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# Executive Order

## EXECUTIVE ORDER DCT 80-17

This Executive Order is issued by virtue of authority vested in me by law, in accordance with the provisions of R.S. 39, Chapter 17:1551-1736, with reference to the subject matter covered herein. Effective as of the date of my signature below, this Order revokes and supersedes Executive Order 80-13 dated June 12, 1980.

### R.S. 39:1596: Small Purchases

"Any procurement not exceeding the amount established by Executive Order of the Governor may be made in accordance with Small Purchase Procedures prescribed by such Executive Order, except that procurement requirements shall not be artificially divided so as to constitute a Small Purchase under this Section."

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 observe and abide by the following rules and regulations, and provided further that all purchases shall be made through the State Purchasing Office in the Division of Administration except where specific authority to purchase any materials or supplies has been delegated in writing by the Commissioner of Administration.

Therefore, pursuant to the authority vested in me by R.S. 39:1596, all departments, institutions, boards, commissions, budget units, and any other agencies under the jurisdiction of the Executive Department of the state government shall be required to observe and be guided by the following specific directives.

**Small Purchases:** Any procurement not exceeding five thousand dollars may be made in accordance with the following small purchase procedures, except that procurement requirements shall not be artificially divided so as to constitute a small purchase.

1. All agencies shall requisition their requirements for all tagable equipment of any kind through the State Purchasing Office of the Division of Administration, with the provision that the only exceptions shall be by written permission of the Commissioner of Administration or those agencies exempted by R.S.:39:1572.

2. All agencies of the state government covered by R.S.:39: Chapter 17, wherever the cost is estimated to be above fifty dollars, regardless of whether purchases are made by the State Purchasing Office or agencies to whom purchasing has been delegated, shall observe the following rules and regulations on small purchases, but maximum competitive bidding shall be obtained in all cases in accordance with R.S.39:1655. *This Executive Order in no way affects or changes the purchasing authority which has been delegated to your agency.*

a. Purchases under fifty dollars. No competitive bidding is required.

b. Purchases over fifty dollars but under two hundred dollars shall be made by receiving price quotations wherever time permits, or if time does not permit, telephone and telegraph quotations may be obtained and purchases made on the basis of the lowest quotation received; however, it shall be determined in writing why time did not permit written quotations.

c. Purchases over two hundred dollars but under one thousand dollars shall be made by soliciting written quotations from at least five bona fide prospective bidders using DA 101 and FACS 101 forms.

d. Purchases over one thousand dollars but under five thousand dollars. No purchases where the estimated cost is over one thousand dollars but under five thousand dollars shall be made except by sending out written invitations for bids to at least eight bona fide, qualified bidders. In addition, the agency may advertise at their discretion. Written invitations for bids shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid. Agencies shall follow the requirements of the Purchasing Rules and Regulations established by the Commissioner of Administration in all other aspects of purchasing except as indicated above.

e. Purchases over five thousand dollars. No purchases where the estimated cost is over five thousand dollars shall be made except by advertising in accordance with R.S. 39:1594C and sending out written invitations for bids to at least eight bona fide, qualified bidders and where feasible, use should be made of State Purchasing's computerized vendor list. In addition, all purchases must be made in accordance with the Purchasing Rules and Regulations established by the Commissioner of Administration.

f. Automotive, Machinery and Equipment Parts and Repairs under five thousand dollars. Parts and Repairs for Automobiles and Machinery shall be obtained by either:

(1) The use of an "Authorized Dealer." (An "Authorized Dealer" is defined as a dealer certified by the manufacturer to perform maintenance on their equipment.)

(2) Obtaining competitive bids as indicated above.

g. Exceptions to minimum competitive requirements:

(1) Federal Government surplus property.

(2) Livestock for slaughter when purchased at public auction sale.

(3) Purchasing or selling transactions between State budget units.

(4) Textbooks, newspapers, subscriptions, or foreign publications.

h. *Telephone or telegraph quotations should be obtained for the following from at least three bona fide, qualified bidders wherever possible.*

(1) Farm products which include, but may not be limited to, fresh vegetables, milk, eggs, fish, or other perishable foods.

(2) Food, materials, and supplies needed for the operation of boats in isolated localities where only limited outlets of such supplies are available.

(3) Food purchased and used in Home Economics colleges courses where purchasing, preparing, and serving is part of the regularly prescribed course.

(4) Food purchases and other materials and supplies required by juvenile Detention homes where the number of the inmates is unstable and unpredictable.

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 20th day of October, A.D., 1980.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Livestock Sanitary Board

Because of the existence of a two-fold emergency (i.e., (1) the widespread incidence of the animal disease of canine parvovirus, and (2) absence of any existing Rule to control and/or supervise the manufacture, distribution and/or sale of canine parvovirus vaccine), the Louisiana Livestock Sanitary Board, under the authorization of LSA 49:953 B and Attorney General's Opinion Number 80-1290, adopted the following Rule on an emergency basis at its meeting on October 14, 1980:

#### Proposed Rule

As an addition to Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board, being a new Sub-part 6:

No person, firm, association, or corporation shall manufacture, distribute, or sell any animal vaccine other than those covered above within the State of Louisiana unless such person, firm, association or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, distribute or sell such animal vaccine, provided that this Rule shall not apply to any person, firm, association, or corporation which is the holder of a special permit from the State Veterinarian at the effective date of this regulation.

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:2096, relative to the authority of the Louisiana Livestock Sanitary Board to regulate all matters pertinent to animal health, notice is hereby given that the Louisiana Department of Agriculture, Louisiana Livestock Sanitary Board, will conduct a public hearing to consider the permanent adoption of regulations relative to the manufacture, distribution, and sale of animal vaccines within the State of Louisiana at 9:30 a.m., Friday, December 12, 1980, in the Office of the Commissioner of Agriculture, 21st Floor, State Capitol, Baton Rouge, Louisiana.

Written comments will be accepted through December 10, 1980, by the following: C. T. Raby, DVM, Assistant Commissioner for Animal Health Services, Box 1951 at 12055 Airline Highway, Baton Rouge, Louisiana 70821, or may be presented in person at the public hearing.

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

Bob Odom

Commissioner of Agriculture

## DECLARATION OF EMERGENCY

### Office of the Governor

#### Division of Administration

The Office of the Governor, Division of Administration, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B and R.S. 49:954B(2)) to adopt effective December 20, 1980, the following rules and regulations pertaining to the Capital Outlay Budget Request procedure mandated by Act 14 of the Second Extraordinary Session of 1980.

#### Instructions For Preparation of 1981-82

##### Capital Outlay Budget Request Forms

##### Section I. General Instructions

###### Introduction

Act 14 of the Second Extraordinary Session of 1980 amends Section 61 of Title 39 relative to capital outlay budget procedures. In order to reflect and comply with these changes in the law, the capital outlay budget request forms have been revised.

R.S. 39:61-B(1) requires the head of each budget unit and spending agency of the state to submit "a list of all (proposed)

expenditures for capital projects falling within the definition contained in R.S. 39:2(8), except for construction of streets, roads, highways, and bridges governed by the budgetary requirements of Part XII of Chapter 1 of Title 48. Such annual requests shall include projects proposed to be funded within the next five years." This section further provides that "Any legislator desiring the expenditure of state funds for any capital projects falling within the definition contained in R. S. 39:2(8) or for any other capital project also shall comply with the provisions of this Subsection. All officials of political subdivisions shall submit their proposed capital projects through the senator and representative in whose district the proposed capital project will be located. Each legislator shall forward such request to the Facility Planning and Control Section of the Division of Administration with his recommendation for approval or disapproval or without recommendations."

"Capital outlays," according to R.S. 39:2(8), "means expenditures for acquiring lands, buildings, equipment or other properties, or for their preservation or development or permanent improvement."

Projects that qualify as capital budget items include acquisition of land; site development and improvement; construction of buildings and other structures; additions, major improvements, and alterations to an existing facility that will extend its life or increase its usefulness; installation, extension, or replacement of utility systems, fire protection, and other major facilities; and initial equipment and furnishings for new buildings.

Projects that do not qualify as capital budget items include minor alterations to an existing building such as painting, decorating, and repair or replacement of flooring, sanitary fixtures, windows, locks and similar items; equipment and furnishing for existing buildings; and supplies and materials. Projects that involve alterations and improvements but that primarily comprise maintenance work should not be submitted for approval; nor should such projects be lumped together to form an apparent sizable project.

Following is information regarding the new forms and the timetable for submission.

#### Budget Request Forms

The new budget request forms and preparation instructions are included in Section II of this manual. There are now five forms which are designated as follows:

Form A-1-New Project Request-Needs Assessment/Feasibility/Justification.

Form A-2-New Project Request-Construction Cost Data and Project Financing.

Form A-3-New Project Request-Estimated Annual Operation and Maintenance Costs.

Form B-Status Report of Projects in Process.

Form R-Recap of New Project Requests.

These forms, especially the Form A-1, require thorough, complete information in compliance with the preparation instructions. It is extremely important that working papers and sufficient backup information be retained by preparing agencies so reviewing offices will have access to supporting information. Project requests will be returned to the preparing agencies as incomplete for the following reasons:

(1) Lack of adequate needs assessment, feasibility documentation, or justification of need.

(2) Failure to fill out forms completely.

(3) Failure to specify project locations clearly.

(4) Lack of adequate project description.

(5) Lack of supporting data.

(6) Incorrect data.

Some portions of the instructions may not be clear or may not cover some of the situations confronted by your agency. In such cases, personnel from the Budget Office of the Division of

Administration will be available to help you. The telephone number of the Budget Office is 342-7006 or LINC 421-7006.

After the individual forms have been prepared, they should be assembled in the following order for each budget unit in the department.

1. Form R

2. Form A series in priority order (Form A-1, Form A-2, Form A-3 for priority 1 project, then Form A-1, Form A-2, Form A-3, for priority 2 project; etc. until all new project reports have been assembled from highest to lowest priority).

3. Form B

When the forms have been assembled, assign page numbers beginning with the first Form R, and continuing through the last Form B. This constitutes the original set of capital budget request forms. This original set and five duplicate sets constitute the budget request document. The department head is requested to prepare a transmittal letter to accompany the budget request document(s). In addition, one duplicate set is required to be submitted to the Legislative Fiscal Office.

#### **Capital Budget Timetable**

The budget request document, i.e., the original and five duplicate sets along with a transmittal letter, must be SUBMITTED NO LATER THAN December 15, 1980 to: Division of Administration, Facility Planning and Control Department, Box 44095, Baton Rouge, Louisiana 70804.

The submission date for 1981-82 requests is based on the following schedule to comply with statutory requirements:

1. Capital budget requests forms and instructions sent to agencies.

2. Development and preparation of capital budget request document by state agencies. This period includes internal departmental review and review by governing authorities.

3. *December 15, 1980*-Submission of capital budget request documents by department heads or governing authority. Individual agencies or budget units *must* submit their requests through their department head or governing authority. Documents not submitted properly will not be accepted by the Division of Administration.

4. Review of project requests by the Division of Administration. All requests will be evaluated by the State Planning Office as to the adequacy of service projections, environmental impact, spatial impact, and conformity with objectives of the Administration. The requests will also be evaluated by the Facility Planning and Control Department to determine whether the estimates are reasonable and the projects are technically feasible. The Facility Planning and Control Department will also evaluate requests from the standpoint of their architectural and engineering soundness and their compliance with State standards for design and construction. In addition, the requests will be evaluated by the Budget Office in terms of their impact on the operating budget. Throughout this evaluation process, formal conferences will be held between agency directors and the Division of Administration concerning the capital budget requests.

5. The Division of Administration prepares a capital outlay program for the next five fiscal years and submits it to the Governor. The program includes a list of projects recommended and the source of funds for each project for each of the five ensuing years.

6. The Governor shall submit to the presiding officer of each house of the legislature a preliminary capital outlay recommendation together with a summary thereof outlining the maximum amount of monies to be spent in each area and an appendix listing those projects which have been requested and evaluated but not included in the capital outlay program.

7. *By the seventh day of each regular session*-The Gov-

ernor submits to the Legislature his capital outlay program, a capital outlay budget message setting forth the reasons for the program, and a proposed capital outlay budget act implementing the first year of the five-year program. All capital outlay projects approved by the Legislature are then made part of the capital outlay budget.

## **Section II: Forms and Preparation Instructions**

### **Preparation Instructions**

#### **Form A-1 Needs Assessment/Feasibility/Justification**

##### **Purpose**

Act 14 of the Second Extraordinary Session of the 1980 Legislature amended R.S. 39:61 regarding new capital outlay requests by requiring a completed feasibility study for each new project requested. R.S. 39:61(3) (a) further provides that "the feasibility study shall include a needs assessment with corroborative data, when the project will be needed, its proposed location, . . . as well as an identification and description of other similar facilities and projects in the given area and evaluation of their capabilities. The list of new project requests shall indicate the order of priority." Section 61 (3)(c) states, "If a feasibility study is requested by a legislator, the Division of Administration shall comply with the request. If the study cannot be completed within sixty days by the Division of Administration they shall send the requesting legislator within fifteen days of receipt of his request, a notice stipulating the projected time period within which said study can be made. If the requesting legislator reasonably believes the Division of Administration's estimate is too lengthy, or reasonably believes the Division of Administration lacks the technical expertise necessary to conduct the study, he may request of the Legislative Fiscal Office that the study be performed under their supervision. Funds shall be appropriated by the legislature annually to the legislative fiscal office for such purpose." Also, Section 61 (3)(d) provides that "A legislator may submit a feasibility study with respect to a project of a local nature prepared by or for a local political subdivision which study shall be in compliance with the provisions of Paragraph 3(a) of Subsection B hereof, and subject to factual verification by the Division of Administration or the Legislative Fiscal Office within thirty days of submission thereof."

The purpose of Form A-1 is to provide a narrative documentation of the needs assessment/feasibility/justification for each new project request. In this context, "new project request" means any request for new or additional funding for a capital outlay project. All the following require new project forms:

- (1) Projects not previously requested.
- (2) Projects previously requested but not appropriated.
- (3) Projects previously requested and appropriated in a prior year, but for which bonds were not sold in that prior year.
- (4) Projects previously requested and included in a prior year Omnibus Bond Bill, but for which bonds were not sold in that prior year.
- (5) Projects previously requested and funded, but which now require additional new funds to supplement or complete the project.

##### **Items of Information**

Department; Office; Section/Facility — Indicate the proper department, office, and section or facility name. Abbreviations may be used. Example: Department: DI-HR, Office: Hospitals, Section/Facility: E.K. Long Hospital.

Contact Person; Phone — Indicate the name and phone number of the person to be contacted if there are any questions or if supplemental or clarifying information is necessary.

Agency Number — Indicate the six digit schedule number assigned to the budget unit.

New Project Priority Number — Assign a priority number to each new project request in keeping with the relative importance to

the achievement of overall department goals. For example, the priority number given to a project at a general hospital must reflect the overall DHHR priorities, not just the priorities at the hospital.

**Classification Letter** — Assign a letter classification to each project in terms of the Project Classification Criteria defined in Appendix A. The three classifications are: A - Emergency, B - Current Program Requirements, and C - Anticipated Program Needs.

**Parish, City** — Indicate the parish and city in which the project is or will be located.

**New Project Title** — Give the project a concise title that is sufficient to identify it clearly. This title should be the same as the title used for the project on the Recap of New Project Requests (Form - R). This title should be used for the project on all subsequent forms.

**Louisiana Senatorial District Number** — Indicate the State Senatorial District in which the project is or will be located.

**Louisiana Representative District Number** — Indicate the State House of Representatives District in which the project is or will be located.

**Head of Budget Unit** — Signature and typed name of the head of the budget unit or his designee.

**Governing Authority Representative** — Signature and typed name of the department head or his designee, or a representative of the appropriate management or governing board.

**Needs Assessment/Feasibility/Justification** — The following format must be followed whether the information is provided by in-house personnel or outside consultants. If this information is provided by outside consultants, identify the consultants and give the preparation date of their report.

**Format for Feasibility Studies**

I. Conformance with current State Policy Goals and Objectives

A. Cite either an executive order or any section of the Louisiana Revised Statutes of 1950 to indicate the legislative or executive mandate or authority under which the project is being proposed.

B. Describe in five sentences or less how the proposed project is related to the mandate or authority cited in I. A.

II. Description of Project

A. Using Table 1, identify which basic function the project fulfills.

B. Cite the location of the project.

C. Identify the services that fall under the function of the project (See Table 2 for a sample listing of services).

D. If the project is intended to service or regulate a particular segment of the population, identify the segment (i.e. handicapped, youth, poverty families, etc.).

E. Explain why the location of the project is most suitable for serving the target population (i.e. availability of resources, accessibility, etc.)

III. Coordination with other Entities

A. List any other government entities or programs that will have an important impact on the effectiveness of the project. Show how the impact has been anticipated and whether these entities or program managers have been contacted so that negative impacts can be minimized and positive impacts be maximized.

IV. Demonstration of Need

A. Document the current service capacity. (Exclude the capacity to be gained from the project.)

B. Document the growth in service requirements and in the target population.

C. Give a projection of service capacity following completion of the project.

D. If the project improves the nature of the quality of the service, specify how.

E. Identify any similar existing facilities in the vicinity of the

project that could be upgraded or expanded in such a manner that would meet the current service needs. Identify similar services rendered.

V. Other Impacts

A. Environmental-Identify the general impact the project may have on the environment.

B. Demographic-Describe the effect the project may have on the mobility of the population, or any other demographic factors.

C. Economic-Describe the economic impact of the project (i.e. increase of employment opportunities\*, impact on the cost of doing business in the area where the project is located, impact on total income, etc.).

**Table 1  
Function**

- (1) Public Safety
- (2) Transportation
- (3) Health Services
- (4) Human Resource Services (i.e. aid to poverty income families, services to handicapped)
- (5) Education
- (6) Economic Development (including tourism, agriculture, and unemployment insurance)
- (7) Environmental Protection and Resource Conservation
- (8) Management and financing of State Government programs
- (9) Judiciary and/or law enforcement
- (10) Legislature
- (11) Corrections
- (12) Regulation of local governments or other organizations

**Table 2  
Examples of Activities or Services for each function**

- (1) -Driver licenses issued  
-Automobiles registered
- (2) -Additional miles of road constructed  
-Existing miles of road maintained  
-Completed road repairs and an inventory of necessary repairs  
-Mass transit ridership
- (3) -Average daily attendance  
-Admission rates
- (4) -Number of applicants for aid to families with dependent children  
-Number of social worker cases
- (5) -Enrollment in the specific institution  
-Projected enrollment  
-Projection of need for the various types of skills that are taught by the institution
- (6) -Number of tourists visiting the facility  
-Projected number of people using the agricultural cooperative

\*in the private sector as well as the public sector

**CAPITAL OUTLAY BUDGET REQUEST FOR FY 19\_\_\_\_ – 19\_\_\_\_**  
**NEW PROJECT REQUEST**  
**FORM A-1 NEEDS ASSESSMENT/FEASIBILITY/JUSTIFICATION**

Dept: \_\_\_\_\_ Office: \_\_\_\_\_ Section/Facility: \_\_\_\_\_ Contact Person: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_  
Agency No: \_\_\_\_\_ New Project Priority No: \_\_\_\_\_ Classification Letter: \_\_\_\_\_ Parish: \_\_\_\_\_ City: \_\_\_\_\_  
New Project Title: \_\_\_\_\_ La. Senatorial District No. \_\_\_\_\_ La. Representative District No. \_\_\_\_\_  
Head of Budget Unit: \_\_\_\_\_ Governing Authority Representative: \_\_\_\_\_

**NEEDS ASSESSMENT/FEASIBILITY/JUSTIFICATION:**

[Empty space for text entry]

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## Preparation Instructions

### Form A-2 Construction Cost Data and Project Financing

#### Purpose

As the name indicates, Form A-2 is designed to provide new project information regarding estimated construction cost, the cost of equipping and furnishing, the method and source of financing for each of the next five years, and the estimated time of planning and construction. A separate Form A-2 is required for each new project requested. As noted in the preparation instructions for Form A-1, "new project request" means any request for new or additional funding for a capital outlay project.

#### Items of Information

Dept. through Governing Authority Representative — See individual item instructions on Form A-1 Preparation Instructions.

I. Description — In the appropriate space(s) indicate whether the requested funds are for land acquisition, planning, construction, equipment, or other purpose. Indicate in the appropriate space whether the project is complete in itself or is part of a multi-phase project or facility. Indicate whether or not the funds requested are to complete or supplement a previously funded project. Indicate whether or not a Preliminary Program of Requirements has been completed.

In the remainder of the block provide a concise description of the project. Do not include justification, workload data, or similar information required on the Form A-1. Do include a description of the needed property to be acquired, identify the facility, include a description of the proposed scope of work, and description of equipment and/or furnishings to be purchased, etc.

II. Proposed Financing — In columns (1) through (5) indicate the source of financing for each of the next five fiscal years. These figures should represent the amount required to cover contracts awarded in each fiscal year. For instance, if a project entails architectural plans that will take a year to complete, and the estimated construction time is two years and movable equipment can be delivered within two months after placing the order, then the amount required for the first fiscal year is only the architect's fee, the amount required the second year is the entire construction contract amount, and the amount required the third year is for the movable equipment. If contracts for design, construction, and equipment cannot reasonably be awarded in the same fiscal year, do not make a lump request for all project funds in one fiscal year.

The definitions of the sources of financing are as follows:

(1) "State Funds" — includes cash from the State General Fund or Tidelands Escrow Fund of general obligation bonds.

(2) "Revenue Bonds" — are special bonds whose debt service is payable by revenues derived from operation of the bond funded facility, e.g. a parking facility, toll bridge, laundry, etc.

(3) "Self-Generated Revenue" — represents Self-Generated Revenue from agency operations, e.g. license fees, admission fees, etc. or from statutory dedications.

(4) "Federal Funds" — any federal grant, loan, etc. that has been applied for, awarded, or received for the project.

(5) "Other Funds" — any other type of financing not covered above, including interagency transfers, donations, local funds, etc.

(6) "Total" — The additive total of the six sources of financing described above; Column (6), Total Five-Year Request, is the additive totals of each means of financing for all five years (the total of columns 1-5).

**NOTE:** — If the funding requested is to supplement or complete a previously funded project, only the requested new funding should be included in columns (1) - (6) on this form. Do not include previously appropriated funds in columns (1) - (6). Use the "Com-

ments" space to refer to the appropriate Form B, which should identify the source and amount of previous funding.

III. Construction Cost Data — Indicate the type of facility, e.g., library, classroom, general hospital, etc. Then indicate the number of units for the appropriate category. For a general hospital for example, indicate the number of beds. Indicate the estimated square footage of the facility and the cost/sq. ft. based on the estimated construction cost. This estimated construction cost on which the cost/sq. ft. is based must be reflected in item V. 3 of Form A-2.

IV. Implementation Schedule — Indicate the estimated number of months required for planning and for construction.

V. Project Component Costs — Indicate the estimated dollar amount of expenditures for each of the project components. These component costs are defined as follows:

**Land Acquisition** — Cost of purchasing real property, including closing cost.

**Planning Cost** — Fee for professional services for planning. This figure should be ten percent of the construction cost.

**Construction Cost** — Cost of construction, renovation, repair, demolition, or other work, excluding land, professional fees and other costs. This should include the cost of all immovable or fixed equipment, such as bathroom fixtures, laboratory and kitchen equipment, etc.

**Miscellaneous** — Incidental expenses not listed above, including insurance, legal and testing. This figure should be five percent of the construction cost.

**Movable Equipment** — Furnishings and equipment which are not fixed to the building or facility.

**NOTE:** — In computing construction cost and/or equipment cost, an inflation adjustment should be built in so these cost figures reflect the estimated costs as of June 30 of the current fiscal year.

The Total Project Cost (item V. 6) must reflect the total new funding requested on Form A-2, item II, column 6, plus any previous funding as referenced on Form B. For example: Suppose an agency was appropriated \$1,000,000 in 1979 for land acquisition and design of a project. The same agency then wants to request an additional \$5,000,000 in 1981 to award the construction contract for the same project. Item II, column 6 of Form A-2 would reflect only the \$5,000,000 in new funding requested, and Form B would reflect only the \$1,000,000 previously appropriated, but item V.6 on Form A-2 would reflect the total project cost of \$6,000,000.

Next, indicate the date these component cost calculations were prepared.

Indicate the source of the component cost data, e.g., staff architect or engineer, consultant, etc.

VI. FP and C Comments — Leave this space blank.



**CAPITAL OUTLAY BUDGET REQUEST FOR FY 19\_\_ - 19\_\_**  
**NEW PROJECT REQUEST**  
**FORM A-2 CONSTRUCTION COST DATA AND PROJECT FINANCING**

Dept.: \_\_\_\_\_ Office: \_\_\_\_\_ Section/Facility: \_\_\_\_\_ Contact Person: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_  
 Agency No: \_\_\_\_\_ New Project Priority No: \_\_\_\_\_ Classification Letter: \_\_\_\_\_ Parish: \_\_\_\_\_ City: \_\_\_\_\_  
 New Project Title: \_\_\_\_\_ La. Senatorial District No. \_\_\_\_\_ La. Representative District No. \_\_\_\_\_  
 Head of Budget Unit: \_\_\_\_\_ Governing Authority Representative: \_\_\_\_\_

**I. Description:**

Land Acquisition \_\_\_\_\_ Planning \_\_\_\_\_ Construction \_\_\_\_\_ Equipment \_\_\_\_\_ Other \_\_\_\_\_  
 Is the project complete in itself? \_\_\_\_\_ or, does this project represent a part or phase of a multi-phase project or facility? \_\_\_\_\_  
 Is the funding requested below to supplement or complete a previously funded project? \_\_\_\_\_  
 Has a Preliminary Program of Requirements been completed? \_\_\_\_\_

**III. Construction Cost Data:**

Facility Type \_\_\_\_\_  
 Construction Type/Unit Projections:  
 No. of Beds \_\_\_\_\_ No. Seats \_\_\_\_\_  
 No. Students \_\_\_\_\_ No. Books \_\_\_\_\_  
 No. Occupants \_\_\_\_\_ Other \_\_\_\_\_  
 Square Footage \_\_\_\_\_ Cost/Sq. Ft. \_\_\_\_\_

**IV. Implementation Schedule:**

Estimated time of planning \_\_\_\_\_ months  
 Estimated time of construction \_\_\_\_\_ months

**V. Project Component Costs:**

1. Land Acquisition \$ \_\_\_\_\_  
 2. Planning Costs \_\_\_\_\_  
 3. Construction Cost \_\_\_\_\_  
 4. Miscellaneous \_\_\_\_\_  
 5. Movable Equipment \_\_\_\_\_  
 6. Total Project Cost \$ \_\_\_\_\_  
 Source of Cost Data \_\_\_\_\_

**II. Proposed Financing:**

	(1)	(2)	(3)	(4)	(5)	(6)
	FY _____	FY _____	FY _____	FY _____	FY _____	Total 5 Yr. Request
1. State Funds	_____	_____	_____	_____	_____	_____
2. Revenue Bonds	_____	_____	_____	_____	_____	_____
3. Self-gen. Revenue	_____	_____	_____	_____	_____	_____
4. Federal Funds	_____	_____	_____	_____	_____	_____
5. Other Funds	_____	_____	_____	_____	_____	_____
6. Total	_____	_____	_____	_____	_____	_____

**VI. FP&C Comments:**

Comments:

**Preparation Instructions**  
**Form A-3 Estimated Annual Operating and Maintenance Costs**

**Purpose**

As required by R.S. 39:61.B (3) (a), Form A-3 is designed to provide new project information regarding “. . . the estimated annual operating and maintenance costs, and the method and source of financing for each of the next five years...” The purpose is to identify the impact that the requested new project will have on the operating budgets of any affected agencies.

**Items of Information**

Dept. through Governing Authority Representative — See individual item instructions on Form A-1 Preparation Instructions

**Expenditures and Financing/FY Columns**—For each of the next five years, indicate by the categories of expenditures listed the estimated cost of operating and maintaining the requested new project. As noted above, the purpose is to determine the impact on the operating budget, so list the additional costs associated with operation and maintenance and any savings generated by the new project. For instance, if an agency is occupying rented office space and requests a new facility to replace the rented space, this form should reflect a reduction in the rentals expenditure category while also reflecting the new or increased costs for utilities, janitorial and maintenance, insurance, etc. If the purpose of the new project is to provide additional space for a new or expanded activity, the new program employees and other related costs must be reflected on this form. Be sure to indicate the total number of new positions in the appropriate spaces.

