization for travelers operating their personal-owned vehicles on official state business will be reimbursed on the basis of 16 cents per mile. All other regulations as contained in the present State Travel Regulations are to be adhered to fully.

Because of the increased cost of fuel and other related items in operating vehicles due to the energy crisis, the Division of Administration feels that we should increase the travel allowance at this time. However, agencies will have to use discretion for this increase in their present budget, and it is up to the department head if he wishes to raise the mileage allowance to conform with the funds available in their present budget.

Charles E. Roemer, II
Commissioner of Administration

**POLICY AND PROCEDURE
MEMORANDUM NO. 49 (ADDENDUM)**

Subject: State General Travel Regulations

Effective Date: July 1, 1974

This subsequent addendum to Policy and Procedure Memorandum No. 49, is issued to clarify the intent of the last paragraph of addendum, dated May 9, 1974, relative to an increase of travel reimbursement from 12 cents to 16 cents per mile, effective July 1, 1974.

If a department head feels that adequate funds are allocated in their 1973-1974 budget to provide for this additional expenditure, this addendum may be effective May 15, 1974.

Charles E. Roemer, II
Commissioner of Administration

**POLICY AND PROCEDURE
MEMORANDUM NO. 50**

Subject: Purchase of Contractual Services

Effective Date: February 18, 1973

Authorization: Title 39, Section 171 R.S. 1950, Executive Order No. 28

**Title 39, Section 4—Affidavits
Title 38, Section 2220**

This Memorandum is issued in order to clarify and express the Governor's intent with reference to Section 171 of Title 39, R.S. 1950, as explained by Executive Order No. 28, which states:

“R.S. 39:171: Central Purchasing Agency Powers and Functions:

The Commissioner of Administration shall be required . . . to purchase or contract for all supplies, materials, and contractual services . . .”

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above quoted section of the State Statutes, it is hereby ordered that all State of Louisiana agencies shall abide by the following rules and regulations except where specific authority has been delegated in writing by the Commissioner of Administration.

Purchase of Contractual Services: All contracts for services purchased by agencies of the State of Louisiana, including contractual agreements for professional services, architects and engineers, building construction, lease rentals, shall be submitted to the Commissioner of Administration for approval. Copies of the proposed contracts shall be prepared in an amount sufficient, no less than three (3) copies, to provide for a permanent file copy to be retained by the Division of Administration. A copy of all contracts, which have not been previously approved by the Division of Administration, must be made and forwarded to this office immediately.

Any contractual agreement, executed without approval, shall be deemed an unlawful purchase under the provisions and penalties prescribed under Section 191 of Title 39, R.S. 1950.

All contracts executed since May 9, 1972, which have not been approved by the Commissioner of Administration, must be submitted to the Division of Administration for approval within ten (10) days after the date of memorandum. Failure to comply shall be constituted grounds for imposition of the penalties provided in Section 191.

Authorization of Capital Outlays: No work shall be commenced and no contract shall be entered into for the improvement of lands or the construction, alteration, or reconstruction of any building or other structure, involving an expenditure from the State Treasury under any appropriation, not withstanding any allotment therefor, except for the expenditure of funds dedicated

in the Constitution to the construction and maintenance of the highway system of the State, until plans and specifications, estimates of costs and the bids received, covering the entire work contemplated, and the proposed contract, or the undertaking of the work, has been approved and authorized by the Governor or the Commissioner of Administration. The Governor or the Commissioner of Administration, shall not so approve nor authorize any contract, nor the undertaking of the work, in any case in which he finds from the plans, specifications, estimates, and the bids therefor, or otherwise:

- (1) That the cost of the complete work contemplated will exceed the amount of the appropriation therefor, or
- (2) That the work contemplated will be insufficient for the purpose for which such appropriations were made, or
- (3) That after providing for debt service and for the ordinary recurring expenses and capital outlays, cash will not be available in the treasury to pay promptly for the work. Section 56, Title 39, R.S. 1950.

It is further requested that affidavit "copy" attached be properly executed in accordance with Fiscal Policy and Procedure Memorandum No. 41, dated January 22, 1971.

Purchase Orders: This document is not a "contract" for any type of services. The acceptance of a Purchase Order for materials only will be considered a contract as governed by the laws of the State of Louisiana. All contracts must be signed in advance by vendor, department head, and all interested parties, before submission to the Division of Administration for consideration.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 51 (Revised 6/1/73)**

Subject: Delegation of Authority to Purchase Contractual Services

This directive is being issued pursuant to the authority vested in the Commissioner of Administration by Section 171 of Title 39 of the Revised Statutes of 1950, as amended by Act 91 of the 1964 Legislature, which reads in part:

"Whenever in his opinion the best interest of the State will be served thereby, the Commissioner of Administration may delegate in writing the authority to purchase . . . contractual services in any degree for any State agency."

Please note that this same prerogative is granted the Commissioner in Policy and Procedure Memorandum No. 51, which also states in part:

"All State of Louisiana agencies shall abide . . . except where specific authority has been delegated in writing by the Commissioner of Administration."

Therefore, effective this date, all State agencies, boards, and commissions under the jurisdiction of the Division of Administration are hereby delegated the authority to purchase all contractual services for the maintenance and service of equipment, buildings, or any other facility under the jurisdiction of said agency, as required in Act 91 of the 1964 Legislature.

As a result of this new ruling, it is pointed out that paragraph 3.1 of Policy and Procedure Memorandum No. 51 no longer applies to any agency who has been authorized by the Commissioner of Administration to handle contractual services at the agency level.

In establishing these maintenance contracts, each agency will adhere to all Purchasing Rules and Regulations as prescribed in the State Purchasing Manual by obtaining competitive bids or quotations and making awards in strict compliance with established legal procedures. Two (2) complete copies of each contractual service file shall be forwarded to the Purchasing Section of the Division of Administration upon completion. These files will consist of:

- Copy of Purchase Requisition
- Copy of Agency Purchase Order
- Copy of all bids received
- Proof of advertisement
- Tabulation of bids received
- Copy of the list of Vendors solicited

An approved copy of the file will be returned to you; one (1) copy will remain on file in the Division of Administration.

It is emphasized that this directive applies only to **Contractual Services For Maintenance**. Listed below are the services that fall into this category:

1. Janitorial Services
2. Garbage Disposal Services
3. Elevator Maintenance Service

4. Water Treatment Services
5. Office Machine Maintenance
6. Thermostatic and Temperature Control Maintenance
7. Laundry Services
8. Pest Control Services

Any questions concerning this matter should be directed to the Purchasing Section of the Division of Administration.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 52 (Revised)**

Subject: Requests for Change of Annual Approved Budget—Form BA-7

Effective Date: December 18, 1974

Authorization: Act 14, 1973

This Memorandum is issued in order to clarify and reiterate the verbage contained in Section 2 of the Act which states:

“The Commissioner of Administration, with the approval of the Legislative Budget Committee, is authorized to approve the transfer of funds, except those funds for salaries, step increases and merit increases for personnel in the classified service of the State of Louisiana from one category of expenditure to another. But such transfers shall only be made when sufficient evidence is presented indicating that the operations of the unit are being or will be impaired without such transfers. All unauthorized transfers from one allotment category to another will be charged against the appropriation for the next year.”

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above quoted section of the State statutes and further upon specific instruction of the Legislative Budget Committee, it is hereby ordered that all State budget units shall abide by the statute and the following rules and regulations.

1. All requests shall be fully documented to include the following information:
 - A. The source of funding. If Federal funds, the

date the grant was applied for, the date approval from the Federal granting authority was received, the duration of the grant and any restrictions as to how the funds may be expended. A copy of the grant must accompany the request.

- B. The impact on State funds for the next three years. That is, if Federal funds are being used to start a new program or enrich an ongoing program, what will the impact on State funds be in future years? Will the Federal grant decline either in funds available or in ratio of Federal participation?
 - C. The program accomplishments as a result of approval of the request. Is request being submitted in order to maintain the same level of effort; will the program be expanded through approval of the request? If so, to what degree? Furnish detail.
 - D. A detailed explanation of each requested increase or decrease by category of expenditure. This must include, where applicable, the numbers of positions, their classifications, the need for the positions, costs for each item of equipment, the purpose for travel and a breakdown as to how much is for mileage reimbursement and how much for other travel, and the nature of contractual obligations and major repairs.
 - E. A copy of any agreement or contract which will be funded as a result of the requested change of budget being approved.
2. All requests for budget changes, initiated after over-expenditures have been made, will be summarily denied unless certification is made to the Division of Administration and the Legislative Budget Committee, attesting that the change was of an emergency nature. Emergency is defined as being a condition detrimental to the protection of employees and/or the general public and to State property.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 53**

Subject: Replacement of Glass and General Physical Repairs to State-Owned Vehicles which are

carried on the Automobile Physical Damage
Self-Insurance Plan

Effective Date: July 1, 1973

Authorization: Title 39, Section 171, Executive Order
No. 31

The Division of Administration's Property Insurance Office, in administering the Automobile Physical Damage Self-Insurance Plan, has all rights normally afforded a commercial insurance company. Among these rights is the Right of Inspection; therefore, before any damage to a vehicle which is covered on the Self-Insurance Program is repaired, the Division of Administration's Property Insurance Office must be contacted. The address is:

Division of Administration
Property Insurance Office
Post Office Box 44095
150 Riverside Mall
Room 1004, State Office Building
Baton Rouge, Louisiana 70801

Phone Number (504) 389-6164

Item Twelve in Executive Order No. 22 of 1964, states that a vehicle must be returned to a like dealership (i.e., Ford to a Ford dealership; Chevrolet to a Chevrolet dealership, etc.) for repairs. This item refers to situations in which a state-owned automobile develops mechanical trouble away from the domicile or normal work station of the employee to whom the vehicle is assigned.

The above mentioned section in Executive Order No. 22 of 1964 shall in no instance be interpreted to apply to any damage covered by the Automobile Self-Insurance Program.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 54**

Subject: Fair Labor Standards Amendments of 1974

Effective Date: May 1, 1974

Most of you were made aware of the subject amendment through the Department of Civil Service's General Circular No. 350 dated April 24, 1974.

This Policy and Procedure Memorandum will outline

the administrative policies to be adopted by the individual agency heads in complying with the overtime provisions of the above subject amendments.

Agency heads must insist that their supervisors regulate the work schedules of their individual employees, so that, each employee's work hours will be limited to 40 per week. In the event it becomes necessary for employees to work hours in excess of 40 per week, this will be done only after receiving prior approval by the responsible supervisor.

We must caution that each agency head is responsible for operating his department from the funds that were allocated in the budgets for Fiscal Years 73-74 and 74-75. In order that this may be achieved, employees must be carefully instructed on filling out their time and attendance reports, so that, no overtime will be recorded inadvertently. Supervisors must understand that in most instances agencies were simply not budgeted for overtime during Fiscal Years 73-74 and 74-75; therefore, the workweek for employees must not exceed 40 hours.

There are many classifications remaining under the Civil Service structure which are exempt from the overtime provisions. In these instances, the employees may still receive compensatory (K) time in the usual manner.

Should you have questions regarding those classifications that are covered by and/or exempt from the overtime provisions, you should contact representatives of the Federal Wage-Hour Office that is nearest you as shown on the attached list.

Because of the tremendous potential liability of the overtime provisions, we again caution that each department head will be held solely responsible for strict adherence to the overtime provisions of the Fair Labor Standards Amendments of 1974.

Charles E. Roemer, II
Commissioner of Administration

**Location of Wage-Hour Area Offices
and Field Stations in State of Louisiana**

Area Offices

Baton Rouge, Louisiana:

Donald E. Zimpfer, Area Director
Room 216-B, Hoover Bldg.
8312 Florida Blvd.