In addition to the categories of expenditures, indicate the source of financing these expenditures. Of particular importance are federal funds that cease or decrease after a certain period. The total expenditures for each fiscal year must of course equal the total means of financing for the corresponding year.

**Comments/Explanation** — In concise terms, explain the rationale or basis for computation of the operating and maintenance costs. Give the specific source and method of calculation for utilities. In the event the requested new project has an impact on more than one agency's operating budget, such impact must be explained here and included in the cost figures on this form. Explain why the operating means of financing was chosen and what other alternatives were considered. Use a continuation sheet if necessary.

**Preparation Instructions**  
**Form B Status Report of Projects in Process**

**Purpose**

Form B is a status report of all incomplete capital outlay projects legislatively authorized including those in planning, under construction, or in the process of acquisition. This form indicates the *current* project funding by source and displays the amount and source of funds to be expended/encumbered as of the close of the current fiscal year and the amount and source of *current* funding to be encumbered during each of the five succeeding years. If additional funding is required to supplement or complete a project, such funding must be requested using the Form A series. See Form A-1 Preparation Instructions for definition of “New Project.”

**Items of Information**

Dept.; Office; Section/Facility — Indicate the proper department, office, and section or facility name. Abbreviations may be used. Example: Dept.: DHHR, Office: Hospitals, Section/Facility: E.K. Long Hospital.

Contact Person; Phone — Indicate the name and phone number of the person to be contacted if there are any questions, or if supplemental or clarifying information is necessary.

Agency Number — Indicate the six digit schedule number

assigned to the budget unit.

Head of Budget Unit — Signature and typed name of the head of the budget unit or similar responsible person.

Governing Authority Representative — Signature and typed name of the department head or his designee, or of a representative of the appropriate management or governing board.

I. Project Identification — For each project to be reported, indicate the project number assigned by Facility Planning and Control Department, the project name, and the parish and city where the project is located.

II. Authorizing Acts — Indicate the act number and year of the act(s) in which funds for the project were appropriated. If bonds were authorized but not sold and there was no line of credit authorized, do not list the act. If bonds were appropriated and sold, whether in full or in part, do list the act.

III. Completion Data — In the “status” column indicate one of the letter designations which describe the physical work completed:

A - Authorized: Projects that have been authorized but which have not entered the planning or construction phase.

P - Planning: Projects for which planning and design work has begun, but for which construction has not begun.

C - Construction: Projects in any stage of construction/acquisition up to completion/delivery, acceptance and utilization.

In the ‘percentage’ column indicate the percentage of work that has been completed in the current phase. Percentages must be expressed as whole numbers, such as ninety percent, ninety-five percent, etc.

In the “Date” column indicate the month and year on which the status and percentage are based.

Example: If planning is fifty percent complete as of October 25, 1980, the column would read “P - 50 - 10/80.”

IV. Project Funding — In the column “Current Authorization by Source” indicate the amount currently authorized for the project from each source of funding. “Currently Authorized” means either cash or bonds appropriated in the current year capital outlay appropriations act plus any cash appropriated from prior acts or any bonds previously sold. Do not include bond authorizations from prior years which have not been sold. Do not include bonds authorized in the current year omnibus bond act but not appropriated in the current year capital outlay act.

For example, if \$1,000,000 was authorized in a prior year bond authorization, but only \$100,000 was sold, and the balance was not reappropriated in the current year, then the current authorization by source column would indicate only the \$100,000 that was sold.

The means of financing sources are defined as follows:

“State” — Includes cash from the State General Fund or the Tidelands Escrow Fund.

“G.O. Bd.” — Represents general obligation bonds which were authorized and are appropriated in the current year capital outlay act, whether they have been sold or not; and bonds which were sold in a prior year. Do not include previously authorized but unsold bonds.

“Rev. Bd.” — Represents revenue bonds which were authorized and sold in a prior year or authorized in the current year capital outlay act. Revenue bonds are special bonds whose debt service is payable from revenues derived from operation of the bond funded facility, e.g., a parking facility, toll bridge, laundry, etc.

“Self-Gen. Rev.” — Represents Self-Generated Revenues from agency operations, e.g., license fees, admission fees, etc., or from statutory dedications.

“Fed.” — Represents any federal grant, loan, etc. that has

**CAPITAL OUTLAY BUDGET REQUEST FOR FY 19\_\_ - 19\_\_**  
**NEW PROJECT REQUEST**  
**FORM A-3 ESTIMATED ANNUAL OPERATING AND MAINTENANCE COSTS**

Dept: \_\_\_\_\_ Office: \_\_\_\_\_ Section/Facility: \_\_\_\_\_ Contact Person: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Agency No: \_\_\_\_\_ New Project Priority No: \_\_\_\_\_ Classification Letter: \_\_\_\_\_ Parish: \_\_\_\_\_ City: \_\_\_\_\_

New Project Title: \_\_\_\_\_ La. Senatorial District No. \_\_\_\_\_ La. Representative District No. \_\_\_\_\_

Head of Budget Unit: \_\_\_\_\_ Governing Authority Representative: \_\_\_\_\_

EXPENDITURES AND FINANCING		FY _____	FY _____	FY _____	FY _____	FY _____	COMMENTS/EXPLANATION:
21	Salaries & Rel. Ben.						
22	Travel						
23	Operating Expenses:						
	Utilities						
	Insurance						
	Rentals						
	Other Maintenance						
	Telephone						
	Other Oper. Exp.						
	Sub-total						
24	Supplies:						
	Office						
	Operating						
	Repair & Maint.						
	Other						
	Sub-total						
25	Professional Services						
26	Other Charges						
27	Acquisitions						
29	Interagency Transfers						
	TOTAL EXPENDITURES						
	TOTAL NO. POSITIONS						
	SOURCE OF FINANCING:						
	State						
	Self-Generated Revenue						
	Federal Funds						
	Interagency Transfers						
	Other						
	TOTAL MEANS OF FINANCING						

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been awarded and appropriated for the project.

“Other” — Represents any other type of funding not covered above, including interagency transfers, donations, local funds, capital outlay interest earnings account allocations, Interim Emergency Board allocations, etc.

“Total” — The additive total of the six sources of funding described above.

In the six columns under “Estimated expenditures/encumbrances by fiscal year,” the total and each means of financing listed under “current authorization by source” must be distributed to indicate the amount to be encumbered and expended as of the close of the current fiscal year and the additional amount to be encumbered during each of the next five years. For example, if (1) the total funding for a project included \$1,000,000 in general fund cash and \$100,000 in federal funds, and (2) the amount estimated to be encumbered as of June 30 of the current year was \$800,000, and (3) if all of the federal funds and the balance of the state funds are expected to be encumbered by next June 30, the columns would appear as follows:

<u>Current Authorization</u>	<u>Thru 6/30/80</u>	<u>FY 81-82</u>	<u>FY 82-83</u>	<u>FY 83-84</u>	<u>FY 84-85</u>	<u>FY 85-86</u>
State 1,000,000	800,000	200,000	-0-	-0-	-0-	-0-
Fed 100,000	-0-	100,000	-0-	-0-	-0-	-0-
<u>Total 1,100,000</u>	<u>800,000</u>	<u>300,000</u>	-0-	-0-	-0-	-0-

In those cases where additional funding is necessary to complete a project, do not indicate the dollar amount needed on this form. Under the appropriate fiscal year column on Form B indicate a reference to a Form A request for supplemental funding. For example, if in the case above \$300,000 additional funding was needed in FY 82-83, a note such as “See Form A, Priority 6” would be entered in the FY 82-83 column on Form B.

### **Preparation Instructions** **Form R Recap of New Project Requests**

#### **Purpose**

Form R is designed to recap information on all new project requests by budget unit. The completed forms for all budget units in a department provide an overall perspective of the capital requests of each budget unit and department for the next five years. **PROJECTS IN PROCESS ARE NOT TO BE INCLUDED ON THIS FORM.**

#### **Items of Information**

Dept; Office; Section/Facility — Indicate the proper department, office and section or facility name. Abbreviations may be used.

Agency Number — Indicate the six digit schedule number assigned to the budget unit.

Head of Budget Unit — Signature and typed name of the head of the budget unit or his designee.

Governing Authority Representative — Signature and typed name of the department head or his designee, or of a representative of the appropriate management or governing board.

(1) Project Title — Beginning with the highest priority new project request, list the project titles as shown on the Form A series. Each new project requested on a Form A must be listed in priority order on Form R.

(2) Class Number — For each project listed, indicate the classification letter from the corresponding Form A.

(3) Priority Number — For each project listed, indicate the priority number from the corresponding Form A.

(4) State Funds — For each project listed, indicate the first year state funds requested as shown on the corresponding Form A-2, in Section II, Column (1), line 1.

(5) Revenue Bonds — For each project listed, indicate the first year revenue bonds requested, as shown on the corresponding Form A-2, in Section II, Column (1), line 2.

(6) Self-Generated Revenue — For each project listed, indicate the first year Self-Generated Revenue requested, as shown on the corresponding Form A-2, in Section II, Column (1), line 3.

(7) Federal Funds — For each project listed, indicate the first year federal funds requested, as shown on the corresponding Form A-2, in Section II, Column (1), line 4.

(8) Other Funds — For each project listed, indicate the first year other funds requested, as shown on the corresponding Form A-2, in Section II, Column (1), line 5.

(9) Total First Year Request FY — Indicate the fiscal year, such as 81-82, then for each project listed, indicate the total first year funds requested as shown on the corresponding Form A-2, in Section II, Column (1), line 6. These figures should agree with the total columns (4) - (8) on this Form R.

(10) Request for Years two - five, as shown on the corresponding Form A-2, in Section II, line 6, Columns (2) - (5).

(11) Total Five-Year Project Request — For each project listed, indicate the total five-year project request, as shown on the corresponding Form A-2 in Section II, Column (6), line 6. These figures should agree with the total of Column (9) plus Column (10) on this Form R.

Total Class A. Emergency — After listing each new project request as described above, count the number of projects classified as A. Emergency and indicate the number in Column (2). Then for Columns (4) through (11), indicate the totals for all Class A. projects.

Total Class B. Cur. Program Requirements — After listing each new project request as described above, count the number of projects classified as B. Current Program Requirements and indicate the number in Column (2). Then for Columns (4) through (11), indicate the totals for all Class B. projects.

Total Class C. Anticipated Program Needs — After listing each new project request as described above, count the number of projects classified as C. Anticipated Program Needs and indicate that number in Column (2). Then for Columns (4) through (11) indicate the totals for all Class C. projects.

Total New Project Requests — In Column (2), indicate the total number of new project requests. In Columns (4) through (11), indicate the total dollars for all new project requests.

**CAPITAL OUTLAY BUDGET REQUEST FOR FY 19\_\_\_\_ - 19\_\_\_\_**  
**FORM B STATUS REPORT OF PROJECTS IN PROCESS**

Dept: \_\_\_\_\_ Office: \_\_\_\_\_ Section/Facility: \_\_\_\_\_ Contact Person \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Agency No: \_\_\_\_\_ Head of Budget Unit: \_\_\_\_\_ Governing Authority Representative: \_\_\_\_\_

I. PROJECT IDENTIFICATION	II. AUTHORIZING ACTS		III. COMPLETION DATA			IV. PROJECT FUNDING						
	No.	Year	Status	%	Date	CURRENT AUTHORIZATION BY SOURCE	ESTIMATED EXPENDITURES/ENCUMBRANCES BY FISCAL YEAR					
							Thru 6/30/____	FY____	FY____	FY____	FY____	FY____
No: Name:  Parish: City:						State G. O. Bd. Rev. Bd. Self-Gen. Fed. Other						
						Total						
No: Name:  Parish: City:						State G. O. Bd. Rev. Bd. Self-Gen. Fed. Other						
						Total						
No: Name:  Parish: City:						State G. O. Bd. Rev. Bd. Self-Gen. Fed. Other						
						Total						
No: Name:  Parish: City:						State G. O. Bd. Rev. Bd. Self-Gen. Fed. Other						
						Total						

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**CAPITAL OUTLAY BUDGET REQUEST FOR FY 19\_\_\_\_ - 19\_\_\_\_**  
**FORM R RECAP OF NEW PROJECT REQUESTS**

Dept: \_\_\_\_\_ Office: \_\_\_\_\_ Section/Facility: \_\_\_\_\_ Agency No: \_\_\_\_\_

Head of Budget Unit: \_\_\_\_\_ Governing Authority Representative: \_\_\_\_\_

(1) Project Title	(2) Class Letter	(3) Priority No.	(4) State Funds	(5) Revenue Bonds	(6) Self-Generated Revenues	(7) Federal Funds	(8) Other Funds	(9) Total First Year Request FY_____	(10) Request for Years 2-5	(11) Total Project Request
Total Class A. Emergency										
Total Class B. Curr. Program Requirements										
Total Class C. Antic. Program Needs										
Total New Project Requests										

**Section III.  
Appendix A  
Project Classification Criteria**

<b>Class Letter</b>	<b>Title</b>	<b>Criteria</b>
A.	Emergency	A capital project can be classified as emergency if it is essential to alleviate conditions hazardous to life or property. It would include measures to reduce fire hazards and provide increased safety. Other emergency or unforeseen conditions include extensive leaking of roofs and plumbing, unsafe structural defects (e.g., sinking, cracking foundations or walls), and extensive breakdowns of air conditioning systems. Projects to rectify facility inadequacies which have a significant detrimental effect on current programs are included in this category. This would include inadequate electrical, water, sewage, heating, and steam systems, inadequate streets and inadequate drainage.
B.	Current Program Requirements	Current program requirements are needs that would enable an agency to bring its facilities up to program standards set by national or regional accrediting associations. Also, changes necessary to improve the functioning of a program belong in this classification. This would include measures to rectify inadequacies or the non-existence of facilities stipulated by accrediting associations to be necessary for program achievement. It would also include provision for air conditioning and other similar equalizing needs, and major alterations to meet or maintain current program requirements.
C.	Anticipated Program Needs	Anticipated program needs are projects that are anticipated on the basis of increased enrollments, additional service, obsolescence of existing facilities, and changing of an agency's role, scope or mission. Evidence to substantiate such needs must be provided. David M. Bruce Assistant Commissioner

**DECLARATION OF EMERGENCY**

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

In accordance with the provision of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, will implement, effective December 1, 1980, the following policy related to determining the applicant's eligibility for the Medically Needy Program:

Bills (expenditures) for medical services recognized under State Law shall be included in the spend-down process for determining Medically Needy eligibility, although some of these services may not be covered under Louisiana's Medical Assistance Program (i.e., dental services, psychiatric services, podiatrist services, etc.).

This action will allow the Medical Assistance Program to be in compliance with federal regulation 42CFR 435:831. Compliance with this federal regulation assures federal financial participation in Louisiana's Medical Assistance Program.

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

**DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedures Act (R.S. 49:953 B) to adopt effective January 1, 1981, a rule to implement the Low Income Energy Assistance Program to assist low income households with

the high cost of energy during the winter months of January, February, and March 1981. This action is necessary so that public participation may be obtained in the timely development of the State Plan.

Eligible households are those with liquid assets at or below \$1,500 for a single person household and \$3,000 for a multi-person household. Additionally, total monthly income shall not exceed \$276 for a single person household and \$451 for a multi-person household. Finally, eligible households are those vulnerable to the rising cost of home energy. To be vulnerable, a household shall be paying for a heating utility or making an undesignated payment for energy in the form of rent and shall not be a resident of Low Rent Public Housing or Section 8 Public Housing.

The Program will be implemented January 1, 1981 and will extend through the month of March, 1981. Payments in the month of January and February to eligible recipients shall range from fifteen dollars to thirty-five dollars depending upon income, household size, region of the State, and the type of heating utility. The third payment in the month of March may be higher or lower than the preceding two depending upon the amount of Federal funds remaining.

A copy of the proposed State Plan can be viewed at the *Louisiana Register*, 1500 Riverside North, Baton Rouge, Louisiana.

Interested persons may submit written comments on the rule through December 12, 1980, at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

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

# Rules

## RULE

### Board of Elementary and Secondary Education

#### Rule 4.02.07

The Board approved for final adoption policy statements for Board of Elementary and Secondary Education Schools and Special School District No. 1 Programs.

#### I. Transportation

It is the policy of the State Board of Elementary and Secondary Education (BESE) that home visit transportation costs for residential students will be paid by the state for a minimum of nine round trips at the rate of one trip home per month. Any trip(s) in excess of this shall be arranged between the residential program and the sending LEA according to the child's IEP. Any transportation not arranged and listed in the IEP will be borne by the parents.

The cost of daily transportation for commuter/day students will be the responsibility of the sending LEA or a consortium of LEAs.

Specific procedures to administer this policy are included in residential policy and procedures manuals.

#### II. Least Restrictive Environment (Mainstreaming)

A. It is the policy of the BESE Schools to require the sending LEA to document the need for educating the child in the BESE school. This documentation will include supporting information that:

1. The proposed education placement at a residential/day program is the LRE for the child.
2. The parish or city school system cannot make reasonable accommodations for the child in the existing city-parish programs.

This document and supporting information must be forwarded to both Special School District No. 1 for its review and agreement, and to the BESE school in question for its review and agreement, that the District/BESE School has the most appropriate program for the child.

B. As part of their educational programs the BESE schools shall maintain full or part-time mainstreaming activities with LEAs through written cooperative agreements in the following areas:

1. Academic subjects
2. Counseling
3. Physical/recreational exercises
4. Inter and intramural/interscholastic athletics
5. Transportation
6. Health services
7. Social Activities

C. BESE schools will make their facilities and programs available, through written cooperative agreements, to the LEAs for specific activities of a speciality nature consistent with the unique offerings of the BESE facility.

D. Procedures to administer this policy are included in residential policy and procedures manuals.

#### III. Involvement of the Sending LEAs in the Evaluation, IEP, and Placement Process of BESE Schools

A. Prior to and during the admission consideration for educational placement, and in accordance with Act 754 of 1977 (R.S.17:1941 et seq), the sending LEA will retain responsibility for:

1. Providing all screening data concerning the student.
2. Providing all prior evaluation data concerning the student.
3. Performing or assuring the performance of any evaluations that are necessary.
4. Obtaining necessary releases from parents.
5. Arranging for the attendance of the parents and students for further evaluations as necessary by the BESE school.

6. Attending the initial evaluation conference and the initial IEP conference with parents.

7. Participating in placement discussions with parents.

8. Obtaining necessary clearance(s) of the State Department of Education (Special School District No. 1) to request approval for enrollment outside of the geographical boundaries of the LEA.

9. Advising parents of due process rights, confidentiality regulations, etc.

B. Following admission, the LEA retains responsibility for:

1. Attendance at IEP updates prior to discharge.
2. Transportation arrangements, when applicable.

#### IV. Involvement of the Sending LEAs in the Evaluation, IEP, and Placement Process in Special School District No. 1 Programs

A. Prior to, and during, the admissions considerations for habilitation placements by the Department of Health and Human Resources (DHHR) or by the Department of Corrections (DOC) in Special School District No. 1 programs the sending LEA will retain responsibility for:

1. Providing all screening and evaluation data currently available.
  2. Performing or assuring the performance of evaluations on at-risk students who are non-emergency placements within thirty days of notice by DHHR or DOC.
  3. Completion of the initial IEP on all non-emergency placed students.
  4. Obtaining necessary releases from parents.
- B. Following placement, the sending LEA retains responsibility for:
1. Tracking the placement of the students.
  2. Participating in the IEP conference prior to discharge.

Rule 5.00.80 (Replaces present policy in effect)

The Board approved for final adoption Guidelines for Tuition Exemption Continuing Education Program for Teachers. These guidelines were published in the August 20, 1980 *Louisiana Register* as Emergency Rule.

### GUIDELINES

#### Tuition Exemption Continuing Education Program for Teachers

Bulletin 1533/1980-81

#### Louisiana State Department of Education

##### Introduction

The Louisiana Legislature during the First Extraordinary Session of 1977, passed Act 20, which established funding for continuing education. Louisiana Revised Statute 17:7.3 provides continuing education funding at Louisiana colleges and universities. The purpose of the Act is to make it possible for teachers to return to Louisiana colleges and universities to take courses in their fields or disciplines.

The attached Guidelines have been adopted by the State Board of Elementary and Secondary Education by the authority vested in them in Louisiana Revised Statute 17:7.3. By Board authority, the Guidelines are subject to further administrative interpretation by the Louisiana State Department of Education. The Guidelines are addressed to participants in the continuing education program. Infractions of these Guidelines will cause applicants to pay their own tuition. Questions relative to the Guidelines should be submitted to the State Department of Education, Continuing Education Office Box 44064, Room 603, Baton Rouge, Louisiana 70804; telephone numbers (504) 342-3414 or (504) 342-3422 or toll free 1-800-272-9872.

##### Application Forms

#### A. Distribution.

1. The State Department of Education prepares and distributes the forms.



2. Participating parish or city school systems secure forms from the State Department.

3. Participating schools secure forms from either parish or city school board office.

4. Participating applicants secure forms from either employing school or school board office.

**B. Completion.**

1. Read the directions on the application.

2. Complete Section I and sign.

3. Have employing authority complete Section II and sign.

4. Have university official complete Section III and sign.

5. Present application to appropriate university official at the time of official university registration. (You must inquire at the Registrar's Office at the university which you plan to enroll as to the specific university official to whom this form is submitted.) Applicant will be declared ineligible for tuition exemption if the application form is incomplete or inaccurate.

**Deadlines**

**A. Applications and courses.**

**1. Regular Semester or Quarter.**

a. Application forms must be submitted to the specific university official no later than the fourteenth official university class day.

b. Courses to be reimbursed shall be courses for credit which begin and end within the same semester or quarter in which registration is held no later than the fourteenth official university class day of the semester or quarter.

**2. Summer Session.**

a. Application forms must be submitted to the specific university official no later than the seventh official university class day.

b. Courses to be reimbursed shall be courses for credit which begin and end within a summer session in which registration is held no later than the seventh official university class day.

**3. Interim Courses.**

a. Application forms must be submitted to the specific university official no later than the fifth official university class day.

b. Courses to be reimbursed shall be courses for credit which begin after the close of one term and before the opening of the following term.

**B. Unsuccessfully completed courses.**

1. Applicants who do not successfully complete the course(s) for which tuition exemption was applied must pay the tuition as determined by the college or university in which the applicant was enrolled.

2. The applicant will receive a bill for the dropped, failed, or incompleting course(s) from the State Department of Education.

3. Courses dropped before the university deadline will cause the applicant to be billed a percentage of the tuition. The university determines the percentage of the tuition due.

4. The deadline for removal of an incomplete "I" grade shall be sixty university class days into the following semester unless the university deadline is sooner.

5. The applicant shall be allowed thirty days from receipt of the billing for unsuccessfully completed courses in which to pay the tuition due. After thirty days from the applicant's receipt of the billing, if no payment is made, the applicant's name and the signed application form shall be submitted by the Department of Education to the Attorney General of the Louisiana Department of Justice for collection. A penalty in the amount of five percent of the tuition shall be imposed on each applicant who fails to meet the thirty day time restraint.

**Eligibility**

**A. Participants.**

1. **Elementary and Secondary Teachers**—Any full-time degreed teacher who is regularly employed or on approved leave from a state approved elementary or secondary school, listed on the annual school report as a member of the faculty of a state approved elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education is eligible. These schools shall include public, nonpublic, alternative, and special schools as defined in Bulletin 741.

**2. Vocational-Technical Instructors.**

a. Any full-time instructor regularly employed or on approved leave from a vocational-technical school, which is under the direction of the State Board of Elementary and Secondary Education, and who is required by Bulletin 746 to earn fifteen credit hours in VTIE courses for certification, or who desires to take courses in his field of specialization is eligible.

b. Vocational-technical instructors must be listed on a composite report which is submitted to the State Board of Elementary and Secondary Education.

3. **Adult Education Teachers**—Any full-time degreed teacher teaching adult education for a minimum of thirty hours per week in schools under the jurisdiction of the State Board of Elementary and Secondary Education, who is under agreement with a city or parish school system to teach a full year in this capacity, or an adult education teacher who is on approved leave from such schools is eligible.

4. **Teachers in thirteenth and fourteenth Grades**—Any full-time degreed teacher regularly employed or on approved leave listed on the annual school report as a member of the faculty of Bossier Parish Community College or St. Bernard Parish Community College is eligible.

5. **Academic Supervisors**—Any degreed person holding a teacher's certificate and working in a supervisory capacity with an academic program within the state school system and under its jurisdiction is eligible. This includes academic supervisors working in the city and parish school systems of the state, the nonpublic school system, the State Department of Education.

**B. Colleges and Universities.**

1. **State Supported**—Delgado College, Grambling State University, Louisiana State University, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University, University of New Orleans and University of Southwestern Louisiana.

2. **Nonpublic**—Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of Holy Cross College, St. Mary's Dominican College, Tulane University, Xavier University.

Application for admission to colleges and universities must be in compliance with the college or university regulations, entrance requirements, deadlines, and any other conditions for admissions.

No student shall be allowed to pursue courses at more than one college or university simultaneously under this program.

**C. Courses.**

1. Credit courses in the subject matter area in which the applicant is currently teaching, or courses outside the subject matter area, provided the principal or superintendent recommends the area of instruction in which the applicant shall enroll, are eligible.

2. Course load shall not exceed six semester hours or its equivalency in quarter hours while a teacher is teaching full-time. Summer Session course load may exceed the six hour limit providing a teacher is not teaching summer school. Teachers who are on sabbatical or approved leave are not limited to six hours.

3. Eligibility of courses will be determined by either the

principal or the superintendent and the college or university official.

4. Applicants will not receive tuition exemption for the following ineligible courses.

a. Non-credit courses or audit courses.

b. Non-instructional credit courses such as examination courses. Thesis courses are eligible for reimbursement only in the semester in which credit is earned.

c. Courses in theology or divinity.

d. Courses pursued at more than one college or university simultaneously under this program.

e. Courses taken outside the geographical boundaries of the State of Louisiana.

f. Correspondence courses.

g. Courses which are not successfully completed by the end of the semester or sixty university class days into the following semester unless the university deadline is sooner.

h. Dropped, incompletes, or failed courses.

D. Tuition.

1. Tuition, for the purposes of this program, is defined as the registration fee and the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

2. Tuition paid to eligible nonpublic colleges and universities shall be equal to, but not greater than, the highest tuition charged by a public college or university in Louisiana. The difference in the amount of tuition paid by the state and the amount charged by private colleges and universities shall be paid by the applicant.

3. Reimbursement shall be made to the colleges and universities by the State Department of Education from state appropriated funds.

#### Collections

A. The State Department of Education shall send by certified mail, with return receipt requested, a single billing to each applicant who is ineligible for any reason, for the amount of the outstanding tuition costs.

B. The applicant shall be allowed thirty days from receipt of the billing date in which to pay the amount due.

C. After thirty days from the applicant's receipt of the billing, if no payment is made, the applicant's name and the signed application form shall be submitted by the Department of Education to the Attorney General of the Louisiana Department of Justice for collection. A penalty in the amount of five percent of the tuition shall be imposed on each applicant who fails to meet the thirty day time restraint.

#### Appeals

A. Any applicant whose tuition exemption is denied may appeal to the State Department of Education, Continuing Education Office, Box 44064, Baton Rouge, Louisiana, 70804.

B. Any applicant whose appeal is denied by the State Department of Education shall have the right to a due process appeal before the State Board of Elementary and Secondary Education. The applicant should contact the Executive Director of the State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804, no later than fourteen days following receipt of notification from the State Department of Education of tuition exemption denial.

C. While an appeal is pending, the thirty day time restraint imposed for payment of tuition costs shall be temporarily waived until the appeal process has been completed.

D. If the appeal is denied, the applicant shall have thirty days from the date of the notice of the denial in which to pay the amount due. The names and the application forms of all students

failing to pay within thirty days shall be submitted to the Attorney General of the Louisiana Department of Justice for collection.

#### College and University Procedures

A. At the time of registration, the applicant shall be exempt from paying tuition for eligible course work covered in this program.

B. The last date for the colleges and the universities to accept applications for tuition exemption shall be the fourteenth official university class day of a regular semester or quarter, the seventh official university class day of a summer session, and the fifth official university class day for interim courses.

C. Two weeks after the official dates stated above, the university or college shall submit to the State Department of Education the following documents.

1. Application forms.

2. A master list of applicants enrolled in the tuition exemption program.

3. An invoice for tuition payments.

D. Prior to the middle of the semester or quarter, the State Department of Education shall submit to the colleges and universities a check for the full amount of the invoice which shall cover only those charges designated as "tuition" for eligible applicants.

E. Within two weeks after the end of the semester or quarter, the colleges and the universities shall submit to the State Department of Education a list of names and tuition due for applicants who either dropped, failed, or received an incomplete.

F. The deadline for removal of an incomplete grade shall be sixty university class days into the following semester unless the university deadline is sooner. Immediately following the sixty day deadline for completion of incomplete grades, the university shall submit the names and the mailing addresses of applicants who did not successfully complete an "I" grade.

G. Courses dropped before the university deadline will cause the applicant to be billed a percentage of the tuition. The university determines the percentage of the tuition due.

#### Rule 6.03.46

The Board approved for final adoption Rules and Regulations for removal from office of regional directors, directors, and assistant directors in vocational-technical schools in order to comply with the mandates of Act 644 of the 1979 Regular Session as follows:

A regional director, director, or assistant director in a vocational-technical school under the jurisdiction of the State Board of Elementary and Secondary Education shall not be removed from office except upon written and signed charges of willful neglect of duty, or incompetency, or dishonesty, and then only if found guilty after a hearing by the Board or a committee of the Board, which hearing may be public or private at the option of the affected employee. Removal from office includes termination and/or demotion. At least fifteen days in advance of the date of the hearing, the Board shall furnish the respondent employee with a copy of the written charges. The respondent employee shall have the right to appear before the Board or committee of the Board, with witnesses in his behalf and with counsel of his selection, all of whom shall be heard by the Board or committee of the Board at the hearing. Any finding of a committee of the Board shall be reviewed and acted upon by the full Board. The Board may set aside or modify the findings of a committee of the Board. Nothing herein contained shall impair the right of appeal to a court of competent jurisdiction.

#### Rule 5.03.31 (Replaces present policy in effect)

State operated trade and vocational-technical schools are to charge a tuition fee of thirty dollars per month to non-resident students. It is the responsibility of the applicant to provide the trade and vocational-technical school with the evidence deemed necessary to establish the applicant's resident status.

A citizen of the United States who has established bona fide residence in Louisiana shall be considered a resident.

An applicant who is married to a Louisiana resident may acquire the residence status of his or her spouse.

State operated trade and vocational-technical schools are not to charge this fee to permanent employees of Louisiana industry who are taking night or extension courses.

An alien who has been lawfully admitted to the United States for permanent residence as an immigrant (proof of such status in his possession - Form 1-515 Alien Registration Receipt Card) and who has established residence under any of the foregoing provisions shall be declared a resident of the state.

James V. Soieau  
Executive Director

## **RULE**

### **Board of Elementary and Secondary Education**

#### **Rule 3.01.07**

The Board adopted Guidelines for Implementation of the 1980-81 Pilot Year of the Compensatory/Remedial Education Act as follows:

##### **1.0. Guidelines for Implementation**

The following guidelines are a formal statement of the rules and regulations for implementation of the 1980-81 pilot year of the Louisiana Compensatory/Remedial Education Act. Applicants for proposals are expected to adhere closely to these guidelines.

##### **1.1. Types of Proposals and Awards**

Local school districts may individually or as a consortium submit proposals for one of sixteen pilot, planning or demonstration projects for the 1980-81 school year. A district may submit more than one proposal; each proposal will be judged solely on its merit. Two projects will be awarded to each of the eight congressional districts. If a district has less than two (none or only one) acceptable proposals, then only that number will be funded. At most only two planning projects will be accepted, while the remaining fourteen will be pilot or demonstration projects. Summer school projects will not be accepted.

A total of \$800,000 was allocated by Act 433 to fund these sixteen projects. The amount of money available to each local district will be partially a function of the number of children who are identified as compensatory education students in that district.

##### **1.2. Target Population**

Second graders, including those in continuous progress programs, will be the target population for these pilot, planning or demonstration projects.

##### **1.3. Options for Implementing Compensatory Education**

It is anticipated that the projects will encompass one or more of the following four educational options for compensatory education: (1) the addition of other certified teachers into a regular classroom; (2) the addition of resource personnel, who are certified specialists in various areas, to the staff of a school; (3) changes in the organizational structure and climate of the schools; and (4) computer assisted instruction. However, should a project present a creative remedial program not based on one of the four optional programs, it will be considered highly.

##### **1.4. Components of Narrative**

Act 433 dictates that the proposal include a narrative which will incorporate the following:

- a. A statement of the educational objectives and how they are determined.
- b. A review of the appropriate literature.
- c. The student population to be served and the selection criteria to be used.
- d. The methodologies to be utilized in meeting the educational problems.

e. A description of the course content to be taught.

f. A detailed budget including excess costs above regular programs.

g. An evaluation plan encompassing both the educational process and the extent of growth and achievement evidenced by the pupils.

##### **1.5. Student Eligibility**

With regard to 1.4.c., it is imperative that students selected for the pilot year should approximate those students who will fail to achieve the mastery level on the minimum competency test which will be administered in the spring, 1982. For the purpose of this pilot year program, the following criteria should be utilized in the selection of students for participation in the program: (a) previous scores on standardized tests; (b) teacher judgment; (c) previous retention; and (d) previous scores on local criterion-referenced tests.

##### **1.6. General Budget Requirements**

With regard to Section 1.4.f., the budget must include only funds used for compensatory education. Act 433 dictates that accounting for compensatory education be separate from that of other local and state funds. No funds for the program shall decrease or supplant state, local or federal funds for educationally deprived students.

It is anticipated that most of the budget will be expended on salaries and not on materials. An exception to this general expectation will be made in the case of computer assisted instruction.

##### **1.7. Evaluation of Projects-General Information**

With regard to Section 1.4.g., the evaluation plan will involve: (a) a measure of the increase in student achievement in the basic skills of reading, writing and arithmetic as a result of the state compensatory/remedial education programs; and (b) a measure of the degree to which the compensatory/remedial education program has given the students a sense of success and has prevented their alienation toward the schools and possibly their early departure from the schools. There will be two aspects of the evaluation process: (a) each local school district must develop an evaluation plan for its project including the two criteria mentioned above; and (b) the Bureau of Evaluation in the LDE will conduct a statewide evaluation of all projects. Each local school district is required to describe its evaluation process in its proposal for compensatory/remedial education funds.

With regard to the statewide evaluation of all projects, pre-and post-test measures will be taken on the target students (experimental and control) in all the compensatory education programs. The Bureau of Evaluation in the LDE will be responsible for the selection of appropriate pre-and post-test measures and will audit the administration of the tests. The local school district should indicate a control group of children with similar educational deprivation to those in the compensatory education programs for comparison purposes. This control group should be taken from the original pool of target students eligible for compensatory education according to the local school district's plans. The local school districts will be responsible for administration of the tests selected by the Bureau of Evaluation. The Bureau of Evaluation will be responsible for the analysis of the data and for the preparation of the final statewide evaluation report.

##### **1.8. Required Final Product**

The final product from the local school districts will be a report detailing the implementation of the compensatory education program in their district.

##### **1.9. Replication of Projects**

The compensatory education programs should be replicable. That is, the projects should be transportable for use in other school districts and should be easily disseminated. This requirement does not hold for planning projects.

**1.10. Emphasis on Maintaining Students in Regular Classrooms**

The compensatory education programs should emphasize maintaining the students in regular classrooms and de-emphasize pull-out from these classrooms.

**1.11. Waiver for State Compensatory/Remedial Education Programs from ESEA Title I Comparability Requirements**

The state compensatory education programs should be designed with knowledge of the extra flexibility that waiver of ESEA Title I comparability requirements in these programs may bring. This flexibility may occur in instructors' salaries and pupil-staff ratios.

**1.12. Selection of Schools**

Past performance in the Louisiana accountability testing program and on other standardized tests shall be included among the factors used in determining the selection of pilot program locations.

**1.13. Expectations for Student Achievement**

It is assumed that the principal and staff of those schools selected for the compensatory/remedial projects will have high expectations for academic achievement by the students in their project. The school district should make sure that schools selected for their project have personnel with these expectations.

**1.14. Organizational Chart**

An organizational chart must be included in the proposal's narrative. This chart must show the coordination of regular education, special education, Title I compensatory education, and state compensatory/remedial education activities for students in the projects.

**1.15. Students in Special Education and Title I Programs**

Special education students in specially designed regular instruction classrooms and Title I students may be included in the projects.

**Rule 6.01.13a**

The Board adopted an amendment to Bulletin 1565, Personnel Assessment and Evaluation System, Page 53, Item 1, in order to allow the Department of Education to employ non-degreed persons as programmers and operators for the Louisiana Educational Computer Network, to be established February, 1981. The amendment reads as follows: There are no substitute qualifications for the Bachelor's Degree, except for certain non-certified technical support personnel.

**Rule 3.01.70.v(25)**

The Board adopted Revisions to Interim Requirements for Generic Certification for Special Education.

**Rule 6.03.48**

The Board adopted a policy requiring the director of a vocational technical school to notify all other directors of vocational technical schools relative to the action taken by an instructor who abandons a teaching position.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Instructor's  
Notification of Vacancy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no implementation costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
It will have no effect on revenue collections.

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

The school that has an instructor who abandons a position can have an estimated cost of approximately \$50 in postage and stationary used in notifying other schools.

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

As this will neither create nor eliminate positions, there will be no effect on competition and employment.

George Byron Benton                                  Mark C. Drennen  
Deputy Superintendent of Education    Legislative Fiscal Officer

**RULE**

**Board of Trustees for State  
Colleges and Universities**

The Policies and Procedures Manual, Part VII, Section 7.4B. Chief Executive Vacancies, is changed to read as follows:

**B. Chief Executive Vacancies**

For all state appointments concerning vacancies in the chief executive position at an institution under the jurisdiction of the Board, six months notice shall be provided the Board members in order that all applicants who shall meet the earned doctorate qualification may be given an official application for such vacancies and that the proper committee, after hearing and interviewing such applicants, may make recommendations to this Board for final selection.

Bill Junkin  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Chief Executive  
Notice of Vacancy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The Board estimates that there will be no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
The Board estimates that there will be no impact on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The Board estimates that there will be no financial costs or benefits to affected groups. There may be intangible benefit to persons who wish to apply for vacancies in the chief executive positions, as there may be more time for them to get in their applications.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is the primary purpose of the proposed rule change. The Board feels that the additional time allowed by specifying six months minimum notice will permit wider advertising of vacancies, resulting in keener competition and a better opportunity to employ the best qualified applicant for the position.

Bill Junkin    Mark C. Drennen  
Executive Director    Legislative Fiscal Officer

**RULE**

**Louisiana State University  
And Mechanical College  
Board of Supervisors**

Section 2-7 (Deleting a.) The first sentence to read:

"Faculty Ranks. Faculty members and other members of the academic staff of comparable rank, including librarians, may be appointed for a specified term ("term appointment") or indefinitely ("tenured appointment") depending on rank and experience." (The remainder of the section to be unchanged.) Delete, in its entirety, 2-7.b. entitled "Library Ranks."

M. D. Woodin  
Secretary to the Board

## RULES

### Office of the Governor

#### Data Processing Coordinating and Advisory Council

The Data Processing Coordinating and Advisory Council has adopted revised rules LAC 1-9:3 and LAC 1-9:4 regarding long-range plans for data processing in departments and universities.

#### LAC 1-9:3 Development of Long-Range Plans for Data Processing in Departments

3.1 Each department of state government shall develop a long-range plan for data processing.

3.1.1 The planning process will cover a three-year period and shall be on a fiscal-year basis to coincide with the budgeting process. A plan shall be submitted to the Data Processing Coordinating and Advisory Council (DPCAC) no later than December 31 of each year. Semi-annual updates including changes, additions or deviations to the plan shall be submitted to the DPCAC by July 15 of each year. The December plan will drop the oldest year and add an additional fiscal year.

3.1.2 The methodology or technique for developing the plan is left to the discretion of the department. However, the plan shall provide the summary information described in Section 3.2. In addition, the methodology employed in developing the plan must provide the detailed data described in Subsection 3.2.3 for the DPCAC review upon request.

3.1.3 The actual format of the plan will be determined by the department. Section 3.3 does discuss, however, a set of forms and instructions which may be used, at the option of the department, in preparation of its plan.

3.2 The following is a description of information to be included in the plan:

3.2.1 State the mission and objectives of electronic data processing (EDP) within your department.

3.2.2 Provide the following information for systems currently in production on state EDP equipment and systems currently operating on nonstate equipment (do not include these systems in paragraph C below) which will be brought in-house within the three fiscal years covered in the plan.

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

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

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

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

E. Indicate any hardware or software changes necessitated by growth of the system, and the dates such changes are planned to occur.

3.2.3 Each agency will maintain and make available upon request the following detailed information associated with each of the systems described in Subsection 3.2.2 above:

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

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

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

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

E. The total monthly print volume for the system.

F. The file organizations used by the system, i.e. sequential, indexed sequential, random, virtual storage access method (VSAM), relative or direct access.

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

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

3.2.4 List any major enhancements or redesign efforts, either in progress or proposed, for each of the production systems.

A. Indicate whether in progress or proposed showing a start and completion date.

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

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

D. Indicate any hardware or software changes necessitated by the implementation of this effort, and the dates such changes are planned to occur.

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

3.2.5 List new systems currently in progress or planned during the three-fiscal year period.

A. Indicate starting and completion date.

B. State the scope and objectives and anticipated benefits.

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

D. Indicate any planned hardware or software changes necessitated by the implementation of this effort, and the dates such changes are planned to occur.

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

3.2.6 Summarize the funds necessary to provide the EDP resources described in other parts of the plan, in terms of amounts by categories of expenditure. This summary will be for not only the three years of the plan but for the previous year as well. The form entitled "EDP Resource Requirements Cost Plan," available from the DPCAC, provides a format suitable for easy presentation of these cost estimates.

A. Amounts.

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

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

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

b. Amount of State General Funds for interagency transfer, i.e., amount being transferred out to another State agency.

c. Total amount of State funds being requested.

d. Amount of Federal Funds.

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

B. Categories of expenditure.

1. Hardware. Include expenditures for the purchase, rental, lease and maintenance of hardware. The total amount re-

requested for hardware will equal the sum of the detail costs shown in the Hardware Plan (see Subsections 3.2.7 A-B).

2. Software. Include expenditures for the purchase, rental, lease and maintenance of software, e.g., operating systems, compilers, assemblers, data base systems, data dictionary systems, utilities, etc. The total amount requested for software will equal the sum of the detail costs shown in the Software Plan (see Subsections 3.2.7 C-D).

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

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

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

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

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

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

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

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

11. Interagency Transfer In. Include the total amount of incoming interagency transfers from other State agencies.

12. Positions Allocated. Indicate the number of personnel positions requested, including incumbents, vacant positions and new positions. This number will match the total number indicated in the part of the plan detailing future manpower requirements (see Subsection 3.2.7 E).

3.2.7 Provide the following detailed information associated with the resource requirements in Subsection 3.2.6 above:

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

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

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

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

E. Provide a listing of classifications, and the number of positions in each, planned to be allocated to the department during each of the three years. The total will equal that specified in Section 3.2.6 and will include all positions in the data processing cost center (or section) as well as positions with data processing classifications in other cost centers of the department.

F. If professional services are being budgeted for Year 1, provide the name of the proposed vendor (if known), the nature of the work to be performed, and amount requested for each project. A completed form BR-17A (Schedule of Professional Services-Detail) may be provided instead. The total amount shown will equal that required in Section 3.2.6.

G. For any incoming interagency transfers, specify service to be rendered and dollar amount to be received from each department or university. Completed budget forms BR-6/BR-6A/BR-6B may be provided instead.

H. For any interagency transfers being made by the department to another department or university, list the services to be received, the dollar amount to be transferred and to whom. A completed form BR-19 may be used instead.

3.3 Section 3.2 of this rule states the information to be collected and reported but does not specify exact formats or forms to be used. Given below are instructions for forms that may be used as presented or modified to meet a department's exact needs. Copies of these forms are available on request from the DPCAC.

3.3.1 The mission and objectives of EDP within a department shall be in a free format narrative, and shall be submitted to the DPCAC.

3.3.2 The form entitled "Production System Summary" contains space for all information required in Subsection 3.2.2, including a narrative of the scope, objectives and benefits, and projections of costs over the three-year planning period. These forms shall be submitted to the DPCAC as part of the plan.

3.3.3 The form entitled "Production System Detail Sheet" contains space for three-year projections in several categories for each production system. These forms are kept at the agency and do not have to be submitted to the DPCAC.

3.3.4 Provide Subsection 3.2.4 information on the form entitled "System Development or Enhancement Plan." Included is space for a narrative of the scope, objectives and benefits of the effort, as well as a three fiscal year view of start/completion dates, staffing, and hardware/software changes. These forms are submitted to DPCAC as part of the agency's plans.

3.3.5 New systems are described as per instructions in Subsection 3.3.4.

3.3.6 All information requested in Subsection 3.2.6 may be supplied on the form entitled "EDP Resource Requirements Cost Plan." These forms are submitted to DPCAC as part of the plan.

3.3.7 For Subsection 3.2.7 A-D information, use form entitled "Hardware/Software Plan," along with a schematic of the configuration. Use form entitled "Plan of Positions in EDP Organization" for Subsection 3.2.7 E information. Use budget form BR-17A for Subsection 3.2.7F information; BR-6/BR-6A/BR-6B, Subsection 3.2.7 G; BR-19, Subsection 3.2.7 H. All forms are submitted to DPCAC as part of the plan.

LAC 1-9:4 Development of Long-Range

Plans for Data Processing in

Colleges and Universities

4.1 Each state college and university shall develop a long-range

plan for data processing.

4.1.1 The planning process will cover a three-year period and shall be on a fiscal year basis to coincide with the budgeting process. The plan shall be submitted to the Data Processing Coordinating and Advisory Council (DPCAC) no later than December 31 of each year. Semi-annual updates including changes, additions or deviations to the plan shall be submitted to the Data Processing Coordinating and Advisory Council by July 15 of each year. The December plan will drop the oldest year and add an additional fiscal year.

4.1.2 The methodology or technique for developing the plan is left to the discretion of each individual college or university. However, the plan shall provide the summary information described in Section 4.2.

4.1.3 The actual format of the plan will be determined by the college or university. Section 4.3 does provide, however, a set of forms and instructions which may be used, at the option of the college or university, in preparation of its plan.

4.2 The following is a description of information to be included in the plan:

4.2.1 State the mission and objectives of electronic data processing (EDP) within your college or university. Also include a description of benefits from the usage of EDP to your college or university in the following terms (at a minimum):

A. The number of credit courses in the college or university which make use of the computing facilities.

B. The total number of students enrolled who have (or will) at one time or another used the computing facilities for course work or research work (use best estimates), and subtotals by number pursuing each level of degree.

C. Number of students supported by administrative system.

4.2.2 List and describe any major enhancements or redesign efforts in progress or proposed for each existing administrative application. Also, it is recommended, but not mandatory, to include major efforts in instruction, research and academic applications to the extent practical in order to present a complete plan. For example, if considerable resources (fifteen percent or more of the development/enhancement budget) are to be committed to the enhancement of a programmed instruction package for students in engineering, the plan would be incomplete without inclusion of such an effort. For each application listed, describe as follows:

A. Indicate whether in progress or proposed showing a start and completion date.

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

C. Indicate the level of university and consultant personnel staffing in man-months and expertise (programmer, analyst, project leader, etc.) required for this effort.

D. Indicate any hardware or software changes necessitated by the implementation of this effort.

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

4.2.3 List and describe new administrative applications currently in progress or planned during the three fiscal year period. Also, as mentioned in Subsection 4.2.2 above, other applications are recommended, but not mandated, for inclusion when considerable resources are required for implementation. For each application listed, describe as follows:

A. Indicate whether in progress or proposed showing estimated starting and completion date.

B. State the scope, objective and anticipated benefits.

C. Indicate the level of university and consultant personnel

staffing in man months and expertise (programmer, analyst, project leader, etc.).

D. Indicate any planned hardware or software changes necessitated by the implementation of this effort.

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

4.2.4 Separate the anticipated total yearly EDP costs (as specified in Subsection 4.2.5) of the college or university into the costs necessary to support administrative, research, instruction and other activities. Include totals for both shared and dedicated EDP resources for the next three fiscal years in a format like the following:

Category	Fiscal Year 1		Fiscal Year 2		Fiscal Year 3	
	Shared	Dedicated	Shared	Dedicated	Shared	Dedicated
Administrative	\$	\$	\$	\$	\$	\$
Research	\$	\$	\$	\$	\$	\$
Instruction	\$	\$	\$	\$	\$	\$
Other	\$	\$	\$	\$	\$	\$

The term EDP resources can include a central processing unit (CPU) and associated peripheral units, remote job entry terminal, other terminals, minicomputers, and microcomputers. Describe the cost allocation method or algorithm used to determine costs associated with central, shared systems. Also include a definition of each component in the algorithm.

4.2.5 Summarize the funds necessary to provide the EDP resources described in other parts of the plan, in terms of amounts by categories of expenditure. This summary will be for not only the three years of the plan but for the previous year as well. The form entitled "EDP Resource Requirements Cost Plan," available from the DPCAC, provides a format suitable for easy presentation of these cost estimates.

A. Amounts.

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

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

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

b. Amount of State General Funds for interagency transfer, i.e., amount being transferred out to another college, university, or State agency.

c. Total amount of State funds being requested.

d. Amount of Federal funds.

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

3. For the last two years, indicate only the total amount planned.

B. Categories of expenditure.

1. Hardware. Include expenditures for purchase, rental, lease and maintenance of hardware. The total amount requested for hardware will equal the sum of the detail costs shown in the Hardware Plan (see Subsections 4.2.6 A-B).

2. Software. Include expenditures for the purchase, rental, lease and maintenance of software, e.g., operating systems, compilers, assemblers, telecommunications, data base systems, data dictionary systems, utilities, etc. The total amount requested for software will equal the sum of the detail costs shown in the Software Plan (see Subsections 4.2.6 C-D).

3. Personnel. Include expenditures for all salaries, wages and related benefits for personnel assigned to the data processing cost center (or section). Also include those personnel having Civil Service data processing classifications (e.g. Data Entry Operator) who are assigned outside of the data processing cost center (or

section). Exclude those personnel outside the data processing cost center (or section) who may use the data processing equipment but do not have Civil Service data processing classification titles. Also exclude part-time student workers, personnel funded by a grant, or students or faculty who use an EDP system.

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

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

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

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

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

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

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

11. Interagency Transfer In. Include the total amount of incoming interagency transfers from other colleges, universities or State agencies.

12. Positions Allocated. Indicate the number of positions re-requested, including incumbents, vacant positions and new positions. This number will match the total number indicated in the part of the plan detailing future manpower requirements (see Subsection 4.2.6 E).

4.2.6 Provide the following detailed information associated with the resource requirements in Subsection 4.2.5 above:

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

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

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

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

E. Provide a listing of classifications, and the number of positions in each, planned to be allocated in the college or university during each of the three years. The total will equal that specified in Section 4.2.5 and will include all positions in the data processing cost center (or section) as well as positions with data processing classifications in other cost centers of the college or university.

F. If professional services are being budgeted for Year 1, provide the name of the proposed vendor (if known), the nature of the work to be performed and amount requested for each project. A completed form BR-17A (Schedule of Professional Services-Detail) may be provided instead. The total amount shown will equal that required in Section 4.2.5.

G. For any incoming interagency transfers, specify service to be rendered and dollar amount to be received from each department or university. Completed budget forms BR-6/BR-6A/BR-6B may be provided instead.

H. For any interagency transfers being made by the college or university to another department or university, list the services to be received, the dollar amount to be transferred and to whom. A completed form BR-19 may be used instead.

4.3 Section 4.2 of this rule states the information to be collected and reported but does not specify exact formats or forms to be used. Given below are instructions for forms that may be used as presented or modified to meet a college or university's exact needs. Copies of these forms are available on request from the DPCAC.

4.3.1 The mission and objectives of EDP within the University shall be in a free format narrative, and shall be submitted to the DPCAC.

4.3.2 Provide Subsection 4.2.2 information on the form entitled "System Development or Enhancement Plan". Included is space for a narrative of the scope, objectives and benefits of the effort, as well as a three fiscal year view of start/completion dates, staffing, and hardware/software changes. These forms are submitted to DPCAC as part of the college or university's plan.

4.3.3 New systems are described as per instructions in Subsection 4.3.2.

4.3.4 Subsection 4.2.4 information shall be in free format narrative and submitted as part of the plan to the DPCAC.

4.3.5 All information requested in Subsection 4.2.5 may be supplied on the form entitled "EDP Resource Requirements Cost Plan." These forms are submitted to DPCAC as part of the plan.

4.3.6 For Subsection 4.2.6 A-D information, use form entitled "Hardware/Software Plan," along with a schematic of the configuration. Note that only annual costs are required; quarterly costs are not. Use form entitled "Plan of Positions in EDP Organization" for Subsection 4.2.6 E information. Use budget form BR-17A for Subsection 4.2.6 F information; BR-6/BR-6A/BR-6B, Subsection 4.2.6 G; BR-19, Subsection 4.2.6 H. All forms are submitted to DPCAC as part of the plan.

Thomas G. Hagan, Executive Director  
Data Processing Coordinating  
and Advisory Council

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 1-9:4**

**Development of Long-Range Plans for  
Data Processing in Colleges and Universities**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The Data Processing Council's staff will experience no change in workload and therefore, there will be no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no impact on revenues.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be minimal cost savings to these institutions. These



institutions will submit one planning/budgeting document to the Council instead of two which will reduce paperwork and simplify their reporting requirements.

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

There will be no effect on competition and employment.

Thomas G. Hagan  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: LAC 1-9:3**

**Development of Long-Range Plans for  
Data Processing in Departments**

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

The Data Processing Council's staff will experience no change in workload and therefore, there will be no implementation costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no impact on revenues.

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

There will be minimal cost savings to other state agencies. State agencies will submit one planning/budgeting document to the Council instead of two which will reduce paperwork and simplify their reporting requirements.

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

There will be no effect on competition and employment.

Thomas G. Hagan  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**RULE**

**Department of Health and Human Resources  
Board of Practical Nurse Examiners**

The Louisiana State Board of Practical Nurse Examiners at its meeting on September 26, 1980 adopted the following amendments to the *Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana*.

Section IV

7. Admissions

7-1 Regular admissions-shall meet the requirements:

a. Grade placement of 9.5 in reading and 8.5 in mathematics on the achievement test battery.

7-2 Advanced standing

a. (5) Delete

Mrs. Helen W. Sheehan, R.N.  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Repeal of Pre-**

**Admission Test Requirements**

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

There are no estimated implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

The repeal of this rule would eliminate the cost of taking the test for all applicants. At the cost of \$12.00 to take the test for approximately 1,400 applicants per year, the annual savings to applicants is estimated at \$16,800.

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

No effect on competition and employment is estimated.

Mrs. Helen W. Sheehan, R.N.  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**RULE**

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

The Department of Health and Human Resources, Office of Family Security has expanded, effective November 20, 1980, in-patient physician services from a benefit limit of fifteen in-patient visits per year to a provision for coverage of one in-patient physician visit per day for each day of a Title XIX eligible hospital admission provided the following criteria are met:

1) The recipient is eligible for Title XIX hospital benefits at the time of admission, either because of having at least one day remaining in the fifteen annual hospital day benefit or because of State authorization of the admission;

2) The length of the hospital stay is approved by PSRO or PAS/LOS Standards. If any days are not approved, no in-patient physician services will be paid on non-approved days.

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

**RULES**

**Department of Labor  
Office of Labor**

The following rules and regulations of the Prevailing Wage Division, Office of Labor, Department of Labor, State of Louisiana, were adopted pursuant to the Administrative Procedure Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on November 5, 1980.