Baton Rouge, Louisiana 70806
Telephone: Area Code 504-924-5160

**POLICY AND PROCEDURE
MEMORANDUM NO. 55**

Field Stations

*3720 Government Street
Alexandria, Louisiana 71301
Telephone: Area Code 318-445-6511 Ext. 6629

*Room 102, Old Post Office Bldg.
P. O. Box 1327
Monroe, Louisiana 71201
Telephone: Area Code 318-322-8637

Room 8-A-09, Federal Bldg.
500 Fannin Street
Shreveport, Louisiana 71101
Telephone: Area Code 318-425-1241 Ext. 6652

New Orleans, Louisiana:

Thomas B. Killeen, Area Director
Room 632, Federal Bldg.
600 South Street
New Orleans, Louisiana 70130
Telephone: Area Code 504-527-6171

*Room B-2, U.S. Post Office
N. W. Railroad Avenue
P. O. Box 1561
Hammond, Louisiana 70401
Telephone: Area Code 504-345-6360

*Landry Building
1626 Barrow Street
P. O. Box 546
Houma, Louisiana 70360
Telephone: Area Code 504-876-3230

*70 Eraste Landry Road
P. O. Box 2063
Lafayette, Louisiana 70501
Telephone: Area Code 318-232-2659

*Room 2502, Federal Bldg.
921 Moss Street
P. O. Box 1313
Lake Charles, Louisiana 70601
Telephone: Area Code 318-527-6171

*Compliance Officers working out of these Field Station offices spend much of their time in the field. Therefore, if you receive no answer when calling one of these offices, you may want to consider calling the Area Office nearest you.

As amended to conform to Act 705 of 1974, Regular Session of the Legislature. Supersedes PPM No. 22 of September 12, 1968.

Subjects: (A) Execution by the Commissioner of Administration of Contracts and Agreements for the lease or rental of space for the housing of state budget agencies and non-budget agencies, boards, commissions, or departments of the State, their personnel, operations, equipment or activities

(B) Allocation of Space for State-Owned Buildings

(C) New Legislation Regarding Acquisition of Housing

(D) & (E) Exceptions to Acquisition of Housing Space for Certain Agencies (enumerated under Part D of Section 193)

(F) Public Notice of all Contracts and Agreements to Lease and Advertise when the annual rental will be \$5,001 or more and Affidavit on all leases regardless of amount of the lease

Effective Date: (A) July 31, 1974

Authorization: (A) Act 25 of 1967 Regular Session

(B) Act 532 of 1968 Regular Session

(C) Act 705 of the 1974 Regular Session

The purpose of this memorandum is to amend and reenact Subsections C and D of Section 193 of Title 39 of the Louisiana Revised Statutes of 1950 and to amend said Section 193 to add thereto a new Subsection F and to amend Part I of Chapter 10 of Title 38 of the Revised Statutes of 1950 by adding thereto a new Section to be designated as Section 2192.

Title 39 Section 193. State budget agencies and non-budget agencies, boards, commissions, or departments of the state for acquisition of housing space and leases with the approval of the Commissioner of Administration or by the Commissioner of Administration.

A. All contracts and agreements for the lease or rental of space for the housing of State agencies, their

personnel, operations, equipment or activities, shall be made in the name of and by the authorized representative or representative body of the State agency but shall be made and entered into only with the approval of the Commissioner of Administration. The cost of such housing shall be provided for in and defrayed from the budget of the using agencies.

Supplemental to the preceding paragraph of this section and notwithstanding the provisions thereof, whenever a contract or agreement for the lease or rental of space for the housing of State agencies, their personnel, operations, equipment or activities, shall pertain to more than one building or facility or shall pertain to a building or facility which is to house more than one State agency, their personnel, operations, equipment, or activities, such contract or agreement may be made in the name of the State and executed by the Commissioner of Administration, rather than in the name of and by the authorized representative or representative body of the State agency or agencies to be housed in such building or buildings or facility or facilities. The Commissioner of Administration shall allocate space to one or more State agencies in the building or buildings or facility or facilities to which such contract or agreement pertains and shall allocate the cost of such housing to or among such using agency or agencies, which cost shall be provided for and defrayed from the budgets of the using agency or agencies. The Commissioner shall determine the amount of the allocations of the costs of such housing to the various agencies using such building or buildings and facility or facilities in such manner so that the aggregate of the amount so allocated equals the total cost of such housing.

B. The definition of "Agency" stated in R.S. 39:2(1), shall be the sole definition of the term "State agency" employed in connection with the acquisition of housing space in this and following sections, and the fact that an agency is supported by fees or taxes collected by, or dedicated to, the agency or which otherwise receives its operating funds through means other than direct appropriations, shall not be a test as to whether this section shall be applicable to an agency of the State.

C. This section shall be applicable to all agencies meeting the definition of R.S. 39:2(1) established by the laws of Louisiana, except those agencies mentioned in R.S. 39:4 C or Subsection D of this Section and unless an agency is specifically exempted in R.S. 39:4 C or Subsection D of this section, it shall be required to comply with the provisions contained in this title and part relating to acquisition of housing. To this end any special legislation on the same subject in conflict herewith shall be deemed repealed and superseded by

this section. State budget agencies and non-budget agencies, boards, commissions or departments of the State of this and following sections shall be exempt from Subsection F regarding requirements of notification.

D. The provisions of this and following sections with the exception of Subsection F, relating to acquisition of housing space for State agencies shall not apply to:

- (1) Colleges and trade schools
- (2) The Department of Highways
- (3) Any agency, official board or commission entrusted by law with the storage of voting machines
- (4) Military Department
- (5) Any agency which is established as a corporate entity and enjoying corporate status
- (6) Any agency or office enumerated in R.S. 39:4 C
- (7) Any agency or office exempted by Executive Order of the Governor

E. The provisions of this and following sections relating to acquisition of housing space for state agencies shall not apply to the following types of space:

- (1) Space for the storage of voting machines
- (2) Institutional buildings such as hospitals, clinics and buildings at educational, penal and correctional institutions

F. Public Notice of all contracts and agreements of lease and rental under this Section shall be required twenty-one (21) days prior to the execution of any lease or rental agreement or contract whereby the state or budget and non-budget agencies, board, commission or department thereof leases immovable property from a private citizen, corporation, partnership or other non-governmental legal entity. This notice shall be published in the official journal of the State and in the official journal or journals of the governing authority of the parish in which the immovable property is located. The notice shall contain a brief description of the immovable property being leased and in the event said immovable property is located within a municipality, the street number; the names of the parties to the lease; the names of any persons who are or who are contemplated to become financially interested in the lease; and the terms of the lease. Any amendments to a lease following the execution of the lease shall be subject to the same requirements of public notice which were applicable to the lease.

Where the annual rental will be \$5,001 and over, the advertisement shall be published once a week for three (3) weeks in the official journal of the State and in the official journal or journals of the governing authority of

the parish in which the immovable property is located. However, the lessor shall furnish an affidavit to the lessee and the Commissioner of Administration regardless of the amount of the lease.

This section shall apply only to lease and rental agreements or contracts in which the lessor is not the State or budget and non-budget agencies, board, commission or department thereof, and no publication of notice shall be necessary in leases where all the parties involved are State budget and non-budget agencies, boards, commissions or departments.

The lessor shall furnish an affidavit to the lessee and to the Commissioner of Administration, which shall state therein the information required by this section. Failure to provide the required information in the affidavit or the filing of erroneous or incomplete information in the affidavit or the public notice shall be cause for the voiding of the lease.

A copy of the public notice with proof of its publication and a copy of the required affidavit by the lessor shall be attached to the lease agreement or contract.

Title 39 Sub-Part B. Allocation of Space in State-Owned Buildings

§ 31. Definitions: applicability of Sub-Part

For purposes of this Sub-Part, the term "state-owned buildings" shall mean and refer to public buildings belonging to or under the control of the State of Louisiana and used to house personnel, equipment and/or services of the various agencies of the State government but shall not be construed to refer to the Old State Capitol Building so long as it shall remain under the supervision of the Old State Capitol Memorial Commission or to any building constructed for and used to house personnel, equipment and/or services of a single agency or devoted to a single purpose, including but not necessarily restricted to hospitals, colleges and universities. Neither the fact that any agency or functional unit of the state government is headed by an elected or an appointed officer or is controlled by a board or commission, or the fact that any agency or functional unit of the State government derives its operating funds from direct legislative appropriations, dedication or other allocation or sources of revenues, fees or charges or assessments, or from any other specified source of funds available to the State or for use by the State shall be factors in determining the buildings to which this Sub-Part shall apply.

§ 32. Allocation of space by the Division of Administration

A. Space in all State-owned buildings, regardless of their location in the State Capitol or elsewhere in the State, shall be allocated solely by the Division of Administration. No agency of the State government shall move its personnel, operations, equipment or activities from one State-owned building to any part thereof, or acquire additional space in any State-owned building, unless the approval of the Division of Administration with regard thereto first has been obtained.

B. In exercising the authority herein vested in it, the Division of Administration shall comply with federal laws and regulations and with State-Federal agreements with respect to the housing of any agency which receives or administers any Federal funds or its personnel, operations, equipment, or activities.

Title 38 § 2192. Execution of leases; public notice; penalties

In addition to all other provisions of law regulating the leasing of immovable property thereon when the State or budget and non-budget agencies, board, commission or department thereof is the lessee, public notice shall be required twenty-one (21) days prior to the execution of the lease. Such public notice shall be published in the official journal of the State and in the official journal or journals of the governing authority of the parish in which the immovable property is located. The notice shall contain a brief description of the immovable property being leased and in the event said immovable property is located within a municipality, the street number; the names of the parties to the lease; the names of any persons who are or who may become financially interested in the lease; and the terms of the lease. Any amendments to a lease following the execution of the lease shall be subject to the same requirements of public notice which were applicable to the lease. Where the annual rental will be \$5,001 and over, the advertisement shall be published once a week for three (3) weeks in the official journal of the state and in the official journal or journals of the governing authority of the parish in which the immovable property is located. However, the lessor shall furnish an affidavit to the lessee and the Commissioner of Administration regardless of the amount of the lease. No publication of notice shall be required in lease agreements or contracts between State budget and non-budget agencies, boards, commissions or departments.

The lessor shall furnish an affidavit to the lessee and

to the Commissioner of Administration, which shall state therein the information required by this section. Failure to provide the required information in the affidavit or the filing or erroneous or incomplete information in the affidavit or the public notice shall be cause for the voiding of the lease.

A copy of the public notice with proof of its publication and a copy of the required affidavit by the lessor shall be attached to the lease agreement or contract.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Procedural Information:

When State budget agencies and non-budget agencies, boards, commissions, or departments of the State, except the provisions of Part D of Act 705, are in need of office space relative to the lease of any immovable property in the State, they must submit a letter stating their needs to the Division of Administration, attention Mr. H. Benny Turcan, Asst. Comm. This request is forwarded to the Manager, Rentals and Lease Section, who will meet with representatives of the requesting agency to determine their needs in leasing immovable property from a private citizen, corporation, partnership or other nongovernmental legal entity.

The Manager of the Rentals and Lease Section will try to find office space, as requested, at a reasonable rate, within the appropriate area. When suitable space is located, the Manager will then consult with the department head and if the space requirements are satisfactory, the requesting agency will submit a Space Rental Requisition to the Division of Administration, Rentals and Lease Section. These forms can be secured through the Rentals and Lease Section.

When the requisition is received, noted and approved by the Division of Administration, the Rentals and Lease Manager will then draw up the standard State lease (in some instances, commercial leases will be acceptable).