Prior thereto, written objection was made to the proposed rules and regulations by the Senate Committee on Labor and Industrial Relations after a hearing held in Committee Room C, State Capitol, on Monday, November 3, 1980, a copy of which is printed below.

The Committee's objections were disapproved by the Governor by letter dated November 7, 1980, a copy of which is also printed below.

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**Louisiana State Senate  
Committee on  
Labor and Industrial Relations  
November 5, 1980**

The Honorable David C. Treen  
Governor  
State of Louisiana  
Baton Rouge, LA 70804

Re: Notice of Unacceptable Report on  
Proposed Department of Labor Rules

Dear Governor Treen:

Pursuant to R.S. 49:968, Notice is hereby given to you that the Senate Standing Committee has given an Unacceptable Report on the attached Rules proposed by the Department of Labor.

The committee based its determination on the following factors:

1. The rules were drafted with insufficient input from affected groups. Labor unions and other employee groups were not consulted;

2. The proposed rules fail to provide procedures for the documentation of classes of employees within the three categories listed in R.S. 38:2301;

3. The rules fail to provide procedures for the documentation of wages and benefits actually paid in a given area;

4. The rules fail to provide objective criteria for the determination of prevailing wages and benefits;

5. The rules, if promulgated, would seriously undermine the competitive position of union contractors when bidding on state construction projects;

6. The proposed rules totally lack enforcement procedures;

7. The Department of Labor has failed to make sufficient personnel requests to implement the proposed rules and in fact abolished one position necessary to the implementation of R.S. 38:2301;

8. The rules totally lack criteria and procedures for the determination of geographic boundaries.

Respectfully yours;  
Gaston Gerald, Chairman  
Joseph Sevario, Vice Chairman

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**State of Louisiana**  
**Executive Department**  
**Baton Rouge**  
November 7, 1980

Honorable Gaston Gerald, Chairman  
Honorable Joseph Sevario, Vice Chairman  
Senate Labor & Industrial Relations Committee  
State of Louisiana  
Post Office Box 44183  
Baton Rouge, Louisiana 70804

Gentlemen:

Pursuant to R.S. 49:968, notice is hereby given to you that I have disapproved the Senate Standing Committee's Unacceptable Report on the attached rules proposed by the Louisiana Department of Labor. I based my disapproval on the following factors:

(1) Public hearing was held for input from affected groups. The Department was already in possession of labor union collective bargaining agreements. Meetings with contractors were held for survey information. Rules are established to set procedures for the Department and to set up guidelines for contractors to follow in paying prevailing wage.

(2) As a result of the public hearing, Rule I has been amended for clarification of corresponding classes of employees to be paid the prevailing wage.

(3) This procedure is not required in the prevailing wage law.

(4) The prevailing wage law specifies the criteria to be used in the determination of prevailing wage and benefits.

(5) Collective bargaining rates are one of the criteria stated in the law and will be considered in wage determinations. This objection is not applicable to the rules. However, laws mandating exclusive reliance on collectively bargained rates have been challenged in the courts as unconstitutional. This issue led to invalidation of the rate determination methodology in Arizona; and, an injunction in Michigan stopping enforcement of the law with respect to school construction in certain school districts.

(6) Based upon testimony in the public hearing, Rule IV,

Section C has been amended to clarify enforcement procedures.

(7) Organizational changes have recently been made within the Office of Labor which eliminate the need for additional personnel.

(8) Geographic boundaries have been clarified as a result of the public hearing by amendment of Rule III.

Respectfully yours,  
David C. Treen

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## RULES

RULE I. Three categories of employees.

A. Mechanics\* - skilled in trade or craft, either by completion of an approved apprenticeship program or other proof of years of experience in the particular trade or craft.

B. Workmen - specific work but limited or semi-skilled.

C. Laborers (which will include helpers, trainees, tenders, etc.) - general unskilled work.

The categories of employees, the job classifications recognized by the assistant secretary of labor and the wages of each classification thereunder will be listed under each project in the prevailing wage decisions (LD's).

RULE II. Six types of work projects.

A. Highway construction.

B. Building construction (which includes building repairs, electrical high linemen, air conditioning and heating and swimming pools).

C. Heavy construction (which includes land based bucket dredging equipment).

D. Water well drilling.

E. Marine floating bucket or hydraulic dredging.

F. Shipbuilding and repairs.

RULE III. Geographical boundaries  
for Prevailing Wages.

By parish in which work is being performed. If data is not available, then contiguous parishes.

RULE IV. Prevailing wages notice.

A. To be posted on the job site by the PW Specialist for that area.

B. Notice will call attention to the prevailing wages for that particular project (a copy of LDL attached). Should any employee have a question or grievance over either his job classification or wages, he may either consult his employer or the area PW Specialist whose name, address and telephone number will be shown on the notice. PW Specialist will explain procedures to file a formal complaint. Formal complaints shall be made only to the General Counsel, Office of Labor, who shall receive same, prepare the complaint and forward to the employee for his signature. The name of the complainant will remain confidential.

C. PW Specialist is to refrain from visiting the job site except on specific instruction from his supervisor and for the following:

1. Making initial contact with the general contractor or his representative and posting the prevailing wage notice.

2. Periodic visits to insure that the prevailing wage determination is still posted, and to insure that the prevailing wage is being paid.

3. "Follow-up" visit upon direction of the assistant secretary of labor or his designee which will be made after receipt of a written complaint from an employee.

RULE V. LDL Decisions

A. Will include definitions of mechanics, workmen and laborers.

\*Apprentices are to be governed under the provisions of R.S. 23:381, et seq.

B. Notation that apprentices will be governed by Louisiana Apprenticeship laws, which will also include a definition of apprentices.

C. Wages will be shown for each employee classification with the notation that any wages to be paid at higher rate than shown thereunder are negotiable between employer and employee.

D. Notification that anyone who does work in a category other than the one in which his job classification falls, should either be an indentured apprentice under the laws of the State of Louisiana or if not, shall be paid no less than the minimum wages of the classification in which he actually works.

E. The contracting agency shall notify the Office of Labor of date and place of pre-job conference, which notice shall include an invitation to the Office of Labor to attend for the purpose of explaining the contractor's responsibilities under the prevailing wage law.

F. Notice that job classifications and wage rates under each employee category may, from time to time, be enlarged, altered, amended or terminated, due to obsolescence or development of new classifications, and the right to do so shall remain exclusively with the assistant secretary of labor.

**Office of Labor  
Department of Labor  
State of Louisiana**

**NOTICE**

The Prevailing Wages applicable to this project, as determined by the Office of Labor, Department of Labor, State of Louisiana, are attached to this notice.

Should any employee have a question concerning the wages paid to him on this project or his job classification thereunder, said employee should immediately contact his employer. Should any questions still remain after, and only after, discussions with his employer, the employee should contact the following representative of the Office of Labor.

Telephone: \_\_\_\_\_

J. T. Armatta  
Assistant Secretary of Labor

**RULE**

**Department of Natural Resources  
Office of Environmental Affairs  
Environmental Control Commission**

The following revision to Louisiana's State Implementation Plan was approved October 23, 1980 by the Environmental Control Commission:

WHEREAS, the current State Implementation Plan under the Federal Clean Air Act contains a resolution of the Louisiana Air Control Commission concerning potential or actual conflicts of interest as required by Section 128 of the Federal Clean Air Act; and

WHEREAS, the Environmental Control Commission, under Act 449 of 1979, is the successor agency to the Air Control Commission, exercising all power and authority formerly held by the Air Control Commission; and

WHEREAS, the powers and duties formerly exercised by the technical Secretary of the Air Control Commission is now exercised by the Assistant Secretary of the Office of Environmental Affairs; and

WHEREAS, the current resolution of the Louisiana Air Control Commission needs to be re-adopted by the Environmental Control Commission to reflect the changes effected in administration of the State Implementation Plan by reason of Act 449 of 1979;

THEREFORE, BE IT RESOLVED, that any commission member or Assistant who approves permit or enforcement orders under the provisions of the Federal Clean Air Act as amended August, 1977, and derives any significant portion of his income from persons (as defined in Section 4.49 of the Air Control Regulations) subject to said permits or enforcement orders, shall not take part in the discussion of said permit or enforcement order and shall not vote thereon. The Commissioner or Assistant Secretary shall announce his abstention from Commission action to the Commission Chairman at the time of Commission action.

BE IT FURTHER RESOLVED, that each Commission member and the Assistant Secretary will disclose to the Chairman of the Environmental Control Commission on or before July 1, 1981, and annually thereafter, details of any actual or potential conflicts of interest occurring between January 1 and December 31, of the preceding year. The Commission members and the Assistant Secretary shall be provided a listing of permits and enforcement orders approved between January 1 and December 31 by January 15 of the following year by the Administrator, Air Quality Division. The Air Quality Division shall maintain any conflict of interest reports on file and make them available for public inspection. A notice shall be published in the *Louisiana Register* and other appropriate State Journals advising the public of these reports.

Copies of the above revision are available from the Department of Natural Resources (Natural Resources Building - 6th Floor) Office of Environmental Affairs, Air Quality Division, P. O. Box 44066, Baton Rouge, Louisiana 70804.

B. Jim Porter  
Assistant Secretary

**RULE**

**Department of Public Safety  
Office of State Fire Marshal**

The Department of Public Safety, Office of the State Fire Marshal intends to adopt the following administrative rulings with regard to hospital fire lanes and shopping center fire lanes.

**LAC 17-4:9 Hospital Fire Lanes**

9.3 — The Fire Marshal, his certified local authorities, or local law enforcement officials shall remove any vehicle parked in any fire lane in the State of Louisiana by any means necessary and shall assess the cost of removal against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by the owner.

9.4 — Owners and occupants of the property on which fire lanes are located are hereby charged with the responsibility of notifying the Fire Marshal, his certified local authorities, or local law enforcement officials of the existence of any vehicles parked in those fire lanes; and in the event that they are unable to contact the Fire Marshal, his certified local authorities, or local law officials, the owner and occupant are hereby charged with the responsibility of and are hereby authorized to remove any vehicle parked in those fire lanes by any means necessary and to assess the cost of same against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by the owner.

**LAC 17-4:10 Shopping Centers - Fire Lanes**

10.4 — The Fire Marshal, his certified local authorities, or local law

enforcement officials shall remove any vehicle parked in any fire lane in the State of Louisiana by any means necessary and shall assess the cost of removal against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by the owner.

10.5 — Owners and occupants of the property on which fire lanes are located are hereby charged with the responsibility of notifying the Fire Marshal, his certified local authorities, or local law enforcement officials of the existence of any vehicles parked in those fire lanes; and in the event that they are unable to contact the Fire Marshal, his certified local authorities, or local law officials, the owner and occupant are hereby charged with the responsibility of and are hereby authorized to remove any vehicle parked in those fire lanes by any means necessary and to assess the cost of same against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by owner.

Daniel L. Kelly  
State Fire Marshal

**RULES**  
**Department of Public Safety**  
**Office of State Police**  
**Breath and Blood Alcohol**  
**Analysis Methods and Techniques**

1. After the Louisiana Department of Public Safety has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing it shall be necessary for each individual instrument of the approved model to be inspected and approved for use by the Office of State Police, Applied Technology Unit, at least once every four months, and a machine recertification form shall be maintained for each machine in the Applied Technology Unit. A copy of this certificate may be filed with the clerk of the applicable court in the respective parishes in which each device is used for breath testing, and this copy shall be prima facie evidence as to the proper working order of the instruments and standard of quality of the ampuls. The inspecting maintenance technician's permit number shall also be affixed to this certificate.

Any manufacturer of any apparatus, device, or equipment made for the purpose of analyzing the alcoholic content of breath may request the Applied Technology Unit to approve such apparatus, device, or equipment. The Applied Technology Unit will consider said request upon submission of such information, instructions for use, exemplars, and other pertinent data as the Unit may request.

Before any new Breath/Alcohol/Testing Device will be approved, other than those already approved under rule 2, it must have undergone inspection and testing by the Applied Technology Unit for a period of no less than one year. This one year period of testing and evaluation is for the purpose of assuring that an instrument is free of any design errors, malfunctions or operating problems.

2. Analysis of breath specimens for the determination of the alcohol content therein may be performed by one of the following:

a. Photo-Electric Intoximeter (P.E.I.) Model 400 single cylinder instrument manufactured by Intoximeters, Inc., St. Louis, Missouri.

b. Gas Chromatograph Intoximeter Mark IV A manufactured by CalDetect, Inc., Richmond, California, and distributed by Intoximeters, Inc., St. Louis, Missouri.

c. Auto-Intoximeters (Auto-I) manufactured by CalDetect,

Inc., Richmond, California, and distributed by Intoximeters, Inc., St. Louis, Missouri.

d. Intoxilyzer Model # 4011AS-A manufactured and distributed by CMI, Inc., of Mintum, Colorado.

The above instruments used for alcohol determination are approved for the performance of chemical test for alcohol determinations and the methods and techniques used in conjunction therewith are, also, approved for satisfactory use by the Department of Public Safety.

3. Qualifications for the certification of individuals to conduct breath test analysis are as follows:

a. Employee of a Louisiana law enforcement agency or Federal law enforcement agency.

b. At least eighteen years of age.

c. Resident of the State of Louisiana at time of application.

d. Graduation from a State-accredited high school or satisfactory passing of the "general education development test" or equivalent educational background.

e. Successful completion of a forty-hour operator's training course conducted by the Applied Technology Unit, or any other course approved by the Applied Technology Unit. Course material to be covered will be taken from Chemical Test for Intoxication Training Manual and/or Training Manual for the Gas Chromatograph Intoximeter, or Training Manual for the Auto-I, or Training Manual for the Intoxilyzer.

However, if an individual has already successfully completed a training course in chemical testing, the individual may attend a specified course in the operation of either the Gas Chromatograph Intoximeter, or the Auto-Intoximeter, or the Intoxilyzer.

f. To successfully complete the forty-hour training course and become certified, the operator must:

(1) Obtain a seventy-five percent score on the written examination covering course material.

(2) Obtain a seventy-five percent score on the actual operation of the instrument and practical test (running of unknown solutions). Written test and practical test will be made up by instructors of the Applied Technology Unit.

(3) The testing results will be recorded on the "chemical test for intoxication progress record." A copy to be retained by the Applied Technology Unit.

g. Qualifications for certification of Instructors will be as follows:

(1) Certified as a P.E.I. operator or certified on any other approved instrument.

(2) Attendance of an additional forty-hour course approved by the Applied Technology Unit.

(3) Involved in a chemical testing program approved by the Applied Technology Unit.

4. The procedure for analysis using the Model 400, single cylinder, Photo-Electric Intoximeter shall include the following:

a. General observation of the subject for a period of twenty minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.

b. The operator conducting breath analysis shall conduct such analysis in accordance with the "photo-electric intoximeter check list" which contains but is not limited to the following:

(1) Completing the information section concerning such things as name of subject, time, witness, arresting and testing agency, instrument number and location, and Applied Technology Unit machine certification tag number.

(2) A calibration check whereby the calibration of the instrument is checked by using a set of standard ampuls which accompany each instrument. A standard ampul of known value is

used whereby the reading must be within the given range to show the calibrating section of the instrument is working properly.

(3) Preparation of the instrument whereby temperature is checked and the ampul to be used in such analysis is checked to show it is within a certain tolerance plus or minus .010g%. This is to insure a good ampul will be used in the analysis.

(4) A systems blank by which the instrument is shown to be free of contamination. Limitations here will be from +.010g% through -.020g% whereby corrections from here will be made to produce the final reading.

(5) Sample collection whereby the sample is taken and the twenty minute observation period is checked off.

(6) Alcohol determination section whereby the instrument is flushed, scale zero checked, and final reading taken.

The ampul will be discarded after analysis since preservation will yield erroneous results after the ampul is opened, used in analysis, and exposed to continuous light. This ampul also contains acid which is very corrosive and may cause injury or damage if not properly disposed of.

(7) Breath specimens collected for analysis should be substantially in equilibrium with pulmonary arterial blood, with respect to alcohol. That is, it should be essentially alveolar in composition.

(8) The quantity of breath analyzed for its alcohol content shall be established only by direct volumetric measurement, or by collection and analysis of a fixed breath volume at constant known temperature.

c. All ampuls used in Breath/Alcohol Analysis shall be received in numbered lots and stored under the supervision of the Supervisor of the Applied Technology Unit, who is also a Forensic Scientist.

The Applied Technology Unit shall require manufacturers of ampuls to certify each lot of ampuls made, as to their standard of quality in reference to the chemical contents and tolerance. The Applied Technology Unit shall maintain these certificates on file from the manufacturer. The Applied Technology Unit shall then have the authority to spot check the ampuls with respect to their performance. The machine recertification form that is filed every four months with the clerks of court may also state that the ampul lot numbers used at each agency were spot checked for performance.

d. Procedures for spot checking of the ampuls for performance are as follows:

(1) A known wet bath Alcohol Breath Simulator will be used in the analysis.

(2) Procedures for the preparation of this simulator will be those as outlined in rule 9. c. 1-5.

(3) The volume of the ampul solution will be checked by the use of the gauging well on the P.E.I.

(4) At least one ampul from each lot of ampuls located at an agency will be analyzed by use of the known Wet Bath Alcohol Breath Simulator.

(5) By obtaining results that are within the tolerance range of plus or minus .010g%, the ampuls are shown to contain the proper quantity of chemicals.

e. Maintenance inspections will be performed on a routine basis at least once every four months by technicians working for the Applied Technology Unit. Items to be checked shall be, but are not limited to, the following:

(1) Each lot of ampuls shall be spot checked for performance.

(2) Clean Instrument

(3) Calibration check of standard ampuls

(4) Running of a known alcohol value in which results shall be within plus or minus .010g% of the known alcohol value.

(5) In the event any repair work is needed, it will be

recorded in detail.

5. Procedure for analysis using the Mark IV A Gas Chromatograph Intoximeter.

a. General observation of the subject for a period of fifteen minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.

b. The operator conducting breath analysis shall conduct such analysis in accordance with the "Gas Chromatograph Intoximeter Mark IV A operational check list" which contains but is limited to, the following:

(1) Completing the information section concerning such things as name of subject, time, testing agency, arresting agency, instrument number and location and date of instrument certification.

(2) Set up whereby the instrument is prepared to run a sample.

(3) Standard section whereby a known alcohol value is run to check the calibration of the instrument. Instrument reading must be within plus or minus .010g%.

(4) Blank check whereby the instrument is flushed by a tank of dry air to insure no alcohol has been left in the instrument. A readout of .00 must be obtained. If not, this procedure is rerun.

(5) Alcohol determination whereby a new and clean mouthpiece is attached and the subject delivers a breath sample to be analyzed.

(6) Close down section whereby a blank air sample is run to flush out any alcohol that may have been left in the instrument.

c. Maintenance inspections will be performed on a routine basis at least once every four months by technicians working for the Applied Technology Unit. Items to be inspected shall be, but are not limited to the following:

(1) Clean instrument

(2) Running a known alcohol standard thereby checking the instrument and calibration.

(3) Checking "O" rings. Changing them if applicable.

(4) Checking air filter and changing when applicable.

(5) Oven temperature and column pressure should be

rechecked when the instrument is initially installed and before and after replacing the "O" rings if applicable.

d. Each time the instrument is inspected and certified the date of certification shall be placed on the instrument. This date of certification shall be placed on each operational check list.

6. Procedures for analysis using the Auto-Intoximeters.

a. General observation of the subject for a period of fifteen minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited or taken anything by mouth.

b. The operator conducting breath analysis shall conduct such analysis in accordance with the "Auto-I operational check list" which contains, but is not limited to, the following:

(1) Completing the information section concerning such things as name of subject, arresting and testing agency, instrument location, and date of instrument certification.

(2) General: whereby instrument is turned on and fifteen minutes observation period is conducted.

(3) Setup: Alcohol standard run whereby instrument is shown to be in calibration tolerance plus or minus .010g%, and blank test automatically run to show alcohol free instrument will be used in testing.

(4) Test Subject: subject given test, when test subject light goes out, proper sample has been obtained.

(5) Print: Printout button depressed whereby test results are printed automatically by the instrument.

c. Maintenance: Maintenance inspections will be performed on a routine basis at least once every four months by technicians working for the Applied Technology Unit. Items to be checked shall be, but are not limited to, the following:

- (1) Clean instrument
- (2) Running of a known alcohol value, thereby checking the instrument and calibration. Results shall be within plus or minus .010g% of the known alcohol value.
- (3) Insure locking mechanism on instrument still intact.
- (4) Check calibration factor and if necessary reset between proper reading.
- (5) Check Printer, ribbon, and paper
- (6) Check battery.

d. Each time the Auto-I is inspected and certified, the date of certification shall be placed on the instrument. This date of certification shall also be placed on each operational check list.

7. Procedures for analysis using the Intoxilyzer Model 4011AS-A.

a. General observation of the subject for a period of fifteen minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited or taken anything by mouth.

b. The operator conducting breath analysis shall conduct such analysis in accordance with the "Intoxilyzer Check List" which contains but is not limited to, the following:

(1) Completing the information section concerning such things as name of subject, time of test, testing agency, arresting agency, instrument number and location, and date of instrument certification.

(2) Air blank - an air blank run to show instrument free of alcohol contamination.

(3) Test Standard - Standard run to show instrument in calibration. Results will be plus or minus .010g% of the known value.

(4) Air blank - An air blank run to show instrument is free of alcohol contamination.

(5) Auto Zero - Instrument automatically zeroed.

(6) Test Subject - New and clean mouth piece attached. Subject instructed to blow through mouthpiece sufficiently to activate breath lamp and continue blowing until a proper sample is collected.

(7) Air blank - an air blank run to show instrument free of alcohol contamination.

(8) End of Test - Number 7 light on, test record card removed.

c. With respect to the term standard as stated in (a), this shall be performed using a gaseous alcohol standard.

This step in the operation of the Intoxilyzer refers to the calibration check of the instrument. The results shall be within plus or minus .010g% of the target value. This target shall be established by technicians working for the Applied Technology Unit. This value is established after a series of analysis of the gaseous alcohol-standard. The known target value shall be attached to the standard and the operator shall record both the known target value and the obtained results on the "Intoxilyzer Check List" in the appropriate place.

d. Maintenance inspections will be performed on a routine basis at least once every four months by technicians working for the Applied Technology Unit. Items to be inspected shall be, but are not limited to, the following:

- (1) Clean instrument
- (2) Running of a known alcohol value thereby checking the instrument and calibration. Results shall be within plus or minus .010g% of the known alcohol value.

- (3) Insure seals on instruments still intact.
- (4) Check printer.
- (5) Check breath Inlet hose and pump hose.
- (6) Clean filter wheel and lens.
- (7) Check power supply and insure I.R. Source still working properly.

(8) In the event any repair work is needed, it will be recorded in detail.

e. Each time the Intoxilyzer is inspected and certified, the date of certification shall be placed on the instrument. This date of certification shall also be placed on each operational check list.

8. After each breath alcohol test, the results will be recorded in the Breath Alcohol Testing Log Book, a copy of which is to be sent to the Applied Technology Unit, at the end of each month and a copy to be retained at the testing agency.

9. Maintenance: Maintenance and/or repair work will be performed by Breath Analysis Technicians or Forensic Scientists working for the Applied Technology Unit, who are certified by the Louisiana Department of Public Safety to perform such. The machine recertification form that is filed every four months with the respective clerks of court shall also have the Inspecting Technicians Permit Number affixed on this certificate. This permit number shall be proof as to the certification of the Inspecting Technician by the Department of Public Safety.

a. Qualifications of individuals to conduct Breath/Alcohol Testing Instrument maintenance and inspection.

(1) Employee of the Office of State Police, Applied Technology Unit in the capacity of Breath Analysis Technician or Forensic Scientists. In order to be employed in the capacity of Breath Analysis Technician or Forensic Scientist the employee must have met all requirements as stated by the Department of Civil Service pertaining to the classification of Breath Analysis Technician or Forensic Scientists.

(2) Graduation from a State-Accredited high school or satisfactory passing of the "general education development test" or equivalent educational background.

(3) Successful completion of a forty-hour operator's training course.

(4) Successful completion of a course on maintenance conducted by the manufacturers of the respective instruments used in Breath/Alcohol Testing whereby the individual has received a factory certificate stating such.

(5) Six months of "on-the-job-training," whereby the individual shall undergo instruction on the following, but not limited to:

- a. Calibration of instruments.
- b. Checking of calibration of instruments.
- c. Trouble shooting of the instruments.
- d. Performance of preventive and regular maintenance.
- e. Preparation and use of the Smith & Wesson Mark II A wet bath simulator and solutions used in calibration and calibration check.

f. Use of gaseous alcohol simulator standards used in calibration checks.

g. Inspection of instruments received from the respective manufacturer to insure proper assembly, calibration and the overall proper functioning of the instrument.

b. After an individual has completed and qualified on the above specifications, and only then, may he be certified to perform maintenance on the various approved Breath/Alcohol Testing Instruments. The individual will then be certified by the Department of Public Safety and issued a permit stating such. This permit shall then be prima facie evidence of the individual's qualification to perform such maintenance.

c. The procedures used by maintenance technicians in the inspection of instruments at least once every four months, for the checking of calibration shall be as follows:

(1) A Smith & Wesson Mark II A Alcohol Breath Simulator will be used.

(2) Use of this simulator and preparation of the contents will be performed according to instructions as per the Smith & Wesson Mark II A Alcohol Breath Simulator Operation Manual.

(3) Solutions used in the Mark II A Simulator may also be produced by using the certified stock solution that is also available from Smith & Wesson.

(4) Once the simulator is made, the known alcohol value shall be determined by use of a Gas Chromatograph. The results established by use of the Gas Chromatograph will be the "known alcohol value." Calibration checks of the various instruments shall then be within plus or minus .010g% of this established "known alcohol value."

(5) After Inspections are made by technicians and all items are performed according to the maintenance section as listed under each type of instrument, the Inspecting Technician will then "certify" that the instrument was in proper working order.

d. Records or a copy covering maintenance, etc, on instruments will be kept by the Applied Technology Unit.

e. Personnel of the Applied Technology Unit shall have the authority to instruct individuals as Breath/Alcohol Testing Field Supervisors. This individual will be able to conduct minor service repair, transport instruments to the various locations, run known alcohol solutions, testify in court, monitor the chemical testing program on a local level, and confer with the Applied Technology Unit on any related matters pertaining to chemical testing. This individual will have attended an additional training course whereby he has undergone instructions to perform his outlined duties. This individual's permit shall state his authority to conduct such duties.

10. Permits: Upon determining the qualifications of individuals to perform such analysis and duties, and after submitting an application for certification, the Department of Public Safety shall issue permits which shall be effective for the following periods with respect to classifications:

a. Operators: Operators shall be certified for a period of two years following completion of the forty hour course. These permits may be renewed after a refresher course given by the Applied Technology Unit, or any other agency approved by the Unit.

(1) In addition to being certified on the P.E.I., an operator may also attend a specified course for certification on any new instrument that is approved. These permits shall also be in effect for a period of two years.

b. Breath Alcohol Testing Supervisors: Breath Alcohol Testing Field Supervisors shall be certified for a period of two years.

c. Instructors: Instructor shall be certified for a period of five years. However, once an instructor is no longer involved in a Chemical Testing Program his certification shall terminate and then only be recertified after he has once again become involved in a program and demonstrates his knowledge of instruction to the Applied Technology Unit Supervisor.

d. Maintenance Technicians: Once a maintenance technician working for the Applied Technology Unit is initially certified his permit shall be effective for the duration of his employment.

11. All persons seeking to be authorized to conduct blood analysis shall:

a. Make application to the Department of Public Safety for permit.

b. Have a bachelor of science in chemistry, physics, biol-

gy, zoology, medical technology, or a related field.

c. Conduct proficiency testing set up by the State Police Crime Laboratory.

12. The methods approved for blood-alcohol analysis of blood are:

a. Gas Chromatography

(1) Headspace sampling with internal standard.

(2) Direct injection with internal control.

b. Permits shall be effective when issued for a period of five years from the date inscribed thereon. Permits shall be renewed by making application to the Louisiana Department of Public Safety.

c. Procedures shall include the following controls in conjunction with each batch of samples analyzed:

(1) A system blank analysis.