The lease shall contain a brief description of the immovable property to be leased, the number of square feet, and the cost per square foot.

It shall be noted by all State agencies that if the annual rental should exceed \$5,001, a public notice on all contracts and agreements of lease and rentals must be published in the official journal of the state and the official journal(s) of the governing authority of the parish where the immovable property is located.

The Public Notice will be published once a week for three (3) weeks by the Division of Administration. Because of this time element, it is urged that the requesting agency make plans at least a month in advance for their space needs because the Division of Administration cannot approve any lease until a Public Notice is recorded in the necessary journals of the State.

Regardless of the amount of any lease, the lessor shall complete an affidavit form, provided by the Division of Administration, to the lessee and the Commissioner of Administration, which shall state therein the information required. Failure to provide the required information in the affidavit or the filing of erroneous or incomplete information in the affidavit or public notice shall be cause for the voiding of the lease.

A copy of the public notice with proof of its publication and a copy of the required affidavit by the lessor shall be attached to the lease agreement or contract.

After the lease is signed by the lessee and lessor, it is then forwarded to the Division of Administration who will then submit the lease to the Budget Office for budgetary check. The lease is returned to the Assistant Commissioner of Administration's office for final consideration. Also, a copy is retained in the Rentals and Lease Section files with all other pertinent information on the lease.

When the lease has been approved by the Assistant Commissioner, it is returned to the Rentals and Lease Section for the issuance of a purchase order indicating the fiscal year or part of the fiscal year the lease will be effective.

A copy of the purchase order is forwarded to the lessor and lessee. The lessee maintains a copy of this purchase order for accounting purposes to issue checks payable monthly when the rent is due.

If any State agency, non-budget agency, board, commission, etc. has a lease with a private corporation or individual prior to the effective date of this Act 705 of 1974 Regular Session which was not approved by the Division of Administration and recorded in the Division of Administration—Rentals and Lease Section, copies of said leases must be submitted to the Rentals and Lease Section on or before September 1, 1974.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 56**

**Subject: Traffic Violations—All State Office Building
Parking Lots**

Effective Date: September 1, 1974

**Authorization: Act No. 156 of the 1974 Regular
Session of the Louisiana Legislature
(amend Part VII—Chapter 1 of Title
49—R.S. of 1950.**

The purpose of this memorandum is to request all department heads of all state budget and non-budget agencies, boards, and commissions to inform their employees of the responsibility of the State Capitol Police for maintaining general order and exercising reasonable police power on the property of the State of Louisiana under the supervision of the Superintendent of State Buildings and Grounds.

All employees of the State of Louisiana, working in the following State Office Buildings or visiting same, must adhere to the conditions as set forth in this memorandum:

State Capitol Complex, New Orleans State Office Building and Family Services Building, Lafayette State Office Building, Alexandria State Office Building, Shreveport State Office Building and the Monroe State Office Building

§ 149.1 Duties; Powers

The Capitol Police shall be responsible for maintaining general order and exercising reasonable police power on the property of the State of Louisiana under the supervision of the Superintendent of State Buildings and Grounds.

§ 149.2 Capitol Police Constituted as Peace Officers: Bond

The Capitol Police, who are responsible for maintaining general order and exercising reasonable police power on the property of the State of Louisiana, under the supervision of the Superintendent of State Buildings and Grounds, are hereby constituted peace officers with the right, when discharging their duty on said property, to carry concealed weapons, exercise the power of arrest and transfer arrested persons to the sheriff of the parish wherein the arrest is made. Such persons, officers, and/or guards who are responsible for maintaining general order and exercising reasonable police power on the property of the State of Louisiana, under the

supervision of the Superintendent of State Buildings and Grounds, shall be bonded in the amount of ten thousand dollars (\$10,000) in the exercise of their functions and the premiums on such bonds shall be paid from the budget of the Superintendent of State Buildings and Grounds.

In view of this mandate, effective September 1, 1974, the State Capitol Police will start issuing tickets for illegal parking and other traffic violations occurring on state property within all State Office Building parking facilities.

When issued, the person receiving the ticket will be required to pay the appropriate fine at their respective Sheriff's Office or appear in District Court, or both.

You are encouraged to advise your employees to observe the traffic laws and obey the posted signs within your area.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 57**

Subject: Louisiana Bicentennial Commission

Effective Date: September 30, 1974

**Authorization: Executive Order No. 21, January 21,
1973—House Concurrent Resolution
No. 220 of the 1974 Legislative Session**

This memorandum is issued to request all department heads and elected state officials to cooperate with the Louisiana Bicentennial Commission by designating within their department a member of their staff to work in coordination with the Bicentennial Commission.

WHEREAS, the Congress of the United States has established by law the American Revolution Bicentennial Commission whose purpose is to plan, encourage, develop, and coordinate the commemoration of the 200th anniversary date of this country on July 4, 1976; and

WHEREAS, the President of the United States on July 3, 1971, did officially declare that the five (5) years prior to the 200th anniversary date to be the Bicentennial Era; and

WHEREAS, the Bicentennial Era is intended to emphasize the continuing effort of this nation and its

people to achieve the fulfillment of the ideals and ideas of the American Revolution as stated in the Declaration of Independence, the Constitution, and the Bill of Rights; and

WHEREAS, the Louisiana Bicentennial Commission was established by Governor Edwin Edwards by Executive Order No. 21 on January 12, 1973; and

WHEREAS, there is an urgent need for the individual states to participate actively in the Bicentennial Celebration—so that the continuing series of events, exhibits, etc. can properly planned and coordinated in a fitting prelude to and climax of America's observance of her 200th anniversary; and

WHEREAS, the achievement of the goals of the Louisiana Bicentennial Commission can only be realized through the cooperation and coordination of all those individuals participating in the work of the Commission.

THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Legislature does hereby urge and request all department heads and elected officials, to cooperate with the Bicentennial Commission on projects and programs within the three (3) thematic areas of Heritage, Festivals, and Horizons, by designating within their department of member of their staff of work in coordination with the Bicentennial Commission.

Charles E. Roemer, II
Commissioner

**POLICY AND PROCEDURE
MEMORANDUM NO. 58**

Subject: Establishment of Louisiana Information Processing Authority

Effective Date: January 1, 1975

Authorization: Act 728, R.S. 1972 (Sec. 101-104, Title 39)

This memorandum is issued to create the Louisiana Information Processing Authority (LIPA) by the Commissioner of the Division of Administration to exercise those powers and functions of the Commissioner and the Division of Administration related to information processing as provided by Title 39 of the Louisiana Revised Statutes, particularly as specified by those sections (101 through 102) enacted by Act 728 of the regular session of the legislature of 1972.

I. Objectives

The objectives of the Louisiana Information Processing Authority are to:

Provide the services necessary to assure the development, implementation, maintenance and operation of information processing systems on a reliable and effective basis.

Establish, monitor and promote those factors contributing to effective utilization of the information processing resources within the State of Louisiana. Those factors include:

- executive leadership
- sound management controls
- user agency involvement
- competent systems development personnel and competent operating personnel
- uniform planning and control

Assure that information processing services are provided in a manner which is acceptable to the user agencies and in the best interest of the State of Louisiana.

II. Scope of Services

The Louisiana Information Processing Authority will provide management services for all information processing activities of all State agencies, boards, commissions, political subdivisions or corporations (excluding parishes and municipalities) except where the services provided would be in conflict with Federal requirements. In addition, LIPA will provide centralized information processing services when the provision of these services is deemed to be in the best interest of the State.

The Authority will also assess the long-range information systems plans to assure standardization of systems and compatibility of equipment, to encourage the optimum utilization of State resources and provide for the interchange of systems and personnel.

The Authority will be responsible for planning all data transmission and data communication requirements and needs for the State. In performing that function LIPA shall coordinate and approve the requirements and needs of all State agencies.

III. Organization

The Louisiana Information Processing Authority shall consist of the Louisiana Information Processing Advisory Group, the Assistant to the Commissioner for

Information Processing, the Director of Information Planning and Implementation, the Director of Administrative Services and Office of Information Services.

The individuals to serve on the Louisiana Information Processing Advisory Group will be selected by the Commissioner of the Division of Administration and will serve at his pleasure. The Advisory Group shall be composed of a designated Assistant to the Commissioner of Administration and members from selected State agencies which are, or will be, major providers or users of information processing services. The Assistant to the Commissioner for Information Processing will serve as an ex-officio member of the Advisory Group.

The Assistant to the Commissioner for Information Processing will be appointed by the Commissioner for Information Processing will be appointed by the Commissioner of the Division of Administration and will serve at his pleasure.

The Director of Information Planning and Implementation, Director of Administrative Services, and Director of the Office of Information Services will be selected by the Assistant to the Commissioner for Information Processing with the approval of the Commissioner of the Division of Administration.

IV. Functions of the Authority

The functions to be carried out by the Louisiana Information Processing Authority are defined below. The responsibilities of the organizational units of the Authority required to effect those functions shall be prescribed by policy established by the Authority.

The Louisiana Information Processing Advisory Group shall provide executive guidance and control for the State's information processing functions to assure effective utilization of the State's information processing resources.

The Advisory Group shall serve as advisors to the Commissioner of the Division of Administration.

The Advisory Group shall recommend policy to the Commissioner to establish Statewide guidelines for the information processing functions of the State.

The Advisory Group shall monitor and make selected reviews of the information processing activities to assure that reliable and effective services are provided.

The Assistant to the Commissioner for Information Processing shall discharge the responsibilities of the

Commissioner of Administration with respect to Section 101-104 of Title 39.

He shall manage the functions of Information Planning and Implementation and of Administrative Services and shall supervise the management and operation of the Office of Information Services. He shall supervise and coordinate all State information processing functions.

The Assistant to the Commissioner shall be responsible to the Commissioner of the Division of Administration.

The Director of Information Planning and Implementation shall plan, coordinate, and monitor the system development and implementation activities of the State in order to assure the information systems necessary for the operations and control of the State's resources are provided. His duties shall include the day-to-day coordination and communication between agencies of the State and the information processing activities.

He shall be responsible to the Assistant to the Commissioner for Information Processing.

The Director of Administrative Services shall provide the fiscal and accounting, personnel procurement and administration, training and contracting services required for the effective operation of the Louisiana Information Processing Authority. He shall review, monitor and coordinate these services for the information processing functions of other agencies.

He shall be responsible to the Assistant to the Commissioner for Information Processing.

The Director of the Office of Information Services shall manage and operate the State's central information processing facilities.

He shall provide production support, including minor modification and routine maintenance, of the operational systems.

Through the system development Project Manager he shall, at the direction of the Assistant to the Commissioner for Information Processing, direct the systems development efforts through all phases of design and implementation.

He shall be responsible to the Assistant to the Commissioner for Information Processing.

Charles E. Roemer, II
Commissioner of Administration

DECLARATION OF EMERGENCY
State Fire Marshal
Emergency Rule Effective February 7, 1975

Honorable Edwin Edwards, Governor
State of Louisiana
P. O. Box 44004
Baton Rouge, Louisiana 70804

Dear Governor Edwards:

I have exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to place into effect on this date the attached rules relative to the sale and manufacture of tents within Louisiana.

Delay in implementing these regulations could jeopardize Louisiana citizens by permitting the sale or manufacture of dangerous, inflammable tents and tenting material.

I am also initiating the process required by the Administrative Procedures Act to make these rules permanent.