(2) Analysis of a suitable reference or control blood sample of known alcohol content within the range of 0.01 to 0.30 g/dl; the result of which analysis must coincide with the known blood alcohol value of the reference specimen with 0.01 g/dl if validity is to be assigned to the results for the batch analyzed.

d. Replicate analyses shall be performed in order to minimize the possibility of undetected errors.

e. Results shall be expressed in terms of percent W/V (grams per deciliter) that is, grams of alcohol per 10 milliliters of blood, rounded downward to the second decimal place; for example 0.237 g/dl found shall be reported a 0.23 g/dl or 0.23 percent.

f. Analytical procedures for determining alcohol in blood shall meet the following performance requirements:

(1) The accuracy and sensitivity of the procedure shall be such as consistently to attain results within 0.01 g/dl of the known value over the range of 0.00 to 0.30 g/dl in analyses of appropriate reference materials of known ethyl alcohol concentration.

(2) The precision of the procedure shall be such as consistently to attain a standard deviation not greater than 0.003 g/dl in replicate analyses.

(3) The blank values yielded by the procedure in analyses of alcohol-free blood specimens consistently shall be not greater than 0.01 g/dl.

(4) The specificity of the procedure shall be adequate and appropriate for the analysis of biological specimens for the determination of the blood alcohol concentration in traffic law enforcement and highway crash investigations:

a. Procedures for the analysis of biological specimens from living subjects shall respond only to ethyl alcohol and the other lower aliphatic alcohols and should not be susceptible to significant unrecognized interference by other substances.

b. Procedures for the analysis of postmortem biological specimens shall respond only to ethyl alcohol and shall not be susceptible to significant unrecognized interference by other substances.

13. Blood drawn for the purpose of determining the alcoholic content therein shall have been taken with the contents of the "B-D Blood Alcohol Kit" No. 4990 or No. 4991 for postmortem determination (manufactured by Becton-Dickinson Division of Becton, Dickinson and Company, Rutherford, New Jersey), or similar blood collection kit approved by the Louisiana Department of Public Safety. "B-D Blood Alcohol Kits" or similar blood collection kits as approved will be made available to all law enforcement agencies by the Applied Technology Unit.

14. Because of various problems in the interpretation of the results of analysis of urine for alcohol which cannot be readily overcome in law enforcement practice, urine analysis to determine equivalent alcohol concentration in blood is discouraged. Chemical tests of blood or breath are preferred.

Donald G. Bollinger

Department of Public Safety

**RULE**  
**Department of the Treasury**  
**Board of Trustees**  
**State Employees Group Benefits Program**

At its meeting on October 22, 1980, the Board of Trustees of the State Employees Group Benefits Program revised its rules by increasing the monthly health benefit premium as follows:

	Existing Rates (Effective 9/1/79)			New Rates (Effective 1/1/81)		
	State Portion	Employee Portion	Total	State Portion	Employee Portion	Total
Class II (Employee Only)						
Without Medicare	\$15.10	\$15.10	\$30.20	\$21.68	\$21.68	\$43.36
With Medicare	4.62	4.62	9.24	16.88	16.88	33.76
Class III (Employee and One Dependent)						
None with Medicare	32.22	32.22	64.44	41.78	41.78	83.56
One with Medicare	21.73	21.73	43.46	36.98	36.98	73.96
Both with Medicare	9.26	9.26	18.52	32.18	32.18	64.36
Class IV (Employee and Family)						
None with Medicare	41.09	41.09	82.18	52.78	52.78	105.56
One with Medicare	30.61	30.61	61.22	47.98	47.98	95.96
Two with Medicare	17.79	17.79	35.58	43.18	43.18	86.36
\$5,000 CIE*						
Employee Only	-0-	2.20	2.20	-0-	3.00	3.00
Employee and Family	-0-	4.40	4.40	-0-	6.00	6.00
\$10,000 CIE*						
Employee Only	-0-	4.40	4.40	-0-	6.00	6.00
Employee and Family	-0-	8.80	8.80	-0-	12.00	12.00

\* Catastrophic Illness Endorsement

James D. McElveen  
Executive Director

# Notices of Intent

**NOTICE OF INTENT**  
**Department of Agriculture**  
**Livestock Sanitary Board**

Because of the existence of a two-fold emergency (i.e., (1) the widespread incidence of the animal disease of canine parvovirus, and (2) absence of any existing Rule to control and/or supervise the manufacture, distribution and/or sale of canine parvovirus vaccine), the Louisiana Livestock Sanitary Board, under the authority of LSA 49:953 B and Attorney General's Opinion Number 80-1290, adopted the following Rule on an emergency basis at its meeting on October 14, 1980:

**Proposed Rule**

As an addition to Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board, being a new Sub-part 6:

No person, firm, association, or corporation shall manufacture, distribute, or sell any animal vaccine other than those covered above within the State of Louisiana unless such person, firm,

association or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, distribute or sell such animal vaccine, provided that this Rule shall not apply to any person, firm, association, or corporation which is the holder of a special permit from the State Veterinarian at the effective date of this regulation.

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:2096, relative to the authority of the Louisiana Livestock Sanitary Board to regulate all matters pertinent to animal health, notice is hereby given that the Louisiana Department of Agriculture, Louisiana Livestock Sanitary Board, will conduct a public hearing to consider the permanent adoption of regulations relative to the manufacture, distribution, and sale of animal vaccines within the State of Louisiana at 9:30 a.m., Friday, December 12, 1980, in the Office of the Commissioner of Agriculture, 21st Floor, State Capitol, Baton Rouge, Louisiana.

Written comments will be accepted through December 10, 1980, by the following: C. T. Raby, DVM, Assistant Commissioner for Animal Health Services, Box 1951 or 12055 Airline Highway, Baton Rouge, Louisiana 70821, or may be presented in person at the public hearing.

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

Bob Odom  
Commissioner of Agriculture



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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
Failure to enact this Rule will necessitate additional personnel to test the vaccine for safety, purity, potency, and effectiveness in order to adequately protect the veterinarians and consuming public of Louisiana. Approximate cost of this new staff will be \$421,000. There are no costs anticipated if this rule is adopted.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No fee for licensure or special permit is now proposed. There will be no increase in revenue, whether or not the Rule is enacted.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Veterinarians in Louisiana presently purchase vaccine from out-of-state manufacturers who are Federally licensed. The costs of these licensed vaccines are comparable to the costs proposed by the out-of-state firm. Consequently, there will be little difference in costs to veterinarians. The benefits of this Rule is primarily in assurance of quality products.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The enactment of this Rule as written will prevent the manufacture, distribution and sale of canine parvovirus vaccine by any individual, firm, association, or corporation which is not Federally licensed or the holder of a special permit from the State Veterinarian.

Bob Odom  
Commissioner of Agriculture

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Agriculture  
Office of Animal Health Services**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, notice is hereby given that the State Department of Agriculture will conduct a public hearing at 7:00 p.m., December 8, 1980, at the State Capitol, Baton Rouge, to promulgate rules and regulations relative to the administration of the Federal/State Cooperative Meat and Poultry Inspection Program, as follows: adoption of Federal/State Meat and Poultry Inspection Regulations; definitions; establishments required to register; permits for establishments coming under inspection; application for approval of addition and/or renovation of previously approved establishments; change of ownership of previously approved establishments; exemptions; custom slaughtering facilities, combination custom slaughtering and processing facilities, and custom processing facilities; retail stores and/or outlets and restaurants; removal of inspection services; inspection brands and replacement thereof; labeling of smoked sausage; stamping of carcasses; inspection upon movement of meat and meat products; and appeals from decisions of the Cooperative Federal/State Meat and Poultry Inspection Program.

Interested persons may secure a copy of the full text of the said rules by written request to the following: C. T. Raby, DVM, Assistant Commissioner, Department of Agriculture, P. O. Box 1951, Baton Rouge, Louisiana 70821, or in person at the office of the Assistant Commissioner, 12055 Airline Highway, Baton Rouge, Louisiana.

Written comments will be accepted up to and including December 5, 1980, by C. T. Raby at the above addresses, or may be presented in person at the hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, as provided by R.S. 49:953.

Bob Odom  
Commissioner of Agriculture

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Meat and Poultry Inspection**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no fiscal impact on the agency, since the Meat and Poultry Inspection Program will continue to operate as in the past.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
This is not a program which generates revenue, so there will be no impact on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no impact on affected groups, because all affected groups presently operate as though the rules and regulations had been properly adopted by the previous administration.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no impact on competition and/or employment.

Bob Odom  
Commissioner of Agriculture

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Agriculture  
State Entomologist**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedures Act, and LSA 3:1655, relative to the authority of the State Entomologist, notice is hereby given that the State Entomologist, Louisiana State Department of Agriculture, will enact the following Rule relative to fees for inspection of nurseries and greenhouses:

"Fees shall be levied for the inspection of nursery stock grown or propagated for sale or distribution as follows:

a. Twenty-five dollars for nurseries with acreage of more than two thousand five hundred square feet and/or greenhouse space of more than two hundred square feet;

b. Five dollars for nurseries with acreage of less than two thousand five hundred square feet and/or greenhouse space of less than two hundred square feet.

"Said fees shall be due and payable, effective January 1, 1981, for the period January 1, 1981, through June 30, 1981. Thereafter, said fees shall be levied on an annual basis and shall be due and payable on July 1 of each year.

"All monies derived from the collection of said fees shall be deposited in a special fund and used to help defray the expenses incurred for salaries for inspecting said nursery stock."

Written comments will be accepted up to and including December 5, 1980, by the following: Dr. John Impson, State Entomologist, Box 44456, Baton Rouge, Louisiana 70804, or

may be presented in person at the office of the State Entomologist, 9181 Interline Boulevard, Baton Rouge, Louisiana.

Bob Odom  
Commissioner of Agriculture

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Nursery Inspection Fees**

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

There will be no additional costs in implementing this Rule. The inspections are presently being conducted as required by R.S. 3:1651-1655. Although the statute authorizes the collection of a fee, previous administrations of the Department of Agriculture failed to collect the fee.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

The State Entomologist anticipates the collection of approximately \$7,500 upon enactment of this Rule, as follows:

- a. From nurseries/greenhouses of 2,500/200 square feet - approximately \$6,500
- b. From nurseries/greenhouses of 2,500/200 square feet or less - approximately \$1,000

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

The maximum cost to any nursery/greenhouse will be \$25.00. The inspection certificate which each inspected establishment receives from the State Entomologist enables the owner/manager to purchase stock at wholesale prices, thus benefitting the owner/manager.

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

Enactment of the Rule will have no impact upon competition and/or employment.

Bob Odom  
Commissioner of Agriculture

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Office of Financial Institutions**

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 6:902B and R.S. 6:950.1D, hereby gives notice of his intentions to adopt the following Rule.

**PROPOSED RULE**

I. Introduction. These rules govern the conversion of State-chartered savings and loan associations from mutual to stock form under the provisions of Sections 950 and 950.1 of Chapter 9 of Title 6 of the Louisiana Revised Statutes of 1950.

II. Definitions. As used in these rules:

A. "Applicant" means a mutual savings and loan association incorporated under the laws of the State of Louisiana which is applying to the Louisiana Commissioner of Financial Institutions, in his capacity as supervisor of Louisiana-chartered savings and loan associations, to convert to a capital stock savings and loan association.

B. "Capital stock association" means an association incorporated under the provisions of the Louisiana Capital Stock Association Law.

C. "Commissioner" means the Louisiana Commissioner of Financial Institutions in his capacity as supervisor of Louisiana-chartered savings and loan associations, or his successor.

D. "FSLIC" means the Federal Savings and Loan Insurance Corporation.

E. "Mutual association" means a savings and loan association organized and operated on a mutual basis under the provisions of PARTS I through XVI of Chapter 9 of Title 6 of the Louisiana Revised Statutes of 1950.

III. Application to Commissioner. An Applicant shall file with the Commissioner five copies of an Application for Approval of Conversion, with supporting exhibits, in the form required by the FSLIC, including Forms AC, PS and OC. The Applicant shall also furnish to the Commissioner such additional information as the Commissioner may request which is not included in the Applicant's filings with the FSLIC.

IV. Content of Proposed Stock Articles of Incorporation and By-Laws.

A. Articles of Incorporation. As part of the Application, the Applicant shall submit to the Commissioner proposed Amended Articles of Incorporation as a capital stock savings and loan association which shall comply with the requirements of R.S. 6:942 with regard to *de novo* stock Articles of Incorporation, except that subsections (5) and (8) of R.S. 6:942 shall not apply to the Amended Articles of Incorporation for a Louisiana-chartered mutual savings and loan association converting to stock form. The proposed Amended Articles of Incorporation shall specify that the name of the Applicant, upon conversion, shall contain the wording "corporation", "incorporated", "limited", or "company", an abbreviation of one of such words or other words sufficient to distinguish capital stock associations from mutual associations. The proposed Amended Articles of Incorporation shall also state that the stock savings and loan association resulted from the conversion of the association from mutual form.

B. By-Laws. As part of the Application, an Applicant shall submit to the Commissioner proposed stock By-Laws which shall be similar as to content and form as the stock By-Laws specified by the Federal Home Loan Bank Board for federally-chartered stock savings and loan associations, except to the extent that such federal stock By-Laws are inconsistent with Louisiana Law.

V. Content of Applicant's Plan of Conversion. The Applicant's Plan of Conversion shall comply with the requirements of the FSLIC, including the determination of the eligibility record date and supplemental eligibility record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, except, however, that officers, directors and employees of the Applicant in their individual capacities as officers, directors and employees, will be permitted to purchase in the specific subscription offering category established for that purpose an amount no greater than twenty percent of the total shares being offered in the Plan of Conversion. The Applicant's Plan of Conversion may also provide for employment contracts for the Applicant's officers and employees upon conversion and for a Stock Option Plan (including a Management Incentive Plan providing for stock options), which shall be subject to approval by the Commissioner. The Commissioner may require provisions in an Applicant's Plan of Conversion in addition to the requirements of the FSLIC if he determines that such additional provisions are necessary for an equitable conversion.

VI. Standard for Approval of Application. The Commissioner will not approve a Plan of Conversion unless he finds that the Plan is fair and equitable to the members of the Applicant, that the interests of the Applicant's savings account holders and the public are adequately protected, and that the Plan conforms to regulatory requirements of the FSLIC. In approving an Applicant's Plan of Conversion, the Commissioner will also give preliminary approval by the Applicant's proposed Amended Articles of Incorporation and By-Laws.

VII. Vote by Applicant's Members on Plan of Conversion.

A. No Plan of Conversion shall be implemented unless it is approved at a meeting of the voting members of an Applicant called to consider such action by a majority vote of the total number of votes eligible to be cast, in person or by proxy. Notice of the meeting, giving the time, place and purpose thereof, together with a proxy statement and proxy form approved by the Commissioner covering all matters to be brought before the meeting, shall be mailed to the Commissioner and each voting member of the Applicant at such member's last address as shown on the books of the Applicant at least thirty days before the date on which the meeting is to be held.

B. The Applicant shall file with the Commissioner promptly after the meeting of the Applicant's voting members called to consider the Plan of Conversion a certified copy of each resolution adopted at such meeting relating to the Plan of Conversion, together with the following information:

1. The total number of votes eligible to be cast;
2. The total number of votes represented in person or by proxy at the meeting;
3. The total number of votes cast in favor of and against each such matter; and
4. The percentage of votes present in person or by proxy cast in favor of each such matter.

The Applicant shall also file with the Commissioner an opinion of counsel that the meeting was held in compliance with all applicable state and federal laws.

The certified copy of each resolution adopted at the meeting (being part of the minutes of such meeting), when filed, shall be presumptive evidence of the holding of the meeting and of the action taken.

VIII. Filing of Offering Circulars. The offering circulars for the Applicant's subscription offering and any additional offering to the general public shall be prepared in compliance with regulation of the FSLIC and any additional requirements imposed by the Commissioner. Five copies of each such offering circular in preliminary form shall be filed with the Commissioner, and no such offering circular shall be distributed to the Applicant's members or to the general public in final form unless it has first been declared effective by the Commissioner. In connection with an Applicant's offering of its conversion stock, an Applicant may employ the services of an investment banking or other firm to underwrite the public offering of the Applicant's stock. The initial stockholders of a converted savings and loan association shall not be restricted to natural persons and residents of Louisiana.

IX. Effective Date of Conversion. Prior to the execution of orders for the Applicant's conversion stock, the Applicant shall obtain from the Commissioner his approval affixed to the Applicant's Amended Articles of Incorporation. An authenticated copy of the Amended Articles of Incorporation shall be filed with the Secretary of State. The Applicant shall cease to be a mutual savings and loan association and shall be a capital stock savings and loan association on the date and at the time specified in the approved Articles of Incorporation, which shall be concurrent with the execution of all orders received for the Applicant's conversion stock.

Interested persons may submit written comments on the proposed rule through December 5, 1980, to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, Telephone: (504) 925-4661.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Conversion from Mutual to Stock**

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

Undeterminable at this time. This office has had no experience in the conversion of savings and loan associations from mutual to stock and is unable to produce any reasonable projection as to the man hours required to process an application.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The conversion of a savings and loan association from mutual to stock will increase its gross assets, resulting in a nominal increase of semi-annual assessment fees paid to the Office of Financial Institutions.

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

Shares of stock of capital stock associations are subject to taxation for all purposes. (LRS 6:950.5A). It is assumed that since governing bodies currently tax the stock of banks then the stock of savings and loans will be taxed as well. It is, however, unknown as to how many institutions will change their capital structure in this manner.

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

Conversion from mutual to stock form can improve an association's competitive position by providing capital adequacy resulting in increased residential lending, benefiting the consumer. Conversion will structure the association in the most common form used by business corporations and other types of financial institutions in the United States. Once converted, the association can sell additional shares to improve operating flexibility and to enhance its competitive position with respect to commercial banks.

Hunter O. Wagner, Jr.

Commissioner of Financial Institutions

Mark C. Drennen

Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Office of Financial Institutions**

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted Federal savings and loan associations by Federal Home Loan Bank Board Regulation 545.4-1 (c), published in Volume 45, page 66781 of the *Federal Register* dated October 8, 1980.

**PROPOSED RULE**

Notwithstanding any limitations imposed by R.S. 6:701, et seq., state chartered savings and loan associations may issue NOW accounts, authorized Federal savings and loan associations by Federal Home Loan Bank Board Regulation 545.4-1 (c), et seq., which was published in Volume 45, page 66781 of the *Federal Register* dated October 8, 1980.

a. Effective date. This rule will become effective December 31, 1980.

b. Definition. NOW (Negotiable Order of Withdrawal) account is defined as a savings account on which interest is paid, and from which the owner may make withdrawals by negotiable or

transferable instruments for the purpose of making transfers to third parties. The account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit.

c. Overdraft authority. State chartered savings and loan associations may extend secured and unsecured credit in the form of overdraft privileges specifically related to NOW accounts.

d. Account books. A state chartered savings and loan association is not required to issue account books or certificates evidencing ownership of NOW accounts.

e. Minimum balances. A state chartered savings and loan association, by resolution of the Board of Directors, may establish minimum balances for NOW accounts.

f. Fees. An association may charge a fee for making any payment or transfer or for maintaining a NOW account.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., December 5, 1980, at the following address: Hunter O. Wagner, Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804. Mr. Wagner is the person responsible for responding to inquiries concerning the proposed rule.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

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

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

The implementation of this Rule will not, in itself, incur any additional costs to the Office of Financial Institutions. However, implementation of all the new powers granted thrift institutions by the Depository Institutions Deregulation and Monetary Control Act of 1980 and the normal growth of Thrift Institutions will require additional examination personnel in the near future.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

Savings and loan associations offering NOW accounts will probably experience an increase in gross assets resulting in increased assessments made by the Office of Financial Institutions.

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

The general public particularly those persons with accounts in savings and loan associations offering NOW accounts, will benefit from this Rule. Any increase in deposits in savings and loans generally will cause a corresponding loss of deposits in another depository institution as only a shifting of funds occurs.

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

Offering NOW accounts will enable state chartered savings and loan associations to more effectively compete against commercial banks and credit unions for the savings dollars, and possibly make more funds available for home lending. However, any gain in funds by a savings and loan will likely result in a corresponding loss of funds in a competitive institution. The offering of new services and subsequent increases in

assets could result in the hiring of additional clerical personnel by the savings and loan industry and/or servicing institutions.

Hunter O. Wagner, Jr. Mark C. Drennen  
Commissioner of Financial Institutions Legislative Fiscal Officer

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

Under authority granted by LRS 6:902B the Commissioner of Financial Institutions proposes to issue the following rule.

**PROPOSED RULE**

Section I. Introduction. On August 20, 1980, the Commissioner of Financial Institutions caused a rule to be published in Volume 6, Number 8 of the *Louisiana Register*, which granted state chartered savings and loan associations authority to exercise trust powers, subject to prior approval of his office. The purpose of this rule is to standardize and outline application procedures to be followed by state chartered savings and loan associations when applying to the Commissioner of Financial Institutions for authority to exercise trust powers.

Section II. Application procedure. State chartered savings and loan associations desiring to exercise trust powers will submit an application to the Commissioner of Financial Institutions according to the following format:

1. This application is filed with the Commissioner of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, requesting consent to exercise trust powers under the Louisiana Trust Code, Title 9, Part V.

2. Name of Applicant.

Association Name \_\_\_\_\_

Location \_\_\_\_\_

3. Officer to contact regarding this application.

Name \_\_\_\_\_

Location \_\_\_\_\_

Telephone Area Code \_\_\_\_\_

4. Mailing address of association (include zip code).

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

5. Application is hereby made to act in the following fiduciary capacity: (Check either 5-a or 5-b)

\_\_\_5-a Full trust powers in accordance with the Louisiana Trust Code Title 9, Part V.

\_\_\_5-b Limited trust powers as indicated in 5-c below.

5-c SCHEDULE OF LIMITED TRUST POWERS APPLIED FOR  
(complete only if item 5-b is checked)

**PERSONAL TRUST POWERS**

\_\_\_Executor and Administrator \_\_\_Agent  
\_\_\_Trustee \_\_\_Escrow agent only  
\_\_\_Trustee for land \_\_\_Investment management agent  
trests only  
\_\_\_Committee \_\_\_Investment advisor agent  
\_\_\_Conservator \_\_\_Safekeeping agent  
\_\_\_Guardian \_\_\_Custodian  
\_\_\_Other fiduciary capacity (specify)

**EMPLOYEE BENEFIT TRUST POWERS**

\_\_\_Trustee \_\_\_Agent  
\_\_\_Custodian \_\_\_Investment management agent  
\_\_\_Other fiduciary capacity \_\_\_Investment advisor agent  
(specify other)



11. Legal Counsel for Fiduciary Activities.

For individual attorneys, provide:

- (a) Name and year of birth.
- (b) College and postgraduate education, name and location of school, degrees, year graduated.
- (c) Name and location of firm.
- (d) Experience in probate and other fiduciary business.
- (e) Any present professional work performed for Applicant.
- (f) Any present fiduciary work performed for competing institutions.

For legal firms, provide:

- (a) Name and location of firm.
- (b) Experience in probating estates and other types of fiduciary accounts.
- (c) Any present professional work performed for the Applicant.
- (d) Any present fiduciary work performed for competing institutions.

12. General Information About Proposed Trust Department (attach continuation pages if necessary).

(a) Describe the size, location, and space allocated to the proposed Trust Department. Detail any additional investment (or rental costs) which will be required to provide the new building, remodeling, or leasehold improvements.

(b) Describe any proposed investment in (or rental of) furniture, fixtures, and equipment for the proposed Trust Department.

(c) Describe the types of accounting records to be maintained for the proposed Trust Department. Indicate whether these are to be manual, machine-posted, or EDP. If they are to be on EDP, indicate these applications to be automated, whether on-line, and frequency of posting. If an outside EDP servicer is to be utilized, show the name and location of the servicer, as well as the anticipated annual cost for each of the first three years.

(d) Describe the audit program to be used for the proposed Trust Department. If an internal auditor is to be used, show the name, position, number of years with Applicant, and training and experience in both bank and trust auditing. If an outside auditor is to be used, show the name and location of the firm, as well as the firm's experience in bank and trust auditing. For both internal and outside auditors, as applicable, indicate the extent of the proposed trust audit program.

(e) Detail a proposed schedule of fees for each type of service to be rendered by your Trust Department.

(f) Does the applicant meet the net worth and liquidity requirements for State Chartered Savings and Loan Associations?

13. Estimated Income and Expense From Fiduciary Operations for First Three Years.

	Year 1	Year 2	Year 3
<b>INCOME:</b>			
Fee income (from Schedule A)			
Other Income (specify)			
<u>Total Income</u>			
<b>EXPENSES:</b>			
Personnel Costs (from Schedule B)			
Occupancy Expense			
Stationary and Supplies			
Legal Fees			
Investment Costs			
EDP Costs			
Other Expenses (specify)			
<u>Total Expenses (specify)</u>			
<b>NET OPERATING INCOME OR (LOSS)</b>			
<b>CREDIT FOR DEPOSITS (optional)</b>			
Income earned from in-house Deposits (from Schedule C)			
<b>NET PROFIT OR (LOSS)</b>			

Additional Comments:

Section III. Maintenance of records.

1. The operation of the Trust Department shall be separate and apart from every other department of the Association, with Trust assets separated from other assets owned by the Association, and the assets of each Trust account separated from the assets of every other Trust account; and

2. Maintenance of a separate set of books and records for the Trust Department in sufficient detail to properly show all Trust Department activities.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., December 5, 1980, at the following address: Hunter O. Wagner, Commissioner, Office of Financial Institutions, Box 44095 - Capitol Station Baton Rouge, Louisiana 70804. Mr. Wagner is the person responsible for responding to inquiries concerning the proposed rule.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Application for Trust Power  
Rule Title: Application for Trust Power**

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

The implementation of this Rule will not in itself increase the operating budget of this Department; however, the gradual implementation of all the new powers authorized savings and loan associations and the normal growth of these institutions will eventually require an increase in examination personnel.

**INCOME AND EXPENSES FROM FIDUCIARY OPERATIONS FOR FIRST THREE YEARS**

**SCHEDULE A – ESTIMATED VOLUMES OF FIDUCIARY BUSINESS FOR FIRST THREE YEARS OF OPERATION**

TYPE OF ACCOUNT	YEAR 1			YEAR 2			YEAR 3		
	No. of Accounts Administered	Asset Volume	Fee Income	No. of Accounts Administered	Asset Volume	Fee Income	No. of Accounts Administered	Asset Volume	Fee Income
ESTATES									
PERSONAL TRUST ACCOUNTS									
EMPLOYEE BENEFIT ACCOUNTS									
CORPORATE TRUST ACCOUNTS									
OTHER (Specify)									
<b>TOTAL</b>									

**SCHEDULE B – ESTIMATED PERSONNEL EXPENSES OF FIDUCIARY BUSINESS**

PERSONNEL	YEAR 1				YEAR 2				YEAR 3			
	(1) Number	(2) Total Salary, Bonuses, and Benefits	(3) % Devoted to Trust	(4) Allocated Trust Expense (Col. 2 X Col. 3 = Col. 4)	(1) Number	(2) Total Salary, Bonuses, and Benefits	(3) % Devoted to Trust	(4) Allocated Trust Expense (Col. 2 X Col. 3 = Col. 4)	(1) Number	(2) Total Salary, Bonuses, and Benefits	(3) % Devoted to Trust	(4) Allocated Trust Expense (Col. 2 X Col. 3 = Col. 4)
TRUST OFFICER(S)												
ASST. TRUST OFFICER(S)												
SECRETARIAL												
CLERICAL												
OTHER (Specify)												
<b>TOTAL</b>												

**INCOME AND EXPENSES FROM FIDUCIARY OPERATIONS FOR FIRST THREE YEARS (Continued)**

**SCHEDULE C - ESTIMATED VOLUMES OF IN-HOUSE DEPOSITS GENERATED FROM FIDUCIARY BUSINESS**

TYPE OF ACCOUNT	Year 1			Year 2			Year 3		
	NOW ACCOUNTS	SAVINGS	TIME	NOW ACCOUNTS	SAVINGS	TIME	NOW ACCOUNTS	SAVINGS	TIME
ESTATES									
PERSONAL TRUST ACCOUNTS									
EMPLOYEE BENEFIT ACCOUNTS									
CORPORATE TRUST ACCOUNTS									
OTHER (Specify)									
TOTALS (By Type of Deposit)									
ESTIMATED INCOME GENERATED THROUGH DEPOSITS									



II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The assets of a savings and loan association that is approved to exercise trust powers will probably increase, causing an increase in the semi-annual assessments paid to the General Fund. The amount would depend upon the number of associations granted this authority and the manner in which they market this new service. However, this increase in Revenue is not expected to be substantial.