Sincerely,

Raymond B. Oliver
State Fire Marshal

Be It Adopted by the State Fire Marshal

- A. Definitions—For the purpose of this rule the following definitions shall apply:
- (1) "Tentage" means any mobil or portable temporary shelter designed to protect persons from the elements, all or a portion of the covering of which is made of fabric or other pliable materials.
 - (2) "Flooring Material" means pliable material used for flooring in tentage but excluding such articles as rugs or carpets placed in a tent which are not an integral part of the tent.
 - (3) "Wall and Top Material" means any pliable material used in tentage for other than flooring including walls, roofs, tops, doors, window screens, awnings, flies, and canopies.
- B. No person shall sell or keep for sale any tentage as such defined in these regulations unless all pliable material contained therein meets the standards of the Canvass Products Association International

Specification No. 84, hereinafter referred to as CPAI-84, as amended from time to time.

- C. Each lot of flame retardant material accepted by any wholesale or retail distributor of tentage within the State of Louisiana shall be accompanied by a written certification from the supplier thereof stating that it meets the flame retardant requirements of the CPAI-84 and shall give the lot number and yardage therein.
- D. A label or labels containing the following information shall be permanently affixed to each item of tentage sold in the State of Louisiana:
 - (1) Certification: A statement that the materials used in the manufacture of the item meet the flame retardant requirements of CPAI-84.
 - (2) Manufacturer's Identification: An identification of the manufacturer of the item unless the item bears a private label in which case it shall identify the private labeler and shall also contain a code mark which will permit the seller of the item to identify the manufacturer thereof to the purchaser upon request.
 - (3) Serial Number: The number enabling the manufacturer to identify, from his records, the supplier and supplier's lot number of the material used in the item. The manufacturer shall maintain records identifying the person or firm to whom he sold each numbered item. He shall further maintain records identifying those items manufactured from each lot of certified material.
 - (4) Care Information: Instructions designed to protect the item from agents or treatments known to be detrimental to the flame retardant properties of the material and to warn against the introduction of high heat sources.
- E. Tentage which is not manufactured or fabricated in accordance with the standards of CPAI-84 and is not certified and labeled in accordance with these rules shall not be manufactured and/or sold in the State of Louisiana.
- F. These rules shall become effective February 7, 1975.
- G. All rules and regulations or parts thereof in conflict herewith are hereby repealed.
- H. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule

shall continue in full force and effect and to this end, this rule is declared to be severable.

**Rules for the Election of a Classified
State Employee to the Louisiana Civil Service Commission
Adopted by Wade O. Martin, Jr.,
Secretary of State,
December 31, 1974**

(Editor's Note: The following regulations are exempted by R.S. 49:966(C) from the notice and promulgation requirements of R.S. 49:953-954. Publication here is solely for informational purposes.)

1. Call for election

- (a) The Director of Civil Service shall issue the call for election of the classified employee member of the Civil Service Commission by posting a notice of such call on the bulletin board near the office of the Commission. A copy thereof shall be delivered to the Secretary of State who shall cause same to be published in the official State Journal.
- (b) The first call for election shall be issued on January 3, 1975. Subject to the provisions of paragraph (c) of this section, subsequent calls shall be issued on January 3 of each successive six-year period.
- (c) In the event a vacancy occurs in the office of the classified employee commission member and there are more than 90 days remaining in the term, the Director of Civil Service shall issue a call for an election to fill the remainder of the term of office within three days after he becomes aware that a vacancy has occurred.

2. Nomination

- (a) A candidate must be a full time permanent classified employee for a period of one year or longer prior to the date on which he qualifies.
- (b) In order to have his name placed on the ballot, a qualified candidate must file with the Director of Civil Service within seven days following the call for the election a petition containing the signature and employing agency of one hundred permanent employees of which not less than ten

shall be from each of three separate departments. A qualified employee may sign more than one nominating petition.

- (c) The Director of Civil Service shall examine the petition on receipt, determine that the person nominated is eligible or ineligible and that the petition is valid or invalid on its face and so notify the candidate of his decision.
- (d) A candidate may withdraw his name from nomination by notifying the Director of Civil Service in writing prior to the close of the qualifying period.

3. Conduct of Election

- (a) All eligible candidates shall have their names listed on the ballot in alphabetical order of their last name. A number will be assigned to each candidate by the Director in the order listed.
- (b) Not later than twenty days after the final day for the filing of nomination petitions, he shall cause to be prepared and mailed to each permanent employee in the classified State service whose name appears on the employment rolls thirty days prior to the date on which the call for the election is issued, at his last known home address, one official ballot, one signature slip also containing a place for Social Security number, if any, and two official voting envelopes, one of which shall be smaller than the other. The marked ballot shall be enclosed in the small official envelope marked "for ballot only", which envelope shall be sealed, and, together with the signature slip properly signed, in turn enclosed in the larger envelope self-addressed to the Director.
- (c) Ballots will contain the final date on which ballots must be received by the Director of Civil Service in order to be counted in the election.
- (d) Returned ballots and signature slips will be examined by the ballot counting committee and will be accepted or rejected. Rejected ballots will have the signature slips affixed to the ballot envelope and retained by the Director of Civil Service.
- (e) All ballots shall be retained by the Director of Civil Service for a period of thirty days following the submission of his written report of the results of the election or until any questions concerning the election are resolved.

4. Report of Results

- (a) The Director of Civil Service shall submit a report of the election results to the Civil Service Commission and to the Secretary of State within three days after the last date for the return of the ballots. The report will list each candidate with the total number of votes received by each in the order in which their names appear on the ballot.
- (b) A copy of the report will be mailed to each candidate and to the Secretary of State who shall cause same to be published in the official State Journal.
- (c) A copy of the report will be posted for five consecutive days on the bulletin board near the office of the Commission.

5. Publication of Rules

- (a) These Rules and any amendments thereto shall be delivered to the Director and shall be published in the official State Journal.

ADOPTED: December 31, 1974

BY: Wade O. Martin, Jr., Secretary of State

HEALTH AND HUMAN RESOURCES
ADMINISTRATION
DIVISION OF FAMILY SERVICES

EXECUTIVE BULLETIN NO. 910

(Editor's Note: The following regulations are exempted by R.S. 49:966(C) from the notice and promulgation requirements of R.S. 49:953-954. Publication here is solely for informational purposes.)

January 2, 1975

Administrative Policy in AFDC
Related to Quality Control Error Findings

Based on Quality Control Findings, we have determined that there is a need to better define administrative policies regarding the dates changes are reported by clients and dates by which action is to be taken by the

local office which would affect eligibility and/or amount of payment.

Effective immediately, the following policies shall apply:

- (1) When there is a change in the recipient's circumstances which would affect eligibility or amount of payment, he should report the change immediately, but in no case later than ten calendar days following the change. In instances where the change is one involving income, the client should report immediately, but no later than 10 days following receipt of the changed amount of income. Therefore, if a recipient begins employment, he should immediately let the local office know, but in no instance later than 10 calendar days following receipt of the first pay check.
- (2) Upon receipt of the information from the recipient, the local office shall initiate the appropriate forms as soon as possible, no later than ten calendar days following the change being reported. If an advance notice is necessary, the form shall be mailed to the client no later than the end of the ten day period.

Since we want the client to continue reporting changes immediately as they occur, we are not changing any case forms, etc., to reflect the procedures as outlined above. This is primarily an internal procedure which will better define what is considered an error for Quality Control purposes and should also assist in determining overpayment and ineligibility data for recovery purposes.

GARLAND L. BONIN
Director

STATE FIRE MARSHAL

Promulgation of New Rules Which Became Effective on January 1, 1975.

(Editor's Note: Publication of the following material is not required by the Administrative Procedures Act. It is presented here solely for informational purposes.)

1. Plans and Specifications for a New Building

The plans and specifications for every structure built or remodeled in the State of Louisiana must be drawn in accordance with the requirements of the 1973 Edition of the Life Safety Code of the National Fire Protection Association and Section 518—Special Provision for Highrise, of Chapter 4 of the 1974 amendments to the 1973 Southern Standard Building Code.

a. NFPA 101-1973 Sec. 9-731 requiring partitions for sleeping quarters shall not apply to any day care centers which operate only during daylight hours.

b. NFPA 101-1973 Appendix A-9-71 is simply an explanatory note and will not be enforced by the Fire Marshal. Ratios of children to supervisors are set by the Division of Family Services and enforced by them.

2. Standards for Mobile Homes

All mobile homes manufactured and/or sold in the State of Louisiana shall meet the requirements set forth in the 1974 Pamphlet 501B of the National Fire Protection Association or the American National Standards Institute A119.1. The fees of the Fire Marshal for inspections in accordance with Act 281 of 1974 shall be as follows:

| | |
|---|---------|
| Manufacturers License | \$50.00 |
| Dealers License | \$25.00 |
| Inspection of a typical mobile home model plan | \$60.00 |
| Inspection of individual mobile home | \$10.00 |

For the purpose of complying with paragraph 911.31 entitled "Electricity and Gas Utilities; Prohibition" of Act 281 of 1974, compliance with the act shall be deemed to have been made by the imprinting or attachment of the seal of the State Fire Marshal or a licensed independent testing agency to a certified true copy of the bill of sale of the mobile home or a certified true copy of the registration certificate containing the information required by the act. A certified true copy is defined to be a copy attested to by a Notary Public that it is, in fact, a true copy of the original.

3. Standards for Recreational Vehicles and Recreational Vehicle Parks

All recreational vehicles manufactured and/or sold in the State of Louisiana shall meet the requirements of the 1974 edition of Pamphlet 501C of the National Fire Protection Association. All recreational vehicle parks owned and/or operated in the State of Louisiana shall comply with the provisions of the 1974 edition of

Pamphlet 501D of the National Fire Protection Association.

4. Smoking in Places of Public Assembly Prohibited

There shall be no smoking in the public assembly areas of any churches, schools and theaters; this shall not prohibit the owners and/or operators of these particular places of public assembly from creating and designating smoking areas which are constructed and maintained to safeguard the life and safety of the individuals utilizing the facilities in question. There shall be no smoking in oil refineries, service stations, and any place where flammable materials and substances are being stored and/or handled. There shall be no smoking in any areas which have been designated by the State Fire Marshal as hazardous and for which reasons he has posted or caused to be posted a sign specifically indicating that there shall be no smoking in that particular area.

5. Fire Hoses in Stairwells Prohibited

No fire hoses will be permitted in stairwells.

6. No Parking in Hospital Fire Lanes

There shall be no parking or stopping of any kind in fire lanes designated by the State Fire Marshal or his Deputy in and around hospitals, nursing homes, convalescence facilities and any other buildings used for the same or similar purposes. After the Fire Marshal has designated the fire lanes, it shall be the responsibility of the above described institution to pay for and to erect suitable signs notifying everyone that there shall be no parking in the designated fire lanes by order of the State Fire Marshal; failure to obey this order shall subject the violator to a fine of \$1,000.00 or one year in jail or both.

7. No Parking in the Front of the Exits and Entrances to Shopping Centers

There shall be no parking or stopping of any kind within 50 feet of the exits and entrances to any shopping center or any other similar facility or building used for the same or similar purposes. Fire lanes shall be designated by the Fire Marshal or his certified local authority and there shall be no parking or stopping of any kind in these fire lanes. In the event of extreme hardship for existing buildings, temporary loading zones may be designated but in no event shall an unattended vehicle be allowed to stand in a fire lane or at the entrance or exit to a shopping center. It shall be the responsibility of the owners and operators of shopping centers and similar facilities to pay for and erect suitable

signs notifying everyone that there shall be no parking within the specified area by order of the State Fire Marshal; failure to obey this order shall subject the violator to a fine of \$1,000.00 or one year in jail or both.

8. No Overcrowding

There shall be no overcrowding in any auditorium or place of public assembly. In the future, no contracts with the owners of auditoriums or places of public assembly shall allow the sale of tickets for the entry of any more individuals than can be seated in that auditorium or place of public assembly. All contracts for the use of said auditorium or place of public assembly shall provide that the owners of the auditorium or place of public assembly shall provide the tickets for the event for which the promoter of the event may be required to pay the cost. There shall be no more individuals permitted in said auditorium or place of public assembly than can be accommodated by the number of seats and the arrangement of said seats as approved by the Fire Marshal or a certified local authority. The promoters of any event in said auditorium or place of public assembly shall be required to pay the cost of additional security to assure that no more individuals enter said auditorium or place of public assembly than can be accommodated by the seating arrangement; and furthermore, the promoters shall provide their owners, the municipalities and the State with adequate insurance to cover the damage, property or personal injuries, which can foreseeably be expected to occur as a result of the circumstances of this congregation of people.

9. General Provisions

It shall be the policy of the State Fire Marshal that in all instances or specifications provided in the statutes or in the codes referenced by the statutes, or by any specific references in administrative ruling by the State Fire Marshal, that the National Fire Codes published by the National Fire Protection Association and the National Building Code shall be used as the references and standards for determinations by the State Fire Marshal.

State Fire Marshal
Raymond B. Oliver

RULES OF PRACTICE AND PROCEDURE BEFORE THE LOUISIANA WORKMEN'S COMPENSATION SECOND INJURY BOARD

Adopted December 19, 1974

(Editor's Note: Publication of the following material is not required by the Administrative Procedures Act. It is presented here solely for informational purposes.)

Section 1. Authority. These Rules of Practice and Procedure are promulgated by authority of R.S. 49:951 et seq., as amended, being the Louisiana Administrative Procedures Act.

Section 2. Domicile of Board, Time of Meetings, Special Meetings. The board shall be domiciled in Baton Rouge, Louisiana. It shall hold its regular meeting on the first Thursday of each month. Special meetings may be called upon giving three days advance notice thereof.

Section 3. Definitions. By reference, all of the definitions set forth and contained in R.S. 49:951 through R.S. 49:966, inclusive, are incorporated herein, and for the purpose of hearings to be held hereunder, the following definitions shall prevail:

- (a) "Board" shall mean the Louisiana Workmen's Compensation Second Injury Board.
- (b) "Hearing" shall mean a hearing called by the Board under the authority of R.S. 23:1378, subsection C.
- (c) "Hearing Officer" shall be the employee designated by the Board to conduct hearings on its behalf.
- (d) "Applicant" shall mean the employer or insurer making claim for reimbursement from the Workmen's Compensation Second Injury Fund.
- (e) "Insurer" shall mean the workmen's compensation insurance carrier of an employer.

Section 3. Registration and Certification of Partial-Permanent Disability. A request for board certification of the existence of a partial-permanent disability as provided for in R.S. 23:1378A shall be made to the board by the employee, his employer, or by them jointly on a form to be provided by the board upon request. Such form shall contain such information as the board deems necessary to make an intelligent determination as to eligibility for certification. The board, through its executive director, may request such additional medical information or verification and such other factual information as it finds necessary to make such determination.

Section 4. Notice of Determination and its Effect. The board shall notify the person or persons submitting the request for certification of its administrative determination hereon. If the board determines that such person is or is not entitled to certification, such determination shall in no way affect the validity of the registration and in the event that a claim is filed under the provisions of Subsection B of Section 1378, the employer or the insurance carrier filing such claim may

again urge the entitlement to certification and the Board may reconsider its original determination in light of all the facts and evidence presented.

Section 5. Presentation of Claim for Reimbursement from Second Injury Fund, Timely Filing Thereof. Whenever an employer or his insurer pays or becomes liable for any benefits to any employee for an injury which comes within the scope of Act 165 of 1974 may within ten (10) days after the first payment of weekly compensation notify the board in writing of such facts and shall furnish such additional information and complete such forms as the board may find necessary for a determination thereon.

Section 6. Disposition of Claim. The board shall conduct such investigations, order such hearings and take such other actions as it finds necessary to make an intelligent decision on the claim. Such written decision shall be made as soon as the facts and circumstances will allow. It shall be dated and mailed to the applicant by certified mail.

Section 7. Finality of Board's Decision. The written decision of the board shall be final.

Section 8. Appeal. An appeal from an adverse decision of the board both as to liability under the act or the amount of such liability may be taken by the aggrieved party provided such appeal is filed with the district court having jurisdiction under the provisions of this chapter within thirty (30) days of the date shown on the notice of the written decision.

Section 9. Commencement of Hearings. All hearings conducted by the board shall be instituted by the board as authorized by R.S. 23:1378C on its own motion or on the request of the applicant where the board determines that the granting of such request is in the public interest and justice.

Section 10. Notice. The board shall notify the applicant at least fifteen (15) days prior to the hearing and such notice shall conform to the requirements of R.S. 49:955.

Section 11. Answer or Appearance. The applicant may file his answer or other appearance on or before the date fixed for the hearing.

Section 12. Leave to Intervene Necessary. Persons, other than the original parties to any proceeding, whose interests are to be directly and immediately affected by the proceeding, shall secure an order from the Board or Hearing Officer appointed by it granting leave to intervene before being allowed to participate; provided that the granting of leave to intervene in any matter or proceeding shall not be construed to be a finding or determination of the Board or Hearing Officer for purposes of court review or appeal.

Petitions for leave to intervene must be in writing and must clearly identify the proceeding in which it is sought to intervene. Such petition must set forth the name and address of the petitioner and contain a clear

and concise statement of the direct and immediate interest of the petitioner in such proceeding, stating the manner in which such petitioner will be affected by such proceeding, outlining the matters and things relied upon by such petitioner as a basis for his request to intervene in such cause, and if affirmative relief is sought, the petition must contain a clear and concise statement of relief sought and the basis thereof, together with a statement as to the nature and quantity of evidence petitioner will present if such petition is granted.

Petitions to intervene and proof of service of copies thereof on all other parties of record shall be filed not less than two (2) days prior to the commencement of the hearing. Thereafter, such petition shall state a substantial reason for such delay. Otherwise, such petition will not be considered.

If a petition to intervene shows direct and immediate interest in the subject matter of the proceeding or any part thereof and does not unduly broaden the issues, the board may grant leave to intervene or otherwise appear in the proceeding with respect to the matters set out in the intervening petition, subject to such reasonable conditions as may be prescribed. If it appears during the course of a proceeding that an intervenor has no direct or immediate interest in the proceeding, and that the public interest does not require his participation therein, the board may dismiss him from the proceeding.

Section 13. Docket. When a hearing is instituted, it shall be assigned a number and entered with the date of its filing on a separate page of docket provided for such purpose. The board shall establish a separate file for each such docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence and exhibits pertaining thereto, and all such items shall have noted thereon the docket number assigned, and the date of filing.

Section 14. Default in Answering or Appearing. In the event of the failure of any respondent to answer or otherwise appear within the time allowed, and provided that the foregoing rules as to service have been complied with, the respondent or respondents so failing to answer or otherwise plead or to appear, shall be deemed to be in default, and the allegations of the complaint, petition, or order to show cause, as the case may be, together with the evidence to support the same, shall be entered into the record and may be taken as true and the order the board entered accordingly.

Section 15. Hearings. The hearing shall be conducted by the board or its designated Hearing Officer in accordance with the rules and procedures set forth in R.S. 49:956.

Section 16. Procedure at Hearings.

(a) The Chairman of the board or the Vice Chairman in the absence of the Chairman or the Hearing Officer assigned to the matter shall announce the title and docket number of the proceedings before the Board

and direct a reading into the record of the notice of hearing together with the written appearances of the applicant and shall note the subpoenas issued and the returns thereon. Attorneys and/or other representatives for the applicant shall be recognized along with the representatives of the board and other proper parties.

(b) The applicant shall then present his evidence subject to cross examination by the board and other proper parties in those cases where the applicant requested the hearing be held.

(c) The board shall then present its evidence subject to cross examination by the applicant and other proper parties.

(d) Where the board has called the hearing on its own motion, the order of presentation of evidence shall be reversed.

(e) The board may make an informal disposition of the case by stipulation, agreed settlement, consent order or default.

(f) The board shall render its final decision and order in accordance with R.S. 22:958.

Section 17. In those cases where adjudication without the necessity for formal hearing is recommended by the staff members of the board, all interested parties shall be notified at least ten (10) days prior to the date of the meeting of the board where the staff recommendations are to be considered.

Section 18. Stenographic Record of Hearing. At the expense of and at the written request made not less than four (4) days prior to the date set for the hearing by any person affected by the hearing the board or the person designated by it to hold the hearing shall cause a full stenographic record of the proceedings to be made by a competent stenographic reporter and if transcribed, such records shall be made a part of the record of the Board of the hearing.

Section 19. Rules of Procedures for Hearings. The intent of these rules of procedures for hearings and adjudication of claims made by the employers is to comply with the Administrative Procedures Act, R.S. 49:951 et seq. In the event there is a conflict between these rules and R.S. 22:951 et. seq., the procedures outlined in R.S. 22:951 et. seq., shall be followed.

Sherman A. Bernard, Chairman

STATE LAND OFFICE
Rules and Regulations Concerning
the Granting of Rights-of-Way to
Corporations or Individuals

(Editor's note: The following rules became effective December 31, 1974. They are published here strictly on an informational basis.)

1. Applicants will use the State Right-of-Way form provided by the Land Office. A special form is used for escrow agreement permits.
2. The Right-of-Way form must be submitted in triplicate with a legal size plat(s) attached to each copy.
3. The description contained in the Right-of-Way form must indicate section, township and range, or area and block number(s) if offshore; name of the body of water to be crossed; the size of the pipe and the length of the right-of-way in rods.
4. The plat(s) must reveal the following:
 - a. Station numbers at the mean low water elevation on a river; the station number at the mean high water elevation on a lake, bay or Gulf of Mexico; or station number at ingress and egress of State properties. Said plat, when illustrating the mean low water line of a river or the mean high water line of a lake or the Gulf, will be authoritative only as to the date of the application for calculation of the State's consideration. The limits of State property reflected on said plat are illustrative only and recognized solely and only for computing the fee for this grant, and are not intended and shall not be construed as determinative of actual title for the benefit of any adjoining owners, whether a Grantee herein or a third party.
 - b. The section, township and range if in an area that has been surveyed.
 - c. The product to be transported.
 - d. The location of the pipeline with respect to the right-of-way.
5. Names of adjoining land owners cannot be shown on the plat unless necessary for legal description.
6. The Right-of-Way form must be accompanied by a letter of intent which shall contain the following information:
 - a. Initiating and terminating point of the pipeline.
 - b. Point of origination of product to be transported as a result of this construction.
 - c. Capacity or if a loopline added capacity as a result of this construction.
 - d. Estimated volume of product to be transported as a result of this construction.
 - e. A detail of construction.

- f. Pipe specifications including size, wall thickness and type.
 - g. The proposed and maximum operating pressures.
7. Where State mineral leases are traversed, an applicant will furnish the Register of State Lands a copy of the letter of notification (with signed, certified returned receipt attached) which has been sent to the mineral lessees.
 8. It is necessary that permission or clearance be obtained from the United States Corps of Engineers, State Department of Public Works, and Louisiana Stream Control Commission, if the proposed line crosses navigable waters. A copy of the letter of clearance from the State Department of Public Works must accompany the application.
 9. Clearance shall be obtained from the Louisiana Wildlife and Fisheries Commission, 126 Civil Courts Building, New Orleans, Louisiana, when oyster leases are to be traversed.
 10. Written consent must be obtained from the Louisiana Wildlife and Fisheries Commission if the proposed right-of-way crosses a State or Federal preserve. Similar clearance is required from any agency having jurisdiction over surface rights of state lands being crossed.
 11. The State requires payment of all grants across State lands or navigable streams—regardless of size.
 12. Fees for permits shall be as follows:

Class 1. Pipe 2 to 5 inches outside diameter with a maximum of 50 feet right-of-way during construction to revert to 25 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$6.00 per rod.