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

If properly managed, affected savings and loan association could possibly improve their profits by offering trust services. Allows savings and loans to better serve the public with additional services.

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

Adoption of this rule will increase competition among financial institutions offering trust services and enhance state chartered savings and loan associations competitive position with federally chartered savings and loan associations.

Hunter O. Wagner, Jr. Mark C. Drennen  
Commissioner of Financial Institutions Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Office of Financial Institutions**

Under authority granted by R.S. 6:902 B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which State Chartered Savings and Loan Associations may have authority consistent with that granted Federal associations by Federal Home Loan Bank Board Rules and Regulation 545.6-4a, which was published on page 24108, Volume 45 of the *Federal Register* dated April 9, 1980.

**PROPOSED RULE**

Notwithstanding any limitations imposed by R.S. 6:822, State Chartered Savings and Loan Associations are hereby authorized to make, purchase, and participate in renegotiable rate mortgage instruments authorized Federal associations by Federal Home Loan Bank Board Regulation 545.6-4a. For the information and guidance of state chartered associations, the Federal Home Loan Bank Board Regulation, as amended, is outlined below:

**Renegotiable Rate Mortgage Instruments**

(a) Authorization. (1) Federal association may make, purchase, or participate in a renegotiable rate mortgage loan under this section if the loan complies with the provisions of 545.6-2(a) of this Part, pertaining to one-to-four family home loans. (2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in Section 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, or participate in renegotiable rate mortgages, or to directly or indirectly restrict such ability or right.

(b) Description. For purposes of this section, a renegotiable rate mortgage loan is a loan (1) issued for a term of three, four or five years, secured by a long-term mortgage of up to thirty years, and automatically renewable at equal intervals except as provided in subparagraph (c)(1) of this section, or (2) issued for a term of up to thirty years, secured by a mortgage of equal term, on which the

rate is adjusted at intervals of three, four or five years except as provided in subparagraph (c)(1) of this section. The loan must be repayable in equal monthly installments of principal and interest during the loan term or adjustment period in an amount at least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining term of the mortgage. At renewal or adjustment, no change other than in the interest rate (and, correspondingly, in the monthly installment amount) may be made in the terms or conditions of the loan. Prepayment in full or in part of the loan balance secured by the mortgage may be made without penalty at any time after the beginning of the minimum notice period for the first renewal or adjustment, or at any earlier time specified in the loan contract.

(c) Interest-rate changes at renewal or adjustment.

(1) The interest rate offered at renewal or adjustment shall reflect the movement, in reference to the date of the loan, of the contract interest rate on the purchase of previously-occupied homes in the Board's most recent monthly national average mortgage rate index for all major lenders, provided that an association may alter the initial terms or initial adjustment periods of loans originated within a six-month period so that they mature or adjust on the same date three, four or five years after the end of that period. In which case the interest rate offered at renewal or adjustment shall reflect the movement of the index from the end of that period (that is, as though all loans in the group had originated at the end of the period).

(2) The maximum rate increase or decrease shall be one-half of one percent per year multiplied by the number of years in the loan term or adjustment period, with a maximum increase or decrease of five percent over the life of the mortgage. Associations may offer a borrower a renegotiable rate mortgage loan with maximum annual and total interest rate decreases smaller than the maximum set out in this subparagraph; provided, however, that in such a case the maximum annual and total interest rate increases offered shall not exceed the maximum annual and total decreases set out in the loan contract.

(3) Interest rate decreases from the previous loan term or adjustment period are mandatory. Interest rate increases are optional with the association, but the association may obligate itself to a third party to take the maximum increase permitted by this paragraph.

(d) Cost of renewal or adjustment. The borrower may not be charged any costs or fees in connection with the renewal of such loan or adjustment of the interest rate.

(e) Notice to borrower.

(1) If the loan is structured as a renewable, short-term note, at least ninety and not more than one-hundred twenty days before the due date of the note, the association shall send written notification in the following form to the borrower:

**NOTICE**

Your loan with \_\_\_\_\_ Federal Savings and Loan Association, secured by a (mortgage/deed of trust) on property located at \_\_\_\_\_ (address) \_\_\_\_\_, is due and payable on \_\_\_\_\_ (date of renewal) \_\_\_\_\_. The outstanding balance of your loan on that date, based on the remaining monthly payments due by that date, will be \$

Unless you elect to pay the loan in full by that date, your loan will be renewed automatically for \_\_\_\_\_ years, upon the same terms and conditions as the current loan, except that the interest rate will be \_\_\_\_\_ %.

Your monthly payment, based on that rate, will be \$ \_\_\_\_\_, beginning with the payment due on \_\_\_\_\_, 19\_\_\_\_\_.

You may pay off the entire loan or a part of it without penalty at any time.

If you have any questions about this notice, please contact (title and telephone number of association employee)

(2) If the loan is structured as a long-term note, at least ninety and not more than one-hundred twenty days before adjustment of the interest rate, the association shall send written notification to the borrower in the following form:

#### NOTICE

The interest rate on your loan with \_\_\_\_\_ Federal Savings and Loan Association, secured by a (mortgage/deed of trust) located at \_\_\_\_\_ (address), scheduled to be adjusted on \_\_\_\_\_ (date of adjustment). The outstanding balance of your loan on that date, based on the remaining monthly payments due by that date, will be \$ \_\_\_\_\_. As of \_\_\_\_\_ (date of adjustment), the rate on your loan for the next \_\_\_\_\_ years will be \_\_\_\_\_%, unless you elect to pay the loan in full by that date.

Your monthly payment, based on that rate, will be \$ \_\_\_\_\_, beginning with the payment due on \_\_\_\_\_, 19 \_\_\_\_\_.

You may pay off the entire loan or a part of it without penalty at any time.

If you have questions about this notice, please contact \_\_\_\_\_ (title and telephone number of association employee).

(f) Application disclosure. An applicant for a renegotiable rate mortgage loan must be given, at the time of receipt of an application, a disclosure notice in the following form (underlined, bracketed language should be substituted for bracketed language if the loan is structured as a long-term note):

#### INFORMATION ABOUT THE RENEGOTIABLE-RATE MORTGAGE

You have received an application form for a renegotiable-rate mortgage ("RRM"). The RRM differs from the fixed-rate mortgage with which you may be familiar. (In the fixed-rate mortgage the length of the loan and the length of the underlying mortgage are the same, but in the RRM the loan is short-term (3-5 years) and is automatically renewable for a period equal to the mortgage (up to 30 years). Therefore, instead of having an interest rate that is set at the beginning of the mortgage and remains the same, the RRM has an interest rate that may increase or decrease at each renewal of the short-term loan.) (Instead of having an interest rate that is set at the beginning of the mortgage and remains the same, the RRM has an interest rate that may increase or decrease every three, four or five years.) This means that the amount of your monthly payment may also increase or decrease.

(The term of the RRM loan is \_\_\_\_\_ years, and the length of the underlying mortgage is \_\_\_\_\_ years. The initial loan term may be up to six months longer than later terms.)

(The term of the RRM is \_\_\_\_\_ years. The interest rate may be adjusted every \_\_\_\_\_ years. The initial adjustment period may be up to six months longer than later periods.)

(The lender must offer to renew the loan, and the only loan provision that may be changed at renewal is the interest rate. The interest rate offered at renewal is based on changes in an index rate.) (Adjustments to the interest rate are based on changes in an index rate.) The index used is computed monthly by the Federal Home Loan Bank Board, an agency of the Federal government. The index is based on the national average contract rate for all major lenders for the purchase of previously-occupied, single-family homes.

(At renewal, if the index has moved higher than it was at the beginning of the mortgage, the lender has the right to offer a renewal of the loan at an interest rate equalling the original interest rate plus the increase in the index rate.) (At the time of interest rate adjustment, if the index has moved higher than it was at the

beginning of the mortgage, the lender has the right to adjust the interest rate to a rate equalling the original interest rate plus the increase in the index rate.) This is the maximum increase permitted to the lender. Although taking such an increase is optional with the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

If the index has moved down, the lender must (at renewal) (at the time of adjustment) reduce the original interest rate by the decrease in the index rate. No matter how much the index rate increases or decreases, THE LENDER, (AT RENEWAL) (AT THE TIME OF ADJUSTMENT), MAY NOT INCREASE OR DECREASE THE INTEREST RATE ON YOUR RRM LOAN BY AN AMOUNT GREATER THAN \_\_\_\_\_ OF ONE PERCENTAGE POINT PER YEAR OF THE (LOAN) (ADJUSTMENT PERIOD), AND THE TOTAL INCREASE OR DECREASE OVER THE LIFE OF THE MORTGAGE MAY NOT BE MORE THAN \_\_\_\_\_ PERCENTAGE POINTS.

(As the borrower, you have the right to decline the lender's offer of renewal. If you decide not to renew, you will have to pay off the remaining balance of the mortgage. Even if you decide to renew, you have the right to prepay the loan in part or in full without penalty at any time after the beginning of the minimum notice period for the first renewal. To give you enough time to make this decision, the lender, at least ninety but not more than one-hundred twenty days before renewal, will send a notice stating the due date of the loan, the principal balance as of that date, the new interest rate and the monthly payment amount. If you elect not to pay the loan in full by the due date, the loan will be automatically renewed at the new rate. You will not have to pay any fees or charges at renewal time.) (As the borrower, you have the right to prepay the loan in part or in full without penalty at any time after the beginning of the minimum notice period of the first interest rate adjustment. To give you enough time to make this decision, the lender, at least ninety but not more than one-hundred twenty days before interest rate adjustment, will send a notice stating the date of adjustment, the principal balance as of that date, the new interest rate and the monthly payment amount. If you pay the loan in full by the due date the interest rate will be adjusted to the new rate. You will not have to pay any fees or charges at the time of interest rate adjustment.)

The maximum interest-rate increase at the first (renewal) (adjustment) is \_\_\_\_\_ percentage points. On a \$50,000 mortgage with an original (term) (adjustment period) of \_\_\_\_\_ years and an original interest rate of (lender's current commitment rate) percent, this rate change would increase the monthly payment (principal and interest) from \$ \_\_\_\_\_ to \$ \_\_\_\_\_. Using the same example, the highest interest rate you might have to pay over the life of the mortgage would be \_\_\_\_\_ percent, and the lowest would be \_\_\_\_\_ percent.

The validity of renegotiable rate mortgage instruments under Louisiana Law has been affirmed by Attorney General Opinion No. 80-565 dated August 20, 1980.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., December 5, 1980, at the following address: Mr. Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804.

Mr. Wagner is the person responsible for responding to inquiries concerning the proposed rule.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Renegotiable Rate  
Mortgage Instruments**

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

The implementation of this Rule will not in itself increase the operating budget of this Department; however, the gradual implementation of all the new powers authorized savings and loan associations and the normal growth of these institutions will eventually require an increase in examination personnel.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

Failure to adopt this Rule could result in some state chartered savings and loan associations converting to a Federal charter thus reducing semi-annual assessments paid into the General Fund. Adoption of this Rule would encourage savings and loans to make home loans during periods when the cost of money is high resulting in a "multiplier effect" on the home building industry.

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

Adoption of this Rule could contribute to the profitable operation of savings and loan associations during the periods of time when the cost of savings are extremely high. This could encourage the industry to make home loans during these periods resulting in a "multiplier effect" on the home building industry. The renegotiable rate mortgage provides for increasing or decreasing the interest rate on a home loan up to five percent during the life of the loan depending upon a national mortgage index. If the national mortgage index decreases, the lender is required to lower the interest rate; however, if it increases, any increase in rates is optional with the lender. Moreover, the rate of interest on the mortgage could not be increased or decreased by an amount exceeding .5 percentage points per year. Over the entire term of the loan the increase or decrease cannot exceed five percent. Finally, mortgage rates cannot change except at the time of renewal; therefore, the monthly payments are held constant during each loan term.

Also, the renegotiable rate mortgage which permits prepayment without penalty, allows the borrower a ninety day period to seek more advantageous financing with another lender at the end of a loan term.

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

Failure to grant parity to state associations will give a disadvantage to them over federally chartered associations. The result could be conversion of state chartered associations to federally chartered associations which already possess the authority to use the RRM. At present, approximately one-third of the savings and loan associations are federally chartered. Could promote employment in the housing industry as lenders would be in a more favorable position to lend money during economic situations similar to that existing today.

Hunter O. Wagner, Jr.                      Mark C. Drennen  
Commissioner of Financial Institutions    Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Corrections**

The Department of Corrections intends to amend the Disciplinary Rules and Procedures for Adult Prisoners adopted on May 1, 1979. Interested persons may obtain a copy of the proposed

changes and make written comments through December 4, 1980, at the following address: Richard Crane, Chief Legal Counsel, Department of Corrections, Post Office Box 44304, Baton Rouge, Louisiana 70804.

C. Paul Phelps  
Secretary of Corrections

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

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

\$3,600 is needed to print 15,000 copies of the booklet. This should be enough copies to supply each inmate and affected employee for the next three years.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

There is no impact as the Rules do not relate to revenue collections.

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

Inmates in the custody of the department will be impacted, but no cost to them will result.

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

There will be no impact on competition and employment.

C. Paul Phelps  
Secretary of Corrections

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

The Louisiana State Board of Elementary and Secondary Education at its meeting on September 25, 1980, advertised its intent to adopt the grievance procedure for vocational-technical employees (except directors) as follows:

If a classified or nonclassified employee, except a director, of a vocational-technical school under the jurisdiction of the State Board of Elementary and Secondary Education has a grievance, the initial action will be for the aggrieved party to approach the school director to express the grievance.

If accord is not reached between the grievant and the school director, the grievant then has a right, by written communication, to approach the State Department of Education, Office of Vocational-Technical Education, to request further due process.

Within ten days of receipt of a written communication from a grievant, the State Department of Education, Office of Vocational-Technical Education, shall investigate the incident(s) as noted in the communication, and within thirty days of receipt of the communication, shall assemble a grievance committee if necessary to resolve the problem. The committee so assembled shall be composed of three members as follows: One member from each of three vocational-technical schools located within the region in which the school of the grievant is located, exclusive of the school of the grievant. Such members shall be within the same field of occupation, or as nearly so as is possible, as that of the grievant.

The director of the school and the grievant each shall have one opportunity to reject one committee member provided, however, that this right to exercise one preemptory challenge must be made within five days after notification that the grievance committee has been assembled.

The State Department of Education, Office of Vocational-Technical Education, shall coordinate the meeting(s) of the grievance committee, all of which meetings shall be held at the site of the grievant's school of employment and at the expense of that school, including the travel expenses of the committee members. The State Department of Education, Office of Vocational-Technical Education also shall coordinate the conduct of the meetings to assure that all parties are equitably treated, including proper notification to parties of the time and date of the hearings, proper presentation of evidence, and proper recording of taped transcripts and written minutes. Parties to the grievance shall have right of legal counsel and presentation of witnesses in their behalf. (La. R.S. 17:441-445; 17:540-544).

All hearings conducted under the above provisions shall be chaired by: A representative of the State Department of Education, Office of Vocational-Technical Education, who shall serve without a vote. All documents from the hearing, including but NOT limited to, tapes, transcripts and materials submitted as evidence are to be maintained and housed by the State Department of Education, Office of Vocational-Technical Education. These documents are to be made available upon written request to the aggrieved party, the school director of the State Board of Elementary and Secondary Education.

If either party to the grievance is not satisfied with the decision of the three-member grievance committee, the party shall have right to further due process with the Due Process Committee of the State Board of Elementary and Secondary Education. The party seeking such appeal shall exercise that right by requesting in writing, by certified mail addressed to the Executive Director of the State Board of Elementary and Secondary Education, such due process. Within forty-five days of the Board's receipt of the petition or letter for a state level hearing, the Board shall notify the party seeking an appeal of the date which has been set for a hearing by the Due Process Committee.

At the hearing before the Due Process Committee the parties in question shall have right to legal representation and presentation of witnesses. Within thirty days after the Due Process Committee hearing and its subsequent recommendation to the Board, the aggrieved parties shall be notified of Board action.

Any further proceedings if desired by the aggrieved shall be appealed by the grievant to the appropriate judicial district court.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., December 10, 1980, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

James V. Soileau  
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no additional costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
The agency does not ordinarily collect revenue, thus there will be no effect.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
It is possible that a vocational-technical school which has an employee who requests a hearing will have to pay the travel expenses to the site of the hearing.

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

This will have no effect on employment as it will neither increase or abolish a position.

George Byron Benton  
Deputy Superintendent of Education

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

1. Revisions to Bulletin 1213, Minimum Standards for School Buses in Louisiana.
2. Policy allowing speech therapists to count evaluation services at the rate of one hour of evaluation as equal to one point in a caseload in addition to maintaining a minimal therapy load of forty points.
3. Amendment to Bulletin 1508, *Pupil Appraisal Handbook*, to permit speech therapists to serve as evaluation coordinators. The definition would read: Evaluation Coordinator shall be certified as one of the following: School psychologist, school psychological assistant, speech pathologist, assessment teacher, educational consultant.
4. Revised Bulletin 746, *Louisiana Standards for Certification of School Personnel*.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., December 5, 1980, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rev. to Bull. 1213**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No cost to the State Department of Education.  
This rule does not apply to school buses presently in operation or already purchased.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
It will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The proposed changes would add approximately \$200.00 to the cost of a new school bus. This cost would be born by the private contractor or by the local school board if they have a public owned fleet of buses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition. All school bus body and chassis manufacturers must comply with the proposed revisions.

George Bryon Benton  
Board of Elementary  
and Secondary Education

Mark C. Drennen  
Legislative Fiscal Officer

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Revised Bulletin 746**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
Should improve quality of care in isolated instances but have no statewide impact and therefore result in no costs or savings to the Department of Education.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
None. The local school systems will continue to claim speech therapists of the Minimum Foundation Program at the same caseload requirements.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
None. Other affected units of local governments are the 66 city/parish school boards. No additional work load adjustments or paper work.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None. The total number of speech therapy positions are determined on the total number of children receiving speech therapy. This proposed rule has no impact upon these staffing ratios.

George Byron Benton  
Board of Elementary  
and Secondary Education

Mark C. Drennen  
Legislative Fiscal Officer

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
It is estimated that the reprinting of the bulletin will cost approximately \$10,905.00. This cost includes:  
Printing: \$8,250 to print 3,000 copies at \$2.75 per copy  
Postage: \$2,430 for 3,000 at \$.81 per copy  
Typing: \$225 to type original  
There may be a cost associated at the university level because of the revised curriculum. However, this cost is anticipated to be minimal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The reprinting of the bulletin provides updated certification requirements for the employment of school personnel to all school systems.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment.

George Byron Benton  
Board of Elementary  
and Secondary Education

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amend Bulletin 1508**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS TO AGENCY) - (Summary)  
Speech therapists presently participate in the evaluations of children. This rule could result in a minor reduction of some redundancy in the evaluation process. This may result in a more efficient and timely evaluation for children. However, there would be no costs or savings as the freed time would go to the provision of evaluation services to children who are awaiting diagnostic assessment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
None. No impact on revenue flowing through Minimum Foundation to school districts.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
This rule would potentially effect all sixty-six city/parish school districts and may result in a minor reduction in some workloads.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition and employment as the number of speech therapists is fixed in the Minimum Foundation Program Equilization Distribution.

George Byron Benton  
Board of Elementary  
and Secondary Education

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement the following policy regarding Title XIX (Medicaid) payment for abortions:

Effective September 19, 1980, the Louisiana Medical Assistance Program will enforce Medicaid regulations which restrict payments for abortions except when one of the two criteria outlined below is met:

1) A physician has found, and so certifies in writing, that on the basis of his/her professional judgment, the life of the pregnant woman would be endangered if the fetus were carried to term.

2) A physician has obtained signed documentation from a law enforcement agency or public health service stating: (a) that the pregnant woman was reported to have been the victim of an incident of rape or incest; (b) the date on which the rape occurred; (c) the date on which the report was made, which, in the case of rape, must have been within seventy-two hours (three days) of the date on which the incident occurred; (d) the name and address of the person making the report (if different from the victim); and (e) that the report included the signature of the person who reported the incident.

Previous Notices concerning Medicaid payment for abortions no longer apply and should be disregarded.

This action will allow the Medical Assistance Program to be in compliance with federal Medicaid regulations. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

Interested persons may submit written comments on the proposal through December 5, 1980 at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the

person responsible for responding to inquiries about this proposed rule.

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

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
Over the next three years, \$127,445 less will be spent for Title XIX funded abortions. It is not known if women will obtain abortion funding from other sources or deliver the cyesis. Other costs which might be incurred cannot be estimated at this time. For example, if obstetrical costs are reimbursed by Medicaid, such costs are ordinarily eight times greater than the cost of the abortion. In addition there could be other costs in terms of medical care required by the infant and increases in payments under AFDC. It is anticipated the savings in abortion expenditures will be offset by increased expenditures for obstetrical care.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No increase or decrease in revenue can be anticipated from the proposed action.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The costs in terms of savings to the agency will be borne by the recipients. We estimate this will effect approximately 212 women per year who will either bear the cost of the abortion or deliver the cyesis.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition and employment is anticipated by this proposed action.

Michael Haddad  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement effective November 3, 1980, a program of state medical assistance for state and local retirees who become ineligible for Supplemental Security Income and Medicaid benefits due to cost of living increases in state or local government retirement benefits occurring on or after August 31, 1979. The medical benefits to be provided are the same as those provided through Title XIX, Medicaid, but will be funded by all state monies.

The expansion of the State Medical Assistance Program is mandated by Act 481 of the 1980 session of the Louisiana Legislature.

In determining eligibility of potential recipients, all percentage increases in state, local, and parish retirement benefits beginning in August, 1979, will be disregarded from the individual's current income. Need will be determined in accordance with Supplemental Security Income (SSI) standards. SSI resource criteria will also be used.

For those determined eligible, medical cards will be issued for any appropriate retroactive months and for current and subsequent months.

The declaration method shall be used in redetermining eligibility annually. If the individual becomes ineligible for any reason other than the cost of living increase from state and local retirement, the case shall be closed.

Interested persons may submit written comments on the proposal through December 5, 1980 at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about this proposed rule.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: State Medical Assistance-Specified Retirees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The estimated cost of vendor payments for medical services for a projected 300 eligibles is \$528,138 for the initial year. Medical services provided are the same as in the Title XIX Medical Program for SSI recipients. It is anticipated that seven additional staff persons will be needed. Thus, the total implementation cost for FY 1980-81 is anticipated to be \$651,390 in State funds. The necessary funds were appropriated in the 1980-81 Appropriation Bill.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No effect on revenue collections is expected.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Approximately 300 persons will become eligible for these medical benefits. These are persons on fixed incomes who would otherwise have to pay for the estimated medical costs of \$528,138 themselves.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition or employment is expected.

Michael S. Haddad  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following policy regarding assignment of health insurance benefits by Medical Assistance recipients (Act 255 of the 1980 Legislature, effective September 12, 1980):

According to Louisiana Law by accepting Medical Assistance from the Office of Family Security, the right to any hospitalization, accident, medical, or health benefits owed to you (recipient) by any third party is automatically assigned to the Department of Health and Human Resources for that portion of medical expenses paid by the Medical Assistance Program in your (recipient) behalf or in behalf of those (recipients) for whom you are legally responsible.

Interested persons may submit written comments on the proposed policy through December 5, 1980, at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr.

Haddad is the person responsible for responding to inquiries about this proposed rule.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Act 255 Automatic Assignment of  
Health Insurance Benefits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
A total cost for 1980-81 is estimated at \$35,832. This includes salaries of \$26,832 (seventy-five percent Federal/ twenty-five percent State) for one professional and one clerical position necessary for the significantly increased volume of claims. The increased volume of claims billing would necessitate expenditures of an estimated \$9,000 for postage and supplies. The law will be disseminated through current mailouts and will reduce additional contacts with clients. The necessary funds were appropriated in the 1980-81 Appropriation Bill.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
It is estimated that approximately \$250,000 annually in collections would be realized from implementation of this law as it would facilitate the volume of claims to be billed to liable third parties. The State's share would be 31.18 percent, approximately \$77,950. The law also facilitates OFS compliance with federal time frames thereby reducing the possibility of a federal audit and disallowance of federal funds.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Cost to recipients with third party resources should be minimal as all resources are reported and utilized in determining eligibility for services. The law primarily benefits the state through reduced liability for medical services required by Medicaid recipients. We anticipate reduced client contracts as a result of the law.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There should be no effect on competition and employment. Hospitals, physicians, etc. should continue to bill private insurance carriers directly when they are aware of coverage. When the provider fails to collect the insurance benefits, the State can bill the insurance company for these benefits.

Michael S. Haddad  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

The Department of Health and Human Resources (DHHR) proposes to adopt amendments to the Final Social Services (Title XX) Comprehensive Annual Services Program Plan (CASP) for the program year July 1, 1980 through June 30, 1981.

**PROPOSED AMENDMENT Number 1**

To clarify the definition of family for purposes of determining eligibility under Title XX by specifying that (a) where adults, other than spouses, reside together, each shall be considered a separate family and (b) emancipated minors and children living under the care of individuals not legally responsible for their care shall be considered one-person families.

Proposed effective date of this amendment: January 1, 1981.

**Reason for Proposed Amendment Number 1**

To ensure uniformity in the definition of family and equity in determination of eligibility for family members as required by ACTION TRANSMITTAL HDS-AT-80-8 (APS) April 8, 1980 which clarifies the intent of federal regulation 45 CFR 228.1 as specified in the Federal Register Volume 42, Number 20, Monday, January 31, 1977, page 5849.

**PROPOSED AMENDMENT Number 2**

To delete the three services related to respite care, which are (a) Family Aide, pages 70-71, (b) Family Education and Training, pages 72-73 and (c) Respite Care, pages 99-100, and to delete the Fee Schedule for these three services, page 51, as well as the explanation of eligibility for these three services, paragraph 2, page 4.

Proposed effective date of this amendment: January 1, 1981.

**Reason for Proposed Amendment Number 2**

The 1980 Louisiana Legislature elected to fund respite care services with one hundred percent state funds during fiscal year 1980-1981 rather than through the Title XX Social Services Program.

Copies of the proposed amendments to the Title XX State Plan are available without charge upon written or telephone request to: Public Assistance Line, Division of Administration, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, Telephone: 1-800-272-9868 (8:00 a.m. - Noon; 1:00 p.m. - 5:00 p.m.)

The proposed amendments are available for public review at each parish office of the Department of Health and Human Resources, Office of Human Development, Monday through Friday from 8:30 a.m. to 4:30 p.m.

Interested persons may submit written comments on the proposed amendments from November 20, 1980 through December 19, 1980 to: Mr. Arthur Dixon, Assistant Secretary, Department of Health and Human Resources, Office of Human Development, 1755 Florida Street, Baton Rouge, Louisiana 70802.

Mr. Dixon is the person responsible for responding to inquiries about the proposed amendments.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: TITLE XX  
1980-81 State Plan Amendment**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
None. Only procedural changes by existing staff are required for implementation of these amendments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
None. No revenues were budgeted in fiscal year 1980-81 with respect to these amendments.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Procedural changes only will be required of Title XX service providers at no cost to them.  
Users of Respite Care services will not be subject to fees nor the necessity to apply to both OHD and the provider for service.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Not applicable

Arthur J. Dixon  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

Effective with October, 1980 payments the Department of Health and Human Resources, Office of Human Development, proposes to adopt the following increases in the monthly maintenance subsidy rates in the Subsidized Adoption Program for special needs children:

	Old Rate	New Rate
Special Needs Adoptive Child Under Age six	\$116.80	\$128.00
Special Needs Adoptive Child between six and twelve	\$136.00	\$148.00
Special Needs Adoptive Child ages thirteen or older	\$154.82	\$169.60

Additionally, the following revised income eligibility standard for the Adoption Subsidy Program is being adopted to reflect adjustments in the Louisiana median annual income as computed by the U.S. Bureau of the Census. The table lists, by family size, 115 percent of the Louisiana median annual income. Persons adopting special needs children in the custody of the Department of Health and Human Resources whose family income is below that listed on the table may apply for a maintenance subsidy.

Family Size	Gross Annual Income	Family Size	Gross Annual Income
2 Persons	\$14,616	9 Persons	\$30,300
3 Persons	\$18,048	10 Persons	\$30,948
4 Persons	\$21,492	11 Persons	\$31,956
5 Persons	\$24,936	12 Persons	\$32,244
6 Persons	\$28,368	13 Persons	\$32,880
7 Persons	\$29,016	14 Persons	\$33,528
8 Persons	\$29,664		

For each additional family member above fourteen, add \$648.00 to the figure shown for a fourteen-member family.

Interested persons may submit written comments on the proposed rule through December 5, 1980 to the following address: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, Louisiana 70804. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Adoption Subsidy  
Rate Increase**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
- (1) The adoption subsidy rate increase will cost \$13,415 in state funds. This was included in the agency's 1980-81 appropriation.
- (2) The income eligibility scale adjustment has no implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The proposed rule changes will have no effect on revenue collections.

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

(1) The subsidy rate increase will offset the effects of inflation on adoptive parents who qualify for the subsidy.

(2) The income eligibility scale adjustment will preserve income eligibility for families whose annual income is 115 percent of the state's median income.

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

The proposed rule changes will have no effect on competition or employment.

Arthur J. Dixon, Secretary  
Department of Health  
and Human Resources

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

With funds provided in the Appropriations Act of the 1980 Louisiana Legislature the Department of Health and Human Resources proposes to adopt the following increased rate schedule for the provision of Day Care Services provided through vendor payments to licensed day care centers and approved family day care homes:

	Licensed Day Care Centers		Approved Family Day Care Homes	
	Old Rate	New Rate	Old Rate	New Rate
Monthly	\$112.43	\$123.20	\$73.92	\$81.62
Daily	5.11	5.60	3.36	3.71
Hourly	.73	.80	.48	.53

The amount paid by the Office of Human Development for a child's full-time care shall be the center's regular fee for day care and transportation but shall not exceed \$123.20 per month.

In no case shall the amount of payments exceed the amount charged by a day care center to private paying clients.

Interested persons may submit written comments on the proposed rule through December 5, 1980 to the following address: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, Louisiana 70804. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Day Care Rates**

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

This rate increase in the Day Care Program will cost an additional \$572,072 in F.Y. 80/81. . . (\$429,054 - federal; \$143,018 - state) which was included in the agency's 1980-81 appropriation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The proposed rate increase will have no impact on revenue collections.



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

The rate increase will benefit children in day care by allowing providers of day care services to maintain a consistent quality of care.

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

This rate increase will lessen the likelihood of layoffs that might otherwise result if day care providers attempted to reduce overhead costs in order to cope with inflation.

Competition is not affected since private rates have risen with inflation.

Arthur J. Dixon  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Licensing and Regulation  
Division of Health Planning and Development**

The Department of Health and Human Resources, Office of Licensing and Regulation, Division of Health Planning and Development intends to adopt rules governing agency procedures to be followed in conducting appropriateness reviews of existing institutional health services in the State of Louisiana.

The Appropriateness Review program is mandated by the Federal Public Health Service Act, as amended by P.L. 93-641 and 96-79. Regulations applicable to this program can be found at 42 CFR Parts 122 (F) and (G) as published in Volume 44, Number 239, pages 71754 - 71773, of the *Federal Register*, dated December 11, 1979.

Interested persons may obtain copies of and comment on the proposed rules, in writing, through December 4, 1980, at the following address: Mr. Steven Adams, Division of Health Planning and Development, Office of Licensing and Regulation, 150 Riverside Mall, Suite 400, Baton Rouge, Louisiana 70804.

Mr. Adams should be contacted relative to any inquiry about the proposed rules.

James Harris, Assistant Secretary  
Office of Licensing and Regulation  
Department of Health and Human Resources

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Appropriateness Review Procedures**

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

No additional costs are anticipated for the current fiscal year; the initial costs of setting up the program can be absorbed by existing resources. Costs are estimated at \$27,387 for FY 1981-82 and \$28,661 for FY 1982-83, of which seventy-five percent will be financed by federal funds. These costs will cover salary and benefits, travel, operating services, supplies and acquisitions related to the addition of one Health Planning Officer.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated affect on revenue collections.

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

Projected opportunity cost to each affected facility is estimated at \$60 per each five-year review period. This cost is to cover

staff time to provide the necessary information, which existing staff should be able to provide.

Other costs would result if the particular facility wished to respond to any recommendations for improvement provided by the review. However, under the law, the agency has no authority to mandate such improvements; any additional costs would be voluntarily undertaken by the facility.

Benefit could be realized by the facilities in the form of having such formal approval of the appropriateness of each facility in meeting the needs of its clients.

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

The only estimated effect on competition which can be foreseen would be the possible economic advantage of an improved reputation of those facilities which receive approval after the appropriateness review procedure.

James Harris  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Environmental Affairs  
Environmental Control Commission**

The Environmental Control Commission will hold a public hearing beginning at 10:00 a.m., December 11, 1980 in the State Land and Natural Resources Building, Conservation Board Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana, to discuss and consider the following:

1. Approval of the proposed State Implementation Plan for Fluoride Emission Standards which includes revisions to Section 28.0 of the Air Quality Regulations, Standards for Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Aluminum Plants.

2. Presentation of proposed revision to the State Implementation Plan to accomplish a bubble concept in the Compliance Schedule for the Norco Coke Calciner and the Gramercy Coke Calciner for Kaiser Aluminum and Chemical Company, Norco and Gramercy, Louisiana.

The person within the agency responsible for responding to inquiries about the proposed revisions is Mr. Gus Von Bodungen, Administrator, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804, Telephone (504) 342-1206.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the proposed actions. Comments received in person or by mail before the public hearing will be considered by the Commission before making the final decision on any of the proposed actions. All comments and requests to speak at the hearing should be submitted to Mr. B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804. All documents relating to the actions on this notice are available for inspection at the following locations from 8:00 a.m. until 4:30 p.m.:

State Office Building, 323 Loyola Avenue, New Orleans, Louisiana, (Room 409); Northeast Regional Office, 302 Thirty-first Street, Monroe, Louisiana; Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana (6th Floor); State Office Building, 1525 Fairfield Avenue, Shreveport, Louisiana (Suite 11); State Office Building, 302 Jefferson Street, Lafayette, Louisiana (Room 612); and Southwest Regional Office, 1155 Ryan Street, Lake Charles, Louisiana.

B. Jim Porter  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Air Quality Regulations 28.0 - 28.7 and  
Fluoride Emission SIP**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No costs or savings will be incurred as the Air Quality Division already has the capability to handle these requirements.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The control devices required are in place in the two aluminum plants in Louisiana affected by the Fluoride SIP. The plants will have to maintain equipment to meet the set standards, however, this is already part of their activities. There will be less exposure of plants and animals to fluoride emissions when these standards are met.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition and employment.

Gus Von Bodungen  
Administrator

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Air Quality Division - SIP  
Revision (A)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No cost or savings will be incurred.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
As the necessary equipment is already in place and all that is necessary is approval of their compliance schedule, there will be no cost incurred, however, benefits will be reduced air pollution.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition and employment.

Gus Von Bodungen  
Administrator

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Air Quality Division - SIP  
Revision (B)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No costs or savings are anticipated by DNR, OEA.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No anticipated effect.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
No costs will be incurred.

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

No effect on competition and employment.

Gus Von Bodungen  
Administrator

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Environmental Affairs  
Environmental Control Commission**

The Environmental Control Commission will hold a public hearing on December 11, 1980 at 10:00 a.m. in the State Land and Natural Resources Building, Conservation Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana, to consider the adoption of a new Louisiana Solid Waste Management Program and the proposed rules and regulations governing the disposal of solid wastes. The Management Program and rules and regulations will establish standards governing the storage, collection, recovery, reuse and disposal of solid waste and to implement a management program which will protect the air, ground and surface water, and the environment from pollution from solid wastes, thus eliminating a potential threat to human health and a danger to the environment.

The Department of Natural Resources as mandated by the Louisiana Environmental Affairs Act (Act 449 of 1979) and as lead agency designated under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) had drafted the Louisiana Solid Waste Management Program as a result of eight state-wide public meetings held in April and May requesting public input prior to the development of the draft and eight public hearings held in October on the proposed draft of the Louisiana Solid Waste Management Program. A responsiveness summary has been developed from comments received during the October state-wide solid waste hearings and from written comments submitted through the November 1, 1980 comment period. This summary is available upon request from the Department of Natural Resources, Office of Environmental Affairs, and is available for review at the eight Regional Planning Commissions offices.

All interested persons are invited to present oral comments at the public hearing on the draft Louisiana Solid Waste Management Program and the proposed rules and regulations or file written comments with the Assistant Secretary of the Office of Environmental Affairs. Written comments must be addressed to B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804 and must be filed in the Office of Environmental Affairs no later than the close of business day 4:30 p.m. December 10, 1980.

Copies of the draft Louisiana Solid Waste Management Program and the proposed rules and regulations are available upon request from the Office of Environmental Affairs, Sixth Floor, State Land and Natural Resources, 625 North Fourth Street, Baton Rouge, Louisiana 70804 and may be reviewed at the official state depositories, the eight Regional Planning Commission offices and the Office of Environmental Affairs.

Persons requesting additional information of the proposed Louisiana Solid Waste Program may contact Ms. Mary MacDonald (504) 342-1265.

B. Jim Porter, Assistant Secretary  
Office of Environmental Affairs

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**La. Solid Waste  
Management Program**

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

Cost to agency includes increase in personnel and support to provide for a permitting system and enforcement actions. During FY 1980-81, nineteen additional positions were approved and a \$522,210 appropriation was made to implement necessary purposes of Act 449 of 1979. \$994,050 will be requested for FY 81-82 for continuance of the program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -  
(Summary)**

(Solid Waste Management Program)  
SWMP provides a regulatory function but does not provide revenue. Act 507 (Louisiana Resource Recovery and Development Authority) has been formed to investigate the potential conversions of solid waste to energy.

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

The principal impact will be on parish and local governments to comply with these regulations which are in more detail, but have the same purpose, than the Sanitary Code. For those units of government which followed the intent of the Sanitary Code, there is no increase in cost. For those which did not, there will be an increased cost which is offset (potentially) by a reduction in health impact and by an increase in the environmental quality of the community.

The Solid Waste Management Plan's rules and regulations will impact an operation on a site specific basis. The following costs can be projected if site maintenance has not adhered to the intent of the Sanitary Code, such as: 1) insuring daily cover on the site would require the cost of a bulldozer or front-end loader; 2) sites located in wetlands requiring an increase in elevation; 3) improperly located sites necessitating the cost closure and new location; 4) fencing of sites; 5) upgrading access roads; 6) fire prevention provisions; 7) provisions for emergency medical services; 8) installation of monitoring wells for protection of groundwater and other monitoring devices; 9) continuation maintenance of trucks and equipment; 10) maintaining an operator on site during the period the site is open for business.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-  
MENT - (Summary)**

The impact on industry and business will be minimal, since such establishments which are affected already comply with the proposed regulations. Thus, no competitive impact is contemplated.

An increase in employment is projected for local governments which do not comply. This employment cannot be quantitatively projected until after completion of the statewide inventory now in process.

B. Jim Porter  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

In accordance with R.S. 30:1, et seq., particularly R.S. 30:901 through R.S. 30:932 and R.S. 49:951 et seq., a public hearing will be held in the Office of Conservation Hearing Room,

State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana at 9:00 a.m. on December 8, 1980. At such hearing, the Commissioner will consider evidence relative to revision and/or amendment of Statewide Order 29-0-1, which are the rules and regulations governing surface mining within the State of Louisiana. At the hearing the Commissioner will consider the addition of Subsection (d) to Section 206.14 to provide as follows:

“(d) The Office may, in its discretion, accept a written undertaking of self insurance from an applicant in lieu of the certificate called for in Section 206.14(a), above, when the applicant can demonstrate that:

1) It has a suitable agent for service of process in Louisiana;

2) It is sufficiently financially solvent to personally undertake at least the minimum insurance requirements stated in Section 206.14(a);

3) It has an adequate liability record in past self insurance undertakings; and

4) It meets any other requirements imposed by the Commissioner.

At least annually, each self insured shall confirm in writing that it remains capable of meeting the above requirements. The Office retains the right to test the financial solvency of applicant at any time.

In the event the applicant fails to meet the minimum financial solvency requirements stated in Section 206.14(d), its written undertaking of self insurance shall be automatically revoked, and the applicant thereafter shall be required to immediately comply with Section 206.14(a)-(c) above. The Office reserves the option to assess reasonable costs to the applicant for the determination of financial solvency.

Applicant shall report all claims under self insurance made against it in excess of \$10,000.”

THIS SUBSECTION (d), IF PROMULGATED BY THE COMMISSIONER, WILL BECOME EFFECTIVE ONLY UPON ITS APPROVAL BY THE SECRETARY OF THE INTERIOR.

In addition, in accordance with R.S. 49:954(B)(2), the emergency rule adopted with regard to Section 185.22(b) of Statewide Order 29-0-1 on June 20, 1980, published in Volume 6, Number 6 of the *Louisiana Register* at page 252, shall be considered for promulgation, as well as the emergency rule published with regard to Section 245.19(a) of Statewide Order 29-0-1 on August 20, 1980, in Volume 6, Number 8 at page 411. These emergency rules may be found in the two *Louisiana Register* cited and a copy of the emergency rules may also be reviewed at the following offices of the Office of Conservation: Baton Rouge (504-342-5540), State Land and Natural Resources Building, Corner of Riverside Mall and North Street; Shreveport (318-226-7585), 960 Jordan Street, Room 214; Lafayette (318-235-1581), 315 Audubon Street; Houma (504-873-7791), 1206 Tunnel Boulevard; Lake Charles (318-477-7551), 3520 Patrick Street; New Orleans (504-568-5785), 325 Loyola Avenue, 307 State Office Buildings - Civic Center; and Monroe (318-362-3111), 122 St. John Street, Room 214.

Comments and views regarding the proposed revised and/or amended proposed Statewide 29-0-1 should be directed in written form to be received not later than 5:00 p.m., December 8, 1980. Oral comments will be received at the hearing, but should be brief and not cover the entire matter contained in written comments. Direct comments to: R. T. Sutton, Commissioner, Office of Conservation, Box 44275, Baton Rouge, Louisiana 70804, RE: Proposed Revised Statewide Order 29-0-1. All parties having interest in the aforesaid shall take notice thereof.

R. T. Sutton  
Commissioner of Conservation

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: 29-0-1  
(Surface Mining)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There are no additional implementation costs or savings, as this rule is only a slight modification of civil procedure outlined in a previously existing rule. This modification was required by U.S.O.S.M. for Program approval.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections, as this rule is identical to the Emergency Rule previously adopted and accepted by U.S.O.S.M.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
This rule will have no effect on estimated costs and benefits, as this rule is identical to the Emergency Rule previously adopted and accepted by U.S.O.S.M.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
This rule will have no effect on competition and employment, as this rule is identical to the Emergency Rule previously adopted and accepted by U.S.O.S.M.

James H. Welsh, Chief  
Surface Mining Division

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: 29-0-1  
(Surface Mining)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no additional implementation costs (or savings) to this Agency. This is a minor modification of our original Statewide Order 29-0-1 that has been approved by the U. S. Office of Surface Mining on October 10, 1980.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no estimated effect on revenue collections. This is a minor modification of our original Statewide Order 29-0-1 that has been approved by the U. S. Office of Surface Mining.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no estimated changes in costs and benefits to affected groups. This is a minor modification of our original Statewide Order 29-0-1 that has been approved by the U. S. Office of Surface Mining.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no estimated effect on competition and employment. This is a minor modification of our original Statewide Order 29-0-1 that has been approved by the U. S. Office of Surface Mining.

James H. Welsh, Chief  
Surface Mining Division

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: 29-0-1  
(Surface Mining)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There are no additional implementation costs or savings, as this rule is only a clarification of a previously existing rule. Verbiage contained in this rule was required by U.S.O.S.M. for Program approval.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections, as this rule is identical to the Emergency Rule previously adopted and accepted by U.S.O.S.M.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
This rule will have no effect on estimated costs and benefits, as this rule is identical to the Emergency Rule previously adopted and accepted by U.S.O.S.M.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
This rule will have no effect on competition and employment, as this rule is identical to the Emergency Rule previously adopted and accepted by U.S.O.S.M.

James H. Welsh, Chief  
Surface Mining Division

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety  
Commission on Alcoholic Beverages**

Notice is hereby given pursuant to the requirements of Louisiana R.S. 49:953 that the Louisiana Commission on Alcoholic Beverages plans to adopt and promulgate a rule dealing with the sale of alcoholic beverages.

**Proposed Rule Change**

A. It shall be unlawful for a licensed wholesale liquor dealer to stock shelves or price products for a licensed retail dealer as prescribed by federal regulations and applicable state and federal laws.

B. The Assistant Secretary of the Louisiana Alcoholic Beverage Control Board may seek a suspension or revocation of the permit or permits of a violator and may impose such other penalties as prescribed by law.

Interested persons may submit written testimony on this subject to the Louisiana Commission on Alcoholic Beverages, Box 66404, Audubon Station, Baton Rouge, Louisiana 70896 through December 5, 1980.

Forrest H. "Bucky" Lanning  
Assistant Secretary-Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Continuance of Prohibition of Pricing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will not be an increase in cost to the agency. Agents will continue to enforce the provisions of the law as they have in

the past 42 years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The proposed rule will not effect Revenue Collections in any way.

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

Since the proposed rule will maintain the status quo of the affected group there will be no change in costs or benefits to these affected groups.

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

Because the proposed rule will maintain the fair and impartial relationships between distributors and retailers, competition will remain open and fair between all parties. Because no charge will take place, employment will not be affected one way or another.

Forrest Lanning  
Assistant Secretary-Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety  
Office of State Fire Marshal**

The office of Fire Marshal for the State of Louisiana hereby intends to adopt the following administrative ruling with regard to mobile homes, and more particularly consumer complaints and fees in regard thereto:

**L.A.C. 17-4:7. Standards for Mobile Homes**

L.A.C. 17-4:7.4. In order to assure that all consumer complaints are adequately handled by each retailer or manufacturer without the need of interference by this office, upon receipt of any complaint by a retailer or manufacturer, the manufacturer or retailer shall be required to correct all such defects within forty-five days from the receipt of the complaint in writing by the consumer. The retailer or manufacturer shall be required to keep records of all such complaints and the corrections of those complaints. The records shall include the date that the notification of the defect was received from the consumer, the list of the defects, the action that was taken to remedy the defects, and the date on which those corrections were completed. Those records shall be available for review by this office at any time so that this office can assure that the corrections have been completed in accordance with any warranties and the requirements of both federal and state law. These records must be kept for a period of five years from the date of the original complaint.

L.A.C. 17-4:7.5. In the event that any consumer, having made complaint to the retailer or manufacturer and not having received satisfaction in accordance with the paragraph immediately preceding, upon receipt of written notification of same this office shall notify the retailer or manufacturer of the defects alleged by the consumer. The retailer or manufacturer shall have twenty days within which either to respond to the notification of this office or to correct the defects. In the event that the retailer or manufacturer chooses to respond rather than to correct the defects, this office shall send an inspector to investigate the claim of the consumer. In the event that the inspector finds that the defects in fact exist, the retailer or manufacturer will be given another twenty days within which to correct those defects. If the defects have not been corrected within the twenty day period, a notice of public hearing in accordance with this paragraph shall be called. Any party desiring that a record be made of the proceeding must notify this office not later than seven days prior to the date set for the hearing. If at the public hearing, this office finds that the retailer or manufacturer has

failed to remedy defects in accordance with its warranty or federal or state law, this office shall suspend or revoke the license of the said retailer or manufacturer in accordance with these regulations, and federal and state laws with respect thereto.

L.A.C. 17-4:7.6. Monitoring fees for the inspection of the construction of mobile homes within the state shall be as follows: \$15.00 for every mobile home constructed within Louisiana.

\$18.00 per hour for each hour the field inspector monitors the mobile home construction within Louisiana planned facility.

\$25.00 per hour for architects rendering engineering services.

All of the fees required to be paid shall be paid to this office.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr., attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115, 504-895-6607 or Clinton R. Dobson in Baton Rouge. There will be a hearing in my office on December 5, 1980 at 12:00 noon at which time and place any interested person may present their views orally or in writing.

Daniel L. Kelly  
State Fire Marshal

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Standards For Mobile Homes**

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

None

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None

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

The cost that is the fees are set forth in the rule itself. The benefits will be to the consumers who will hopefully have defect free mobile homes.

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

None

Daniel Kelly  
State Fire Marshal

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of State  
Office of the Secretary  
Election of Employee Member  
of  
State Civil Service Commission**

In compliance with R.S. 49:953, the Secretary of State, Department of State, hereby gives notice of its intention to adopt rules for the candidate for the election of the classified employee member of the State Civil Service Commission, provided for in Article X, Section 3(C) of the Constitution of 1974, and R.S. 42:1351 through 1359.

All inquiries about this intended action and all written data, views, or arguments, should be submitted on or before December 8, 1980 to Melvin Bellar, Legal Unit, Department of State, Box 44125, Baton Rouge, Louisiana 70804, Telephone (504) 342-6199.

An opportunity for oral presentation and arguments will be given to all interested persons on December 8, 1980 at 10:00 a.m., Room 126, First Floor, State Capitol Annex Building, Baton Rouge, Louisiana.

James H. Brown  
Secretary of State

### **Fiscal and Economic Impact Statement For Administrative Rules**

#### **Rule Title: Election of Employee Member of State Civil Service Commission**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
Due to the general nature of the proposed rule, it is impossible to estimate implementation costs/savings to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Due to the general nature of the proposed rule, it is impossible to estimate the effect of revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Due to the general nature of the proposed rule, it is impossible to estimate the costs and/or benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Due to the general nature of the proposed rule, it is impossible to estimate the effect on competition and employment.

James H. Brown  
Secretary of State

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Transportation and Development**

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following standard specification for diesel fuel oils to provide that:

#### **Standard Specification for Diesel Fuel Oils**

##### 1. Scope

1.1 This specification covers three grades of diesel fuel oils suitable for various types of diesel engines.

1.2 This specification, unless otherwise provided by agreement between the purchaser and the supplier, prescribes the required properties of diesel fuels at the time and place of delivery.

NOTE 1—Nothing in this specification shall preclude observance of federal, state, local regulations which may be more restrictive.

NOTE 2—The values stated in SI units are to be regarded as the standard. The values stated in U.S. customary units are for information only.

##### 2. Requirements

2.1 The grades of diesel fuel oils herein specified shall be hydrocarbon oils conforming to the detailed requirements shown in Table 1.

##### 3. Test Method

3.1 The requirements enumerated in this specification shall be determined in accordance with the following methods:

3.1.1 Flash Point—ASTM Method D 93, Test for Flash Point by Pensky-Martens Closed Tester, except where other methods are prescribed by law. For Grades No. 1-D and No. 2-D, ASTM Method D 56, Test for Flash Point by Tag Closed Tester may be used as an alternate with the same limits, provided the flash

point is below 79°C (175°F) and the viscosity is below 5.5 cSt (or mm<sup>2</sup>/s) at 40°C (100°F). This method will give slightly lower values. In cases of dispute, Method D 93 shall be used as the referee method.

3.1.2 Cloud Point—ASTM Method D 2500, Test for Cloud Point of Petroleum Oils. ASTM Method D 3117, Test for Wax Appearance Point for Distillate Fuels may also be used since the two are closely related. In case of dispute Method D 2500 shall be the referee method.

3.1.3 Water and Sediment—ASTM Method D 1796, Test for Water and Sediment in Crude Oils and Fuel Oils by Centrifuge.

3.1.4 Carbon Residue—ASTM Method D 524, Test for Ramsbottom Carbon Residue of Petroleum Products.

3.1.5 Ash—ASTM Method D 482, Test for Ash from Petroleum Products.

3.1.6 Distillation of No. 1-D and No. 2-D Fuel Oils—ASTM Method D 86, for Distillation of Petroleum Products.

3.1.7 Viscosity—ASTM Method D 445, Test for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity), or by conversion in accordance with ASTM Method D 2161, Conversion of Kinematic Viscosity to Saybolt Universal Viscosity or to Saybolt Furol Viscosity.

3.1.8 Sulfur—ASTM Method D 129, Test for Sulfur in Petroleum Products by the Bomb Method.

3.1.9 Corrosion—ASTM Method D 130, Test for Detection of Copper Corrosion from Petroleum Products by the Copper Strip Tarnish Test, 3 h test at 50°C.

3.1.10 Cetane Number—ASTM Method D 613, Test for Ignition Quality of Diesel Fuels by the Cetane Method.

### **APPENDIXES**

#### **X1. Significance of ASTM Specification For Diesel Fuel Oils**

##### X1.1 Introduction

X1.1.1 The properties of commercial fuel oils depend on the refining practices employed and the nature of the crude oils from which they are produced. Distillate fuel oils, for example, may be produced within the boiling range of 150 and 400°C (300 and 755°C) having many possible combinations of various properties such as volatility, ignition quality, viscosity, and other characteristics.

##### X1.2 Grades

X1.2.1 ASTM Specification D 975 for Diesel Fuel Oils is intended as a statement of permissible limits of significant fuel properties used for specifying the wide variety of commercially available diesel fuel oils. Limiting values of significant properties are prescribed for three grades of diesel fuel oils. These grades and their general applicability for use in diesel engines are broadly indicated as follows:

X1.2.2 Grade No. 1-D—Grade No. 1-D comprises the class of volatile fuel oils from kerosine to the intermediate distillates. Fuels within this grade are applicable for use in high-speed engines in services involving frequent and relatively wide variations in loads and speeds, and also for use in cases where abnormally low fuel temperatures are encountered.

X1.2.3 Grade No. 2-D—Grade No. 2-D includes the class of distillate gas oils of lower volatility. These fuels are applicable for use in high-speed engines in services involving relatively high loads and uniform speeds, or in engines not requiring fuels having the higher volatility or other properties specified for Grade No. 1-D.

X1.2.4 Grade No. 4-D—Grade No. 4-D covers the class of more viscous distillates and blends of these distillates with residual fuel oils. These fuels are applicable for use in low- and medium-speed engines employed in services involving sustained loads at substantially constant speed.

TABLE 1 Detailed Requirements for Diesel Fuel Oils<sup>a, h</sup>

Grade of Diesel Fuel Oil	Flash Point, °C	Cloud Point °C (°F)	Water and Sediment, vol %	Carbon Residue on, 10 % Residuum, %	Ash, weight %	Distillation Temperatures, °C (°F)		Viscosity				Sulfur, <sup>d</sup> weight %	Copper Strip Corrosion	Cetane Number <sup>e</sup>
						90 % Point		Kinematic, cSt <sup>c</sup> at 40°C		Saybolt, SUS at 100°F				
	Min	Max	Max	Max	Max	Min	Max	Min	Max	Min	Max	Max	Max	Min
No. 1-D A volatile distillate fuel oil for engines in service requiring frequent speed and load changes	38 (100)	<sup>b</sup>	0.05	0.15	0.01	...	288 (550)	1.3	2.4	...	34.4	0.50	No. 3	40 <sup>f</sup>
No. 2-D A distillate fuel oil of lower volatility for engines in industrial and heavy mobile service.	52 (125)	<sup>b</sup>	0.05	0.35	0.01	282 <sup>c</sup> (540)	338 (640)	1.9	4.1	32.6	40.1	0.50	No. 3	40 <sup>f</sup>
No. 4-D A fuel oil for low and medium speed engines.	55 (130)	<sup>b</sup>	0.50	...	0.10	...	...	5.5	24.0	45.0	125.0	2.0	...	30 <sup>f</sup>

<sup>a</sup> To meet special operating conditions, modifications of individual limiting requirements may be agreed upon between purchaser, seller, and manufacturer.