Class 2. Pipe 6 to 10 inches outside diameter with a maximum of 50 feet right-of-way during construction to revert to 25 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$8.00 per rod.

Class 3. Pipe 11 to 19 inches outside diameter with a maximum of 100 feet right-of-way during construction to revert to 50 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$12.00 per rod.

Class 4. Pipe 20 to 29 inches outside diameter with a maximum of 100 feet right-of-way during construction to revert to 50 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$14.00 per rod.

Class 5. Pipe 30 to 39 inches outside diameter with a maximum of 200 feet right-of-way during construction to revert to 60 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$16.00 per rod.

Class 6. Pipe 40 inches or more outside diameter with a maximum of 200 feet right-of-way during construction to revert to 60 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$20.00 per rod.

13. The minimum fee for any application processed shall be \$50.00.
14. All pipe lines constructed under permits granted by the State of Louisiana shall be in accordance with Parts 191, 192 and 195 of Title 49 of the Code of Federal Regulations, as amended, and other Federal and State laws not in conflict therewith.
15. The State of Louisiana is held free from any and all liabilities.
16. A copy of the Right-of-Way Grant, along with the pertinent plat(s) attached, must be filed with the Clerk of Court of the Parish or Parishes affected.

ELLEN BRYAN MOORE
Register of State Land Office

NOTICE OF INTENT

Board of Regents

The Board of Regents, will meet March 27, 1975, at 10:30 a.m. in the Mineral Board Room, First Floor, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, to consider adoption of the following rule:

All communications to the Board of Regents, or any committee thereof, from persons having official relations with the Board of Regents, shall be filed in writing with the Commissioner of Higher Education and transmitted by him to the Board of Regents.

Interested persons may submit written comments to P. O. Box 44362, Baton Rouge, Louisiana 70804. Oral comments may be presented March 27.

Thomas D. James
Chairman

NOTICE OF INTENT

Department of Civil Service

The State Civil Service Commission will hold a public hearing on April 1, 1975, for the purpose of considering changes in, and additions to, the Civil Service Rules as proposed below.

The hearing will begin at 9:00 a.m. and will be held in the Conservation Auditorium on the 1st floor of the Land and Natural Resources Building in Baton Rouge, Louisiana.

The purpose of this hearing is to consider proposed changes to amend Chapter 4 of the Civil Service Rules to provide a mechanism by which positions may be added to and deleted from the unclassified service of the State of Louisiana.

Proposal

Chapter 4:

Amend and re-enact Rule 4.1 to read as follows:

4.1 Classified and Unclassified Positions.

- (d) 1. The Director, upon submission by an employing agency of justifications deemed adequate by him, may add to the unclassified service positions involving duty assignments such as the following:
- (a) University football announcers, ticket takers, ticket sellers, parking attendants, gate guards, chain carriers (down markers), etc.
 - (b) Seasonal, intermittent life guards at State Parks.
 - (c) Temporary, intermittent clerical assistants hired by State universities during periods of student registration.
 - (d) Laborers and tradesmen employed tem-

porarily to construct, repair, renovate, or paint State buildings.

- (e) Substitute aides to assist in day care centers.
 - (f) Part-time, intermittent custodial workers, laborers, and maintenance men employed by Public Housing Authorities and other agencies.
 - (g) Seasonal nursery workers or "hoe hands".
2. The Commission, upon submission of adequate justifications by the employing agencies and upon recommendation of the Director, may add positions to the unclassified service and may, with or without the recommendation of the Director, revoke any position added to the unclassified service under the provisions of this Sub-section.
 3. The Director may not revoke any position added to the unclassified service by the Commission, but may revoke those positions added by him.
 4. The Director shall publish in the Louisiana State Personnel Manual a listing of all positions added to the unclassified service under the provisions of this Sub-section and shall from time to time delete from such listing those positions which have been revoked.

Explanation

The purpose of this proposal is to provide a mechanism by which positions may be added to and deleted from the unclassified service of the State of Louisiana.

Persons interested in making comments relative to this proposal may do so by letter or by appearance at the public hearing.

Harold E. Forbes
Director of Civil Service

NOTICE OF INTENT

Department of Conservation

In accordance with the laws of the State of

Louisiana, and particularly R.S. 30:701, et seq., and R.S. 49:951, et seq., a public hearing will be held in the Conservation Auditorium, 1st Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, at 9:00 A.M., Wednesday, March 12, 1975.

At such hearing the Commissioner will consider evidence relative to the issuance of a Statewide Order adopting rules and regulations for Production Incentive Payments, implementing the provisions of R.S. 30:701, et seq., and to be designated as Production Incentive Payments Order No. 1.

The proposed Statewide Order referred to hereinabove is appended hereto. This Statewide Order represents the views of the Commissioner as of this date; however, the Commissioner reserves the right to propose additions or amendments thereto prior to final adoption.

The Commissioner of Conservation, on or after March 12, 1975, will promulgate Production Incentive Payments Order No. 1, implementing the provisions of R.S. 30:701, et seq.

Comments and views regarding the proposed Statewide Order should be directed in written form to be received not later than 5:00 P.M., March 11, 1975. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to:

R. T. Sutton
Commissioner of Conservation
P. O. Box 44275, Capitol Station
Baton Rouge, Louisiana 70804
RE: Comments—Production Incentive Payments Order No. 1

All parties having interest in the aforesaid shall take notice thereof. All concerned will undoubtedly take notice of publication of this notice of hearing in The State Times, Baton Rouge, Louisiana, and the Louisiana Register.

R. T. Sutton
Commissioner of Conservation

**Production Incentive Payments
Order No. 1**

**Statewide Order adopting rules and regulations for
Production Incentive Payments.**

Pursuant to power delegated under the laws of the

State of Louisiana, and particularly R.S. 30:701, et seq., and R.S. 49:951, et seq., and after a hearing held under Docket No. 75-_____ in _____, Louisiana, on _____, 1975, following notice by mail in accordance with rules of the Commissioner of Conservation and publication of Notice of Hearing not less than twenty (20) days prior to said hearing in the official journal of the State of Louisiana, The State Times at Baton Rouge, Louisiana, and the Louisiana Register, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to encourage exploration, production, processing, and refining efforts to obtain maximum production of oil, intrastate gas, and other hydrocarbons, and to otherwise carry out the provisions of the laws of this State. These rules and regulations shall govern the making of Production Incentive Payments on oil, as hereinafter defined, produced in the State of Louisiana.

Definitions

Unless the context otherwise requires, the words defined in this section shall have the following meaning when found in this Order.

1. "The Commissioner" shall mean the Commissioner of Conservation of the State of Louisiana.

2. "Production Incentive Fund" shall mean the fund established by the Commissioner with the monies legislatively allocated to the Commissioner for the purpose of making Production Incentive Payments and administering the provisions of LSA-R.S. 30:701, et seq.

3. "Production Incentive Payments" shall mean those payments from the Production Incentive Fund which are to be made pursuant to the provisions hereof in order to encourage exploration, production, processing, and refining of oil, intrastate gas, and other hydrocarbons.

4. "Oil" shall mean crude petroleum oil, condensate, and any other liquid hydrocarbons, regardless of gravity, which are produced from or allocated to any land or lease in the State of Louisiana.

5. "Gross Value" shall mean the total market value of the oil, when produced and first sold, including severance and other taxes placed thereon, or the value on which royalties are paid, whichever is less.

6. "Owner" (Working Interest Owner) shall mean the person who has the right to drill into and to produce from a pool and to appropriate the production therefrom either for himself or for others.

7. "Royalty Owner" shall mean any person, other than an owner, who is entitled to share in the production from a pool, and shall include an overriding royalty interest owner.

8. "Net Barrels" of oil shall mean the actual number of barrels of oil received by or credited to an owner or royalty owner for his own account.

9. "Application" shall mean the application made by an owner or royalty owner to qualify for production incentive payments hereunder.

10. "Applicant" shall mean an owner or royalty owner who makes application for production incentive payments hereunder.

Findings

The Commissioner of Conservation finds as follows:

1. That the following rules and regulations are considered reasonably necessary to carry out the legislative mandate to the Commissioner evidenced by R.S. 30:701, et seq.

2. That to the maximum extent practicable, the following rules and regulations should encourage exploration, production, processing, and refining efforts so as to attain maximum production or extraction of oil, intrastate natural gas and other hydrocarbons.

3. That the rules and regulations hereinafter adopted should provide a reasonably accurate and feasible method for qualification for and payment of Production Incentive Payments.

Order

Now, therefore, it is ordered that:

1. Commencing with the calendar year beginning January 1, 1974, the Commissioner shall establish a Production Incentive Fund with the monies allocated for that purpose and production incentive payments from such funds shall be made annually to owners and royalty owners who qualify by making application therefor in accordance with the provisions hereof.

2. The production incentive payment to each such applicant shall be equal to 7½% of the gross value received by such applicant as owner or royalty owner on a set number of net barrels of oil per day (with both gross value and number of net barrels averaged for the calendar year), such set number of net barrels of oil to be determined by the Commissioner (consistent with the

available monies in the Production Incentive Fund) after receipt and review of all applications made hereunder, but not to exceed a maximum of 750 net barrels (42 gallons) of oil per day for any owner or royalty owner.

3. Any owner or royalty owner who desires to qualify for production incentive payments to be made hereunder shall, on or before May 15 of the calendar year following the year of production, apply for the same by mailing to the Commissioner an application on the form or forms prepared for that purpose; and such form or forms may be obtained from the Commissioner and shall be completed in accordance with the instructions attached thereto; a person who is both an owner and a royalty owner may apply in both categories, but the combined barrels in the two categories cannot exceed the maximum set above.

4. As soon as practicable after receipt and review and audit, if necessary, of such applications, the Commissioner shall decide on the set number of daily barrels to be used in determining the production incentive payments to be made, shall calculate such payments, and shall remit to the qualified applicants the production incentive payments due and payable hereunder.

5. The Commissioner shall have the right to verify the information set forth in any application with the owner or owners making or receiving payments, and with the Collector of Revenue of the State of Louisiana.

6. The criminal and civil penalties provided for in R.S. 30:17 and 30:18 shall apply to any false entries or statements made in any application and any other violation of this order.

7. Any owner or royalty owner who fails to submit to the Commissioner by United States Mail, postmarked on or before May 15 of the year following the year of production, an application properly completed and certified shall not share in any incentive production payments for the year involved; no delay or extension shall be granted for filing any application.

This Order shall be effective on and after _____, 1975.

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Louisiana Constitutional Convention Records Commission

Pursuant to the provisions of R.S. 49:953 notice is hereby given that the Louisiana Constitutional Records Commission proposes to adopt at a meeting scheduled for 1 p.m. Wednesday, March 12, 1975, in House Committee Room No. 1, State Capitol, Baton Rouge, Louisiana, rules selecting appropriate, temporary depositories for the official documents of the Louisiana Constitutional Convention of 1973 and in particular the verbatim transcript of the plenary proceedings of the Convention, all in accordance with the authority of the Commission established by Act No. 457 of the 1974 Regular Session of the Legislature.

To insure maximum geographic availability of the limited numbers of these documents to the bar and those engaged in scholarly research the Commission presently proposes to select the following as temporary depositories: the Louisiana Supreme Court Library, New Orleans; the office of the Clerk of the Second Circuit Court of Appeal, Shreveport; the office of the Clerk of the Third Circuit Court of Appeal, Lake Charles; the Louisiana State University Law Center Library, Baton Rouge; the Louisiana Legislative Council, Baton Rouge; the Attorney General, New Orleans; and the office of the Clerk of the House of Representatives, Baton Rouge. The two remaining sets will be temporarily retained as staff copies. The Commission notes that these selections are temporary pending proposed publication of an edited form of the documents.

Interested persons may submit comments in writing to the Louisiana Constitutional Convention Records Commission, P. O. Box 44281, Baton Rouge, Louisiana 70804, concerning this proposed rule until March 12, 1975, or may appear and orally present any comments at said meeting.

Moise Dennyery
Chairman

NOTICE OF INTENT

State Board of Education

Notice is hereby given that the Louisiana State Board of Education intends to consider at its regular March meeting rule changes in two areas: 1) the certification requirements for teachers of distributive education and business and office education and 2) the

policy governing the definition of resident at state operated vocational-technical schools. The State Board of Education will accept written comments until 5:00 P.M., March 12, 1975, at the following address:

Louisiana State Board of Education
Post Office Box 44064
Baton Rouge, Louisiana 70804

The public is made aware of the consideration of the above rule changes in compliance with R.S. 49:951, et seq.

All interested persons will be afforded reasonable opportunity to submit data, views, comments, or arguments at the regular March Board meeting.

Louisiana State Board of Education
Dr. Earl Ingram, Director

NOTICE OF INTENT

State Fire Marshal

The State Fire Marshal proposes to adopt permanent regulations relative to the sale and/or manufacture of tents and tenting materials within Louisiana. Specifically, the proposed regulations would prohibit the sale and/or manufacture of tents and tenting materials which are not flame retardant. Tents and tenting materials would be required to meet the standards of the Canvass Products Association International Specification No. 84, as it is amended from time to time. Additionally, there would be certification and labeling requirements.

These proposed permanent regulations are identical to the regulations which were placed into effect on February 7, 1975, in accordance with the emergency provision of the Administrative Procedures Act, R.S. 49:953B. The complete text of the regulations is printed elsewhere in this issue of the Louisiana Register.

Interested persons may submit, in writing, their views on the proposed permanent regulations at the following address:

Office of the State Fire Marshal
Westminster Office Building
8941 Jefferson Highway
Baton Rouge, Louisiana 70809

until the hour of 12:00 noon, Friday, March 14, 1975. Or, interested persons may present their views orally

between the hours of 9:00 a.m. and 12:00 noon, March 14, 1975, at the above address.

Raymond B. Oliver
State Fire Marshal

NOTICE OF INTENT

Governor's Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to adopt the following rules and regulations (subject to the approval of the Attorney General and the Consumer Protection Advisory Board) on March 12, 1975, at 5:00 p.m., at the Division's office, Suite 1218, Wooddale Tower, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended adoption of rules by personally visiting the above office during its normal office hours from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same.

I

A rule/regulation to amend Chapter II of Title 3 of the Consumer Protection Rules and Regulations to add thereto a new Section 5007 defining deceptive pricing and prohibiting certain practices as unfair and deceptive practices under R.S. 51:1405 (A), and providing further in respect thereto.

Be it adopted by the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board and by the Attorney General of Louisiana:

Section 5007—Deceptive Pricing

A. Definitions—For the purpose of this rule the following definitions shall apply:

- (1) "To advertise" as used herein means to inform consumers by any means such as, but not limited to, oral statements, shelf tags, preticketing, display cards, handbills, billboards, and advertisements in newspapers, magazines, or on radio or television.
- (2) "Trade area" as used herein means the local area

in which the seller does business and to which the seller disseminates advertising of his goods and/or services.

- (3) "Advertiser" means any person or firm which advertises prices to consumers.
- (4) "Merchandise" means all wares and commodities, including services, such as are ordinarily the objects of trade and commerce.

B. It shall be an unfair and deceptive act or practice for any seller to do any of the following:

- (1) Represent in any manner that by purchasing any of the seller's merchandise, consumers are afforded savings amounting to the difference between the stated selling price and any other price used for comparison with that selling price, unless the comparative price used represents the price at which the merchandise is usually and customarily sold at retail in the trade area involved and/or is the price at which such merchandise has been usually and regularly sold at retail in the recent regular course of seller's business.
- (2) Represent that any price is "special," "discount," "sale," "reduced to," or anything except the usual and customary price at which the good or service sells, unless:
 - (a) the reduction is in fact from the seller's immediate preceding price, and
 - (b) the seller's immediate preceding price is disclosed or can be readily ascertained by disclosure of the stated dollar amount or percentage reduction in price.
- (3) Using the words "list price," "suggested retail price," "retail price," "ret. price," "regular price," "reg. price," or words of similar import to refer to the price of any merchandise, when such price is fictitiously inflated or deceptively higher than the price or prices at which such merchandise is usually and customarily sold in the trade area; or otherwise misrepresenting the usual and customary retail selling price or prices of such merchandise in the trade area.
- (4) Using the words "regular," "reg.," "retail," "ret.," or words of similar import to refer to the price of any merchandise which is in excess of the price at which such merchandise has been usually and regularly sold by retail outlets in the

trade area in the recent regular course of business; or otherwise misrepresenting the usual and customary retail selling price of such merchandise.

II

A rule/regulation to amend Chapter II of Title 3 of the Consumer Protection Rules and Regulations to add thereto a new Section 5008 defining deceptive endorsements and testimonials and prohibiting certain practices as unfair and deceptive practices under R.S. 51:1405 (A), and providing further in respect thereto.

Be it adopted by the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board and by the Attorney General of Louisiana:

Section 5008—Deceptive Endorsements and Testimonials

- (5) Failing to keep on file, subject to review by the Governor's Consumer Protection Division or the Attorney General's Office or the Office of the District Attorney in the appropriate judicial district, or any of their employees or duly commissioned agents, at each retail store for which any price comparison is advertised or otherwise made to any prospective purchaser, the evidence, proof, market survey, or basis supporting the fact that any price compared to a stated selling price is, in truth, the usual and customary price of the person, store, business, or owner, agent, or employee thereof representing the price comparison; or is the usual and customary price at which such merchandise has been regularly sold by comparable retail outlets in the trade area served by the advertiser.
- (6) Representing, either expressly or impliedly, lowered prices as a result of some unusual circumstances such as, but not limited to, fire, flood, going out of business, clearance, exceptional purchase, manufacturer's close out, special purchase, unless such unusual circumstance or circumstances are in fact true and the prices are actually lower than the seller's usual prices.
- C. Whoever engages in deceptive advertising violates R.S. 51:1405 (A), prohibiting, inter alia, unfair and deceptive trade practices; provided further that this rule shall not operate as an exclusive definition of prohibited conduct in the area of trade and commerce to which it applies or in any other area of trade and commerce, nor shall it operate as a defense to other activities otherwise deemed to be an unfair method of competition or an unfair or deceptive act or practice in trade and commerce by the State of Louisiana, the Federal Trade Commission, or by the courts of the State of Louisiana or of the United States.
- D. All rules and regulations or parts thereof in conflict herewith are hereby repealed.
- E. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.
- A. Definitions—For the purpose of this rule the following definitions shall apply:
- (1) "Endorsement or testimonial" is any message in advertising or by oral representation by the seller, his employee, or his agent, that conveys to the consumer views favorable to the product or service advertised in which the consumer may attribute to some one other than the seller. Such views may be those of an individual, group or institution.
- B. It shall be an unfair and deceptive act or practice for any seller to do any of the following:
- (1) State or imply that a product or service is endorsed or approved by any individual, group or institution when such product has not been so endorsed or approved.
- (2) Imply or state that an endorsement is more extensive than it actually is when it has not been so endorsed or approved.
- (3) State or imply that a product or service is "recommended by many doctors" or "approved by millions of motorists" or other claims of such similar import, or claims of endorsements from specific individuals or organizations when such product or service has not been so endorsed or approved.
- C. Whoever engages in these practices violates R.S. 51:1405 (A), prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.
- D. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

- E. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

III

A rule/regulation to amend Chapter II of Title 3 of the Consumer Protection Rules and Regulations to add thereto a new Section 5009 defining misrepresentation of old, used, or secondhand goods, and prohibiting certain practices as unfair and deceptive practices under R.S. 51:1405 (A), and providing further in respect thereto.

Be it adopted by the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board and by the Attorney General of Louisiana:

Section 5009—Misrepresentation of old, used, or second-hand goods

- A. Definitions—For the purpose of this rule the following definition shall apply:
- (1) "Old, used, or secondhand merchandise" is any commodity sold in the ordinary course of trade and commerce which has been previously subjected to the use for which it was intended.
- B. It shall be an unfair and deceptive act or practice for any seller to sell merchandise which is old, used, or secondhand, in such a way that the purchaser is led to believe that such merchandise is new and unused.
- C. Whoever engages in these practices violates R.S. 51:1405 (A), prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.
- D. All rules and regulations or parts thereof in conflict herewith are hereby repealed.
- E. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

IV

A rule/regulation to amend Chapter II of Title 3 of the Consumer Protection Rules and Regulations to add thereto a new Section 5010 defining passing off and prohibiting certain practices as unfair and deceptive practices under R.S. 51:1405 (A), and providing further in respect thereto.

Be it adopted by the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board and by the Attorney General of Louisiana:

Section 5010—Passing Off

- A. Definitions—For the purpose of this rule the following definition shall apply:
- (1) "Passing Off" means any activity related to the actual merchandising of a consumer product which attempts to effect an unsuspected substitution.
- B. For the purposes of this rule, the following acts or practices in trade or commerce constitutes "passing off" and is an unfair and deceptive act or practice:
- (1) Representing products made by oneself or by another as the product of a better known manufacturer.
 - (2) Prominent display of the name of the manufacturer of a part of the product so as to mislead the public into believing that such manufacturer is the manufacturer of the entire product.
 - (3) Simulation of a competitor's products or services.
 - (4) Simulation of a competitor's advertising.
 - (5) Simulation of a competitor's corporate and business name.
 - (6) Simulation of a competitor's places of business and signs and trademarks.
 - (7) Simulation of a competitor's containers and labels.
- C. Whoever engages in "passing off" violates R.S. 51:1405 (A), prohibiting, inter alia, unfair and deceptive trade practices; provided further that this rule shall not operate as an exclusive definition of prohibited conduct in the area of trade and commerce to which it applies or in any other area of trade and commerce, and shall not operate as a defense to other activity otherwise deemed to be an unfair method of competition or an unfair or deceptive act or practice in trade and commerce by the State of Louisiana, the Federal Trade Commission, or by the courts of the State of Louisiana or of the United States.

- D. If any part of this rule is judicially decreed to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end this rule is declared to be severable.
- E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

V

A rule/regulation to amend Chapter II of Title 3 of the Consumer Protection Rules and Regulations to add thereto a new Section 5011 defining imperfections, rejects, and distressed goods and prohibiting certain practices as unfair and deceptive practices under R.S. 51:1405 (A), and providing further in respect thereto.

Be it adopted by the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board and by the Attorney General of Louisiana:

Section 5011—Imperfections, Rejects, and Distressed Goods

- A. Definitions—For the purpose of this rule the following definitions shall apply:
- (1) "Distressed Goods" are consumer goods which are defaced, scratched, dented, damaged, or have been subjected to conditions that alter their original state, such as fire damage or damage from a natural disaster.
 - (2) "Imperfections" are consumer goods which are defective or incomplete.
 - (3) "Rejects" are consumer goods which are deemed worthless, useless, or substandard by the manufacturer.
- B. For the purposes of this rule, each of the following acts or practices in trade or commerce constitutes "misrepresentation of distressed goods, imperfections, and rejects" and is an unfair and deceptive act or practice:
- (1) It is unfair to sell or offer for sale merchandise which has imperfections, which are rejects or which are distressed or salvaged goods in such a way that any prospective purchaser is led to believe that the product has no imperfections or is not a reject or is not a distressed or salvaged good.
 - (2) It is unfair to sell or offer for sale merchandise

which has imperfections, which are rejects, or which are distressed or salvaged goods without first clearly and conspicuously disclosing to all prospective purchasers thereof the imperfections and the identity, status, nature, and the fact of the rejection, distress and salvage.

- (3) It is unfair to sell or offer for sale merchandise which has no imperfections, which is not a reject, and which is not distressed or salvaged in such a manner as to lead any prospective purchaser thereof to believe that same has imperfections, is a reject, or is distressed or salvaged and, if purchased, will, on that account, render a savings on the price of such merchandise.

- C. Whoever engages in "misrepresentation of distressed goods, imperfections, and rejects" violates R.S. 51:1405 (A) prohibiting, inter alia, unfair and deceptive trade practices; provided further that this rule shall not operate as an exclusive definition of prohibited conduct in the area of trade and commerce to which it applies or in any other area of trade and commerce, and shall not operate as a defense to other activity otherwise deemed to be an unfair method of competition or an unfair or deceptive act or practice in trade and commerce by the State of Louisiana, the Federal Trade Commission, or by the courts of the State of Louisiana or of the United States.
- D. If any part of this rule is judicially decreed to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end this rule is declared to be severable.
- E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

NOTICE OF INTENT

Louisiana Higher Education Assistance Commission

In accordance with the Louisiana Administrative Procedures Act, R.S. 49:953, notice is hereby given that the Louisiana Higher Education Assistance Commission plans to consider the following during its regular meeting to be held beginning at 1:00 p.m. on March 19, 1975, in the Caddo Room of the LSU Union, Baton Rouge, Louisiana:

- A. Amendment to Rule 9 of Policies and Proce-

SECTION VI: Procedure; Testing Homogenized Milk for Butterfat Content.

- (A) **Approved Methods:** The official methods of analysis shall be the Majonnier, Babcock, or any other method approved by the Commissioner of Agriculture.
- (B) **Babcock Procedure:** The sample shall be warmed to room temperature (approximately 70° F) and mixed by pouring from one container to another four (4) times. The remaining procedure shall be essentially the same as that for raw milk samples (Section III-B) with the following exceptions: (1) The sulphuric acid shall be added in three stages and mixed thoroughly after each stage. (2) Time in the centrifuge shall be extended to seven (7), five (5), and two (2) minutes respectively for the one (1), two (2) and third (3rd) stages in the centrifuge. (3) Tests shall be made in duplicate and the variation between the two (2) shall not exceed one-tenth (1/10) of one (1) per cent butterfat.

SECTION VII: Procedure; Testing Chocolate Milk For Butterfat Content.

The method of analysis shall be the "Pennsylvania Method" and the procedure shall be as follows: Warm the samples to room temperature (approximately 70° F) and mix by pouring from one container to another four (4) to six (6) times. Weigh 18 grams into an 8% milk test bottle. Add two (2) milliliters of twenty-eight per cent (28%) to twenty-nine per cent (29%) ammonium hydroxide and mix for three (3) minutes in a mechanical shaker. Add three (3) milliliters of N-butyl alcohol and mix for three (3) minutes in the shaker. Add seventeen point five (17.5) milliliters sulphuric acid (sp. gr. 1.72 to 1.74) to the contents and mix for three (3) to five (5) minutes in the shaker. When contents appear to be incompletely dissolved, add one (1) to two (2) milliliters of sulphuric acid (sp. gr. 1.82 to 1.83) and mix for two (2) minutes in the shaker. The remaining procedure shall be the same as that for raw milk samples (Section III-B) with the following exceptions. (1) Add one (1) to two (2) drops of glymol and measure fat column as specified for cream tests (Section IV). Tests shall be run in duplicate and the variation between the two shall not exceed one-tenth (1/10) of one (1) per cent.

SECTION VIII: Procedure; Testing Skim Milk for Butterfat Content.

- (A) **Approved Methods:** The official methods of analysis shall be the Majonnier, Babcock and any other method approved by the Commissioner of Agriculture.

- (B) **Babcock Procedure (Modified):** Measure nine (9) milliliters of skim milk into the skim milk test bottle. Add two (2) milliliters of N-butyl alcohol and mix for three (3) minutes in mechanical shaker. Add seven (7) to nine (9) milliliters of sulphuric acid (sp. gr. 1.82 to 1.83) to contents and mix for three (3) to five (5) minutes in shaker. Centrifuge for six (6) minutes and add 140° F to 150° F water to within one-fourth (1/4) inch of graduated neck of the test bottle. Centrifuge for two (2) minutes and add 140° F to 150° F water into the upper section of the graduated neck of the test bottle. Centrifuge for two (2) minutes. Remove tests and place in 138° F to 140° F tempering bath for five (5) minutes. Measure the column and double the test result. Post test result immediately. Drain and clean glassware and equipment immediately upon termination of testing procedure.

SECTION IX: Calibration; Glassware: Milko-Tester Mark III:

- (A) **Glassware:** All glassware used in the determination of fat content for milk, cream and finished or processed milk products shall conform to the United States Bureau of Standards specifications and shall meet the approval of the Commissioner. All glassware calibrated for measurement purposes shall bear a "Sealed" mark which shall constitute the manufacturers' bond that the glassware meets all specifications set forth by the United States Bureau of Standards.
- (B) **Milko-Tester Mark III:** This device, and any other such device, shall be calibrated to conform to the Babcock Method of analysis and shall be determined on the basis of not less than twenty (20) samples tested by the Babcock Method and the Milko-Tester Mark III. For calibration purposes, each determination shall be computed to the hundredths per cent. When two (2) or more individual tests vary in excess of point fifteen per cent (.15%), the calibration shall not be deemed acceptable. The variation between simple averages of all tests performed shall not exceed point zero three percent (.03%). The Commissioner may, at his discretion, reduce the twenty (20) test calibration procedure to twice each week utilizing in its stead, Grade A Homogenized finished product control samples as a basis of calibration. After each route, or more often as may be necessary to determine the accuracy of the device, a control sample shall be placed into the device and the results compared to the original. Should the variation exceed point zero three per cent

(.03%), an additional control sample shall be tested. Should the variation continue to exceed point zero three per cent (.03%), the device shall be deemed inaccurate; repairs and/or "shift" and "L" value adjustments made and an additional calibration check performed. The standard for the zero adjustment shall be point zero two (.02%) per cent. Calibration logs shall be maintained and copies furnished the Commissioner upon request. No person other than those licensed or approved by the Commissioner shall calibrate or adjust the calibration of this or similar type devices.

SECTION X: Approved Laboratories; Equipment. No person shall make a butterfat analysis, when such data shall be used as a basis of payment (or fat-skim accounting) in any other than a laboratory approved or licensed by the Commissioner.

- (A) **Laboratory:** The laboratory shall be so located, designed and equipped as to assure safety, efficiency and accuracy of butterfat analysis.
- (B) **Equipment:** The laboratory shall be equipped with the following:
 - (1) **Centrifuge:** Shall be electric, equipped with heating element, thermostat controls, tachometer or speed counter, brakes and "on-off" switch.
 - (2) **Hot Water Tank and Tempering Bath:** Shall be equipped with tray, thermostatic controlled heating element and "on-off" switch.
 - (3) **Glassware:** Sufficient to perform the workload in an efficient and accurate manner.
 - (4) **Hot Water:** 140°F or above with sinks designed to provide adequate tempering of samples.
 - (5) **Supplies:** Sufficient to provide basic maintenance of analytical devices, proper cleansing of glassware and the accurate, efficient performance of the testing program.

SECTION XI: Finished Product Analysis: The Commissioner may secure such samples as a means of checking the accountability of fat and skim by processors and cooperatives. Samples shall be secured within five (5) day intervals on not less than six (6) dates within the month, and shall equitably represent size and type of the product. Test results shall be averaged immediately following the end of each month and a copy submitted to respective parties. The Commissioner may require accounting on the basis of such averages provided the variation between that of the processor or cooperative and the Commissioner's shall vary in excess of the following:

| | |
|------------------------|------|
| (A) Pasteurized Milk: | .05% |
| (B) Homogenized Milk: | .05% |
| (C) Skim Milk: | .05% |
| (D) Buttermilk: | .05% |
| (E) Chocolate Milk: | .10% |
| (F) Half & Half Cream: | .10% |
| (G) Light Cream: | .10% |
| (H) Heavy Cream: | .20% |
| (I) Sour Cream: | .10% |

SECTION XII: Inadequate Fresh Milk Tests: Compensation:

In the absence of composite samples, an inadequate number of acceptable fresh milk tests may be compensated by the most recent acceptable fresh milk test recorded for the preceding period of shipment. Compensation shall be limited to one test. Inadequate tests, exceeding one, shall necessitate securing the additional samples from the farm by employees of the party responsible for the testing program. Such samples shall be secured, when possible, prior to the end of the sampling period or immediately following the termination of the testing period. The Commissioner, his agent or representative, shall be notified prior to all compensations.

SECTION XIII: Computation of Butterfat Tests; Averages:

- (A) Individual fresh and composite Babcock tests and all computed averages being compared to Babcock Composite tests shall be determined to the nearest tenth per cent.
- (B) All other tests and computed averages shall be determined to the nearest hundredths per cent.

NOTICE OF INTENT

Department of Public Works

Notice is hereby given that the Louisiana Department of Public Works intends to adopt rules, regulations and procedures for the registration of water wells. The Department of Public Works will accept written comments until 10:00 A.M. on the 1st day of April, 1975, at the following address:

Louisiana Department of Public Works
 P. O. Box 44155, Capitol Station
 Room 105, Capitol Annex Building
 Baton Rouge, Louisiana 70804.

This opportunity for public input is being held as a part of a rule making procedure in compliance with the provisions of R.S. 49:953.

Following are the subject and issues to be considered.

- A. To consider the adoption of rules and regulations for the registration by the water-well contractor of water wells capable of producing 50,000 gallons per day and drilled, finished, and accepted by the well owner on or after July 1, 1975.
- B. To consider the adoption of rules and regulations for the registration by the water-well owner of water wells capable of producing 50,000 gallons per day and drilled, finished, and accepted by the well owner before July 1, 1975.
- C. To consider the adoption of a Louisiana Water-Well Registration Form to be furnished by the Louisiana Department of Public Works to person, organization, corporation or company responsible for the registering of water wells.

All interested persons will be afforded a reasonable opportunity to submit data, views, and arguments.

Baton Rouge, Louisiana, February 3, 1975
Louisiana Department of Public Works
Roy Aguiard, Director

NOTICE OF INTENT

Wildlife and Fisheries Commission

March

The Wildlife and Fisheries Commission will meet at 10:00 a.m. March 25, 1975, in Room 102 of the Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana 70130, to consider adoption of regulations affecting commercial fishing in Calcasieu Lake. Interested persons may mail their written comments to the above address. Reasonable opportunity for oral comments will be permitted March 25.

April

The Wildlife and Fisheries Commission will meet at 10:00 a.m. April 29, 1975, in Room 102 of the Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana 70130, to consider adoption of the rules and dates for the 1975 Spring Shrimping Season. The Commission gives notice that the 1975 Spring Shrimping Season may be considered on an emergency basis, as determined by biological and other technical data, at all

subsequent Commission meetings, both regular and special, during the duration of the season. Interested persons may mail their written comments to the above address. Reasonable opportunity for oral comments will be permitted April 29.

J. Burton Angelle, Sr.
Director

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