<sup>b</sup> It is unrealistic to specify low-temperature properties that will ensure satisfactory operation on a broad basis. Satisfactory operation should be achieved in most cases if the cloud point (or wax appearance point) is specified at 6°C above the tenth percentile minimum ambient temperature for the area in which the fuel will be used. The tenth percentile minimum ambient temperatures for the U.S. are shown in Appendix X2. This guidance is of a general nature; some equipment designs, use flow improver additives, fuel properties, and/or operations may allow higher or require lower cloud point fuels. Appropriate low temperature operability properties should be agreed on between the fuel supplier and purchaser for the intended use and expected ambient temperatures.

<sup>c</sup> When cloud point less than -12°C (10°F) is specified, the minimum viscosity shall be 1.7 cSt (or mm<sup>2</sup>/s) and the 90 % point shall be waived.

<sup>d</sup> In countries outside the U.S.A., other sulfur limits may apply.

<sup>e</sup> Where cetane number by Method D 613 is not available, ASTM Method D 976, Calculated Cetane Index of Distillate Fuels<sup>2</sup> may be used as an approximation. Where there is disagreement, method D 613 shall be the referee method.

<sup>f</sup> Low-atmospheric temperatures as well as engine operation at high altitudes may require use of fuels with higher cetane ratings.

<sup>g</sup> 1 cSt = 1 mm<sup>2</sup>/s.

<sup>h</sup> The values stated in SI units are to be regarded as the standard. The values in U.S. customary units are for information only.

### X1.3 Selection of Particular Grade

X1.3.1 The selection of a particular diesel fuel oil from one of these three ASTM grades for use in a given engine requires consideration of the following factors:

- X1.3.1.1 Fuel price and availability,
- X1.3.1.2 Maintenance considerations,
- X1.3.1.3 Engine size and design,
- X1.3.1.4 Speed and load ranges,
- X1.3.1.5 Frequency of speed and load changes, and
- X1.3.1.6 Atmospheric conditions.

Some of these factors may influence the required fuel properties outlined as follows:

#### X1.4 Cetane Number

X1.4.1 Cetane number is a measure of the ignition quality of the fuel and influences combustion roughness. The cetane number requirements depend on engine design, size, nature of speed and load variations, and on starting and atmospheric conditions. Increase in cetane number over values actually required does not materially improve engine performance. Accordingly, the cetane number specified should be as low as possible to assure maximum fuel availability.

#### X1.5 Distillation

X1.5.1 The fuel volatility requirements depend on engine design, size, nature of speed and load variations, and on starting and atmospheric conditions. For engines in services involving rapidly fluctuating loads and speeds as in bus and truck operation, the more volatile fuels may provide best performance, particularly with respect to smoke and odor. However, best fuel economy is generally obtained from the heavier types of fuels because of their higher heat content.

#### X1.6 Viscosity

X1.6.1 For some engines it is advantageous to specify a minimum viscosity because of power loss due to injection pump and injector leakage. Maximum viscosity, on the other hand, is limited by considerations involved in engine design and size, and the characteristics of the injection system.

#### X1.7 Carbon Residue

X1.7.1 Carbon residue gives a measure of the carbon depositing tendencies of a fuel oil when heated in a bulb under prescribed conditions. While not directly correlating with engine deposits, this property is considered an approximation.

#### X1.8 Sulfur

X1.8.1 The effect of sulfur content on engine wear and deposits appear to vary considerably in importance and depends largely on operating conditions. In order to assure maximum availability of fuels, the permissible sulfur content should be specified as high as practicable, consistent with maintenance considerations.

#### X1.9 Flash Point

X1.9.1 The flash point as specified is not directly related to engine performance. It is, however, of importance in connection with legal requirements and safety precautions involved in fuel handling and storage, and is normally specified to meet insurance and fire regulations.

#### X1.10 Cloud Point

X1.10.1 Cloud point is of importance in that it defines the temperature at which a cloud or haze of wax crystals appears in the oil under prescribed test conditions which generally relates to the temperature at which wax crystals begin to precipitate from the oil in use.

#### X1.11 Ash

X1.11.1 Ash-forming materials may be present in fuel oil in two forms: (1) abrasive solids, and (2) soluble metallic soaps. Abrasive solids contribute to injector, fuel pump, piston and ring

wear, and also to engine deposits. Soluble metallic soaps have little effect on wear but may contribute to engine deposits.

#### X1.12 Copper Strip Corrosion

X1.12.1 This test serves as a measure of possible difficulties with copper and brass or bronze parts of the fuel system.

The specification for diesel fuel oils must meet all of these standards as well as those authorized by and in accordance with Louisiana R.S. 51:788. The Secretary will accept written comments regarding the revision of this specification until 4:15 p.m., December 5, 1980, at the following address: Mr. David G. Azar, Chemical Engineer, Louisiana Department of Transportation and Development, Materials and Testing Lab, P. O. Box 44245, Baton Rouge, Louisiana 70804.

Paul J. Hardy, Secretary  
Department of Transportation  
and Development

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Standard Specification for Diesel Fuel Oils  
Rule Title: Standard Specification for  
Diesel Fuel Oils**

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

The following implementation costs produced by this rule change are anticipated by the Louisiana Department of Transportation and Development. Two additional laboratory testers will be necessary for the enforcement of the rules. Implementation costs will be defrayed by revenues collected through the levy of one thirty-second of one cent on all fuel sold in the state pursuant to R.S.51:796.

FY 1980-81 \$25,000    FY 1981-82 \$30,000

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections for the state or for the department.

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

Benefits shall accrue to the consumer through protection against the purchase of inferior grades of diesel fuel. Costs incurred by this rule change may be experienced by small, independent refineries (approximately 1% of refineries producing diesel fuels) for they will be required to improve upon and maintain a quality product. These costs cannot be estimated as they will vary by individual refinery. It should be noted that refineries are now abiding by some type of specifications and additional costs should be minimal.

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

This rule change will have no significant effect on competition and employment.

Paul J. Hardy, Secretary  
Department of Transportation  
and Development

Mark C. Drennan  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of the Treasury  
School Lunch Employees'  
Retirement System**

Notice is hereby given that the Board of Trustees of the Louisiana School Lunch Employees' Retirement System intends



to define a delinquent payment from a Parish or City School Board as a payment not received within thirty days after the last day of the preceding month.

The procedures for collecting delinquent payments and the penalties are contained in R.S. 17:1301 C.

Interested persons may submit written comments on the proposed definition of a delinquent payment by a Parish or City School Board until 4:30 p.m., December 5, 1980, at the following address: Dr. Carleton C. Page, Secretary-Treasurer, Louisiana School Lunch Employees' Retirement System, 9121 Interline Avenue, Baton Rouge, Louisiana 70809.

Carleton C. Page  
Secretary-Treasurer

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Administrative Delinquent Payments**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) 'to agency - (Summary)  
There will only be minimal administrative costs to implement in the cases of delinquent payments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Contributions will be remitted on a more timely basis thereby enabling earlier investment and possibility of additional revenue from six percent interest charge on delinquent payments.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Only additional costs to school board will be possible six percent interest charge on delinquent payments.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Not applicable.

Carleton C. Page  
Secretary-Treasurer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
State Bond Commission**

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:951 et seq., notice is hereby given that the Louisiana State Bond Commission intends to supplement and amend the Commission's rules as originally adopted on November 20, 1976, and amended as of October 20, 1978, and November 20, 1979.

The amendments and supplements will promulgate rules and regulations concerning the Issuance of Tax-exempt Bonds for financing of non-traditional projects.

The proposed rules will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m. on any working day after November 20, 1980, at the Office of the State Bond Commission, Third Floor, State Capitol Building, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions through December 9, 1980 to Mr. Thomas D. Burbank, Jr., Secretary and Director of the State Bond Commission, Third Floor, State Capitol Building, Box 44154, Baton Rouge, Louisiana 70804. Oral or written presentations may be made on December 9, 1980 at which time the State Bond Commission shall consider adopting the supplements and amendments to its rules.

The State Bond Commission shall prior to the adoption,

amendment, or repeal of any rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument shall be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed rule change has been referred, as required under the provisions of Section 968 of Title 49.

At least eight working days prior to the meeting of the State Bond Commission at which a rule or rules are proposed to be adopted, amended, or repealed, notice of an intention to make an oral or written presentation shall be given to the Director or Assistant Director of the State Bond Commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all State Bond Commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the person or persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all State Bond Commission members prior to the meeting.

The Commission shall consider all written and oral submissions concerning the proposed rules. Upon adoption of a rule, the Commission, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Thomas D. Burbank, Jr.  
Bond Commission

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Non-Traditional Bond Financing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
It is anticipated that the Bond Commission will not incur increased costs because of the implementation of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no increased revenue collection because of these rules.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The Bond Commission is presently negotiating with a team of experts in the field of public finance to undertake a study concerning the effects of non-traditional revenue bonds financing on the state and its political subdivisions.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The effect of the adoption of these rules on competition and unemployment can not be determined until a study can be completed concerning the effect on non-traditional revenue bond financing on the State and its political subdivisions.

Thomas D. Burbank, Jr.  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Trustees  
State Employees Group Benefits Program**

The Board of Trustees of the State Employees Group Benefits Program, in accordance with R.S. 24:872(A)(4), as amended by Act 745 of 1979, intends to adopt the following rules for the selection of two minority members to the Board. Interested persons may submit comments on the proposed rules, in writing, through December 5, 1980, to Mr. Russell J. Culotta, Chairman, Selection Committee, 2648 Wooddale Boulevard, Baton Rouge, Louisiana 70805.

**Proposed Rules For The Selection Of  
Minority Members to the  
Board of Trustees of the  
State Employees Group Benefits Program**

1. Two members of a minority race, as defined below, who are state employees and participants in the State Employees Group Benefits Program will be appointed to the Board pursuant to R.S. 42:872 and these rules.
2. The following groups of persons are hereby designated as a "minority."
  - a. Black - Not of hispanic origin. Persons having origin in any of the black racial groups of Africa.
  - b. Hispanic - Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origin regardless of race.
  - c. American Indian or Alaskan Native - Persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.
  - d. Asian or Pacific Islander - Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands.
3. Any interested person meeting the requirements of Rules 1 and 2 may apply for appointment to the Board by forwarding to the Chairman of the Selection Committee:
  - a. A petition signed by at least twenty-five state employees who are participants in the State Employees Group Benefits Program. This petition, nominating a minority person for appointment, must contain a certification by the agency head or personnel officer that the persons signing the petition are indeed state employees and participants in the Program; and (a sample petition is attached to these rules);
  - b. A resume outlining the experience and qualifications of the minority applicant.
4. The petition and resume must be sent to: Chairman, Selection Committee, 2648 Wooddale Boulevard, Baton Rouge, Louisiana 70805.
5. All applications for appointment must be received prior to the close of business on January 31, 1981.
6. The Board, on any Committee thereof, may interview any or all of the applicants for membership on the Board of Trustees.
7. The two minority persons appointed to the Board will serve until September 1, 1984. Minority members appointed subsequent thereto shall serve terms of office concurrent with other members of the Board.

**Nominating Petition**

We the undersigned state employees and participants in the State Employees Group Benefits Program, hereby nominate

for membership on the Board of Trustees of the State Employees Group Benefits Program.

Signature	Social Security No.	Agency	Date
1.			
2.			
3.			
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24.			
25.			

I hereby certify the persons signing this petition are state employees and members of the State Employees Group Benefits Program.

James D. McElveen  
Executive Director

Agency Chief  Personnel Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: State Employees Group Benefits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
Costs, if any, will be limited to reimbursement for travel expenses incurred in attending meetings of the Board of Trustees and committees of the Board. Reimbursement will

be in accordance with state travel regulations and will be applicable if the appointees to the Board of Trustees reside outside the Baton Rouge area.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Revenue Collections will not be affected.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no costs to the affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition or employment.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission has adopted the following rules in accordance with R.S. 49:953B of the Administrative Procedures Act. Said rules will become effective as stated.

1. Iatt Lake in Grant Parish has been closed to commercial netting during the drawdown of water beginning August 15, 1980, until the closing of the control gates on February 1, 1981. This would allow for the authorization of Department enforcement agents to enforce the closure. Fish population samples taken by Department biologists indicate the poundage of commercial fish in Iatt Lake is generally low and nets can jeopardize the game fish population. This action is being taken at the request of the Iatt Lake Water Conservation Committee Board which adopted a similar resolution on August 14, 1980.

Interested persons may submit written comments through December 15, 1980, to Kenneth Smith, Chief, Fish Division, Department of Wildlife and Fisheries, Box 44095, Baton Rouge, Louisiana 70804 or phone (504) 342-5864.

2. The oyster season in Calcasieu Lake has been set to extend from one-half hour before sunrise on Saturday, November 1, 1980, through one-half hour after sunset on Tuesday, March 31, 1981, with the right being reserved to extend said season or close it sooner if biologically justifiable. Fishing will be limited to the use of tongs and to daylight hours. The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed. The three-inch culling law shall be observed by all fishermen fishing the area and the culls shall be returned to the fishing area reefs to provide for future harvesting. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks before leaving the oyster fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115. The taking of oysters for commercial purposes shall be limited to fifteen sacks per boat per day. The taking of oysters for home consumption shall be limited to three bushels (two sacks) per boat per day, which need not be tagged. All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged. The Secretary is hereby authorized and empowered to extend or close said season, and increase or decrease the limit, when biologically justified.

Interested persons may submit written comments through December 15, 1980, to Harry Schafer, Chief, Seafood Division,

Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, Louisiana 70130 or phone (504) 568-5679.

3. WHEREAS, R.S. 56:437 has been excluding the use of undersize dredge on public oyster grounds created an injustice for a segment of the oyster fisheries, and

WHEREAS, Act 197 of the 1980 Legislative Session has attempted to rectify the problem in R.S. 56:437 but made the designation of the areas upon which these small dredges may be used the responsibility of the Commission, and

WHEREAS, R.S. 56:462 designates areas to be included in the "Oyster Seed Grounds," and

WHEREAS, R.S. 56:457 designates certain areas as public grounds incorporated into "Oyster Seed Reservations;" Sister Lake, Hackberry Bay, Bay Junope, Bay Gardene.

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission now designates those areas pre-designated in Sections R.S. 56:462 and 457 as those areas upon which undersize dredges can be used with a special permit from the Secretary. Section 437 also requires a special permit for an undersigned dredge when used on private leases and by lessee's designee.

**BE IT FURTHER RESOLVED that the use on public grounds be used only as specified in Act 197 on during open season.**

Interested persons may submit written comments through December 15, 1980, to Harry Schafer, Chief, Seafood Division, Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, Louisiana 70130 or phone (504) 568-5679.

Joseph V. Colson  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules

##### Rule Title: Close Commercial Netting on Iatt Lake During Drawdown

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no implementation costs or cost savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
The Department estimates that there will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The commercial and recreational activities will be curtailed during closing but yields should be significantly higher after the control gates are closed.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is very little commercial fishing in Iatt Lake due to the low poundage of commercial fish in this lake. Commercial fishing will be curtailed on the lake for a period of six months. However, yields are expected to increase by ten percent after the drawdown.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

#### Fiscal and Economic Impact Statement For Administrative Rules

##### Rule Title: Calcasieu Lake Oyster Season

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no costs to the Department of Wildlife and

Fisheries to implement the oyster season in Calcasieu Lake. Enforcement of the laws pertaining to this season fall within regular work days of Wildlife and Fisheries agents.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Department estimates that there will be no impact on revenue collections. The Department of Wildlife and Fisheries collected \$1,000 in oyster tonnage licenses in 1979-80. It has been estimated that they will again collect \$1,000 in license fee revenues.

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

The Department estimates that no additional costs or benefits will accrue to affected groups as compared to the previous oyster season.

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

It is estimated that there will be no effect on competition and employment as compared to the previous oyster season.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

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

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

There will be no cost to this Department.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on the Revenue Collections of this Department.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary) There will be no estimated cost to affected groups. There have been nineteen permits issued by the Department for small dredges.

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

There have been nineteen permits issued for small dredges. We have no historical data on which to base competition and employment.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

WHEREAS, the Bayou D'Arbonne Watershed District Commission has requested the Louisiana Department of Wildlife and Fisheries to close D'Arbonne Lake to all commercial netting during the current water level drawdown, and

WHEREAS, the poundage of commercial species of fishes is relatively low, and

WHEREAS, the presence of netting in shallow areas constitutes an increased navigation hazard along with an attendant loss of fishing gear, and

THEREFORE, BE IT RESOLVED, the Louisiana Department of Wildlife and Fisheries hereby closes D'Arbonne Lake to all commercial netting from November 15, 1980, until February 1, 1981, both dates to be inclusive.

Joseph V. Colson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Close Commercial Netting on  
D'Arbonne Lake during Drawdown**

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

There will be no implementation costs or savings to the Department of Wildlife and Fisheries.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections for the Department of Wildlife and Fisheries.

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

There should be no costs to the affected groups. The commercial and recreational activities will be curtailed during closure but yields should be significantly higher after the control gates are closed.

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

There is very little commercial fishing in D'Arbonne Lake due to the low poundage of commercial fish in this lake.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

# Potpourri

## POTPOURRI

**Department of Natural Resources  
Fishermen's Gear Compensation Fund Claims**

In accordance with regulations of the Fishermen's Gear Compensation Fund published in the August 20, 1980 State Register, the Department of Natural Resources hereby gives notice that twenty-seven completed claims of \$37,492.86 were filed against the Fund during the month of October.

A public hearing will be held on Monday, December 1, 1980, at 1:00 p.m. in the Cooperative Extension Service Office, Rooms 109 and 110 of the Courthouse, Cameron, Louisiana, to consider payment of the following claims against the Fund. Persons desiring to give testimony in support or opposition to the claims will be permitted to do so at the hearing.

79-079 Steve Smith of Cameron, Louisiana

Vessel: Miss Dawn On December 17, 1979 claimant was shrimping along the Calcasieu Ship Channel when he hung on a cable resulting in the loss of two nets. Amount of claim: \$1,358.00.

80-147 David K. Willis of Cameron, Louisiana

Vessel: Humming Bird On August 21, 1980 shrimping in Gulf of Mexico 1¼ miles east of Calcasieu jetties. Struck sunken boat damaging his vessel. Amount of claim: \$4,621.03.

80-154 Russell G. Corley, Cameron, Louisiana

Vessel: Tuffy II On August 19, 1980 shrimping in Calcasieu Lake when he struck a submerged piling damaging vessel. Amount of Claim: \$834.82.

80-163 Jimmy Mallet, Lake Charles, Louisiana.

Vessel: Miss Gloria On September 16, 1980 claimant while shrimping in the Gulf of Mexico about 4½ miles east of Calcasieu jetties struck unknown obstruction damaging nets and doors. Amount of claim: \$1,600.00.

A public hearing will be held on Thursday, December 11, 1980, at 10:00 a.m. Police Jury Chambers, 8201 West Judge Perez Drive, Chalmette, Louisiana, to consider payment of the following claims against the Fund. Persons desiring to give testimony in support or opposition to the claims will be permitted to do so at the hearing.

79-015 Arnold Rodriguez, Delacroix Island, Louisiana  
Vessel: Our Grandkids On September 27, 1979 while shrimping in Breton Sound hung an unknown obstruction damaging two trawls. Amount of Claim: \$615.00.

79-031 Leonard Nixon of Venice, Louisiana  
Vessel: Little John On October 21, 1979 while trawling in Hospital Bay struck submerged pipe damaging and sinking vessel. Amount of claim: \$4,100.00.

79-036 Troy C. Holden Sr., Chalmette Louisiana  
Vessel: Two Fools On October 18, 1979 while trawling approximately 1½ miles northeast of the River Gulf outlet in St. Bernard Parish hung up on a piece of pipe damaging trawl. Amount of claim: \$775.00.

80-087 Malcolm J. LeBlanc, Lafitte, Louisiana  
Vessel: Bayou Champ On February 28, 1980 while shrimping in the Gulf of Mexico east of Wine Island Pass struck an unknown obstruction losing two complete trawls. Amount of claim: \$2,820.00

80-112 Tilton Creppel, Sr., Venice, Louisiana  
Vessel: Unknown On June 13, 1980 while shrimping in Scofield Bay he hung a sharp object damaging trawl. Amount of claim: \$430.00

80-141 Warren Thibodeaux, New Orleans, Louisiana  
Vessel: Honey Sucker On July 11, 1980 while trawling one mile northwest of Bayou Grande struck a pipe and large piling damaging one trawl and chain and rollers. Amount of claim: \$600.00.

80-142 Warren Thibodeaux, New Orleans, Louisiana  
Vessel: Honey Sucker On June 14, 1980 while trawling 2 miles northeast of Battledore Reef in Breton Sound struck a submerged pipe damaging trawl. Amount of claim: \$600.00.

80-143 Warren Thibodeaux, New Orleans, Louisiana  
Vessel: Honey Sucker On August 4, 1980 while trawling off Main Pass in Gulf struck a submerged pipe casing. Damaged trawl. Amount of claim: \$450.00

80-172 John McKean, Slidell, Louisiana  
Vessel: Little Windy On September 30, 1980 while shrimping in Lake Catherine struck a 60 gallon steel tank damaging vessel. Amount of claim: \$1,102.95

A public hearing will be held on Tuesday, December 16, 1980, at 10:00 a.m. in the Cooperative Extension Service Office, Basement, Iberia Parish Courthouse, Iberia Street, New Iberia, Louisiana, to consider payment of the following claims against the Fund. Persons desiring to give testimony in support or opposition to the claims will be permitted to do so at the hearing.

80-089 Howard J. DeRouen, New Iberia, Louisiana  
Vessel: Sea Breeze On March 19, 1980 while fishing in Inland Gulf Waters snagged an unknown underwater obstruction damaging trawl, lazy line, tickler chain and rigging. Amount of claim: \$1,122.00

80-090 Charles R. Jumonville, Patterson, Louisiana  
Vessel: David J On May 10, 1980 while trawling in the Gulf of Mexico struck a metal roof damaging net, lazy line, tickler chain. Amount of claim: \$1,025.51

80-174 Dudley Bouillion, Erath, Louisiana  
Vessel: Silver Sprag On October 2, 1980 while trawling in the Gulf of Mexico hit an underwater pipe damaging nets and tickler chain. Amount of claim: \$1,951.38.

A public hearing will be held on Thursday, December 18, 1980, at 10:30 a.m. in the Cooperative Extension Service Office,

Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana, to consider payment of the following claims against the Fund. Persons desiring to give testimony in support or opposition to the claims will be permitted to do so at the hearing.

79-049 James J. George, Lockport, Louisiana  
Vessel: Mr. James On October 10, 1979 while trawling in Lake Pelto hit an underwater obstruction and damaged trawl. Amount of claim: \$640.00.

79-050 Leroy Chabert, Cut Off, Louisiana  
Vessel: Capt. Kris On October 10, 1979 while trawling 4 miles from Freshwater Bayou in Gulf of Mexico hit an unknown underwater obstruction damaging line, tickler chain. Amount of claim: \$436.00

79-058 Houston Trahan, Chauvin, Louisiana  
Vessel: Rebecca Lynn On October, 1979 while trawling in Lake Barre and Terrebonne Bay struck an underwater piling and pipe damaging boards, trawls. Amount of claim: \$4,600.00

79-061 George Terrebonne, Golden Meadow, Louisiana  
Vessel: Queen Mary On October 8, 1979 while trawling in Little Pass in Gulf of Mexico struck metal from sunken boat damaging trawl, boards. Amount of claim: \$1,350.00

80-086 Leon Fonseca, Des Allemands, Louisiana  
Vessel: Logan On February 25, 1980 while fishing in Baptiste Callet struck an unknown underwater obstruction damaging vessel. Amount of claim: \$1,018.10

80-114 Houston Trahan, Chauvin, Louisiana  
Vessel: Rebecca Lynn On June 18, 1980 while trawling in Lake Terrebonne struck two drums damaging cable, tickle chain, netting. Amount of claim: \$307.00

80-123 Rodney J. Eymard, Galliano, Louisiana  
Vessel: Rodney's Angels On June 15, 1980 while trawling Barataria Bay hit an unknown underwater obstruction damaging board, net and parts of gear. Amount of claim: \$625.12

80-133 Joseph S. Verdin, Grand Isle, Louisiana  
Vessel: Mr. Doug On July 1, 1980 while trawling in Barataria Bay hit a pipe or casing and damaged vessel. Amount of claim: \$5,000.00 (actual damages \$10,229.54)

80-146 Thomas E. Frieze, Grand Isle, Louisiana  
Vessel: Cajan Queen II On August 20, 1980 while trawling in Bay Tambour hit an underwater metal object causing damage to propeller and vessel. Amount of claim: \$400.00

80-162 Leslie Lebouef, Montegut, Louisiana  
Vessel: Kajan Kid On September 11, 1980 while trawling in Terrebonne Bay hit an unknown underwater obstruction causing damage to net, chain and tickle chain. Amount of claim: \$854.70

80-165 Houston Trahan, Chauvin, Louisiana  
Vessel: Rebecca Lynn On September 19, 1980 while trawling in Terrebonne Bay hit an underwater piling damaging net. Amount of claim: \$396.25

80-167 Eldon A. Lafont, Golden Meadow, Louisiana  
Vessel: Darla-Mary On September 3, 1980 while trawling in Lake Raccourci hit chunks of cement and tore trawl and damaged chain. Amount of claim: \$380.00

Frank A. Ashby, Jr.  
Secretary

#### POTPOURRI

#### Department of Transportation and Development Office of the General Counsel

#### NOTICE

#### Minority Business Enterprise

This notice is pursuant to 49 CFR 23.45(g)(3)(ii).  
It is the policy of the Department of Transportation and

Development that minority business enterprises, as defined in Title 49, Code of Federal Regulations, Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal financial assistance and administered by the Department.

The Department of Transportation and Development has set a minority business enterprise participation goal, which includes separate goals for minority-owned and female-owned firms and covering all DOTD programs and activities, of \$8.6 million for the U.S. D.O.T. fiscal year 1981 (October 1, 1980, through September 30, 1981). A description of how the goal was selected will be available for inspection for the next 30 days, Monday through Friday, during normal working hours, in the lobby of the Louisiana Department of Transportation and Development Headquarters Building in Baton Rouge.

The Department of Transportation and Development will accept written comments, for informational purposes only, on the minority business participation goals for the next 45 days. Such comments should be sent to: Civil Rights Office, Department of Transportation and Development, Box 44245, Baton Rouge, Louisiana 70804.

Paul J. Hardy, Secretary  
Department of Transportation and  
Development

#### **POTPOURRI**

##### **Department of Urban and Community Affairs Office of Community Services**

The Office of Community Services' Weatherization Assistance for Low Income Persons Program will hold a public hearing beginning at 9:00 a.m., December 5, 1980, in the Conservation Hearing Room of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, to discuss and consider revisions to the Weatherization programs' State Plan for 1981.

A copy of the draft of the 1981 State Plan can be obtained by writing, visiting, or calling Caryn J. Rozeboom, Director of Weatherization, Department of Urban & Community Affairs, Box 44455, 5790 Florida Boulevard, Baton Rouge, Louisiana, 70804, (504) 925-3728. Written comments on the State Plan should also be sent to the aforementioned address.

Watson S. Finister, Jr.  
Assistant Secretary

#### **POTPOURRI**

##### **Department of Urban and Community Affairs Office of the Secretary**

##### **Notice of Meeting Of The Louisiana Housing Finance Agency**

Notice is hereby given that there will be a meeting of the Board of Commissioners of the Louisiana Housing Finance Agency on Thursday, December 4, 1980, at 10:00 a.m. in the Governor's Press Conference Room on the Fourth Floor of the State Capitol in Baton Rouge, Louisiana.

Linton Ardoin  
Secretary

# **Errata**

## **ERRATA**

### **Department of Natural Resources Office of Environmental Affairs**

The Environmental Control Commission hereby gives notice that its meeting originally scheduled for 10:00 a.m., on December 23, 1980 in the State Land and Natural Resources Building, Mineral Board Hearing Room, 625 North 4th Street, Baton Rouge, Louisiana (as announced in the *Louisiana Register* Volume 6, Number 10, dated October 20, 1980, page 618) has now been changed to Thursday, December 11, 1980, 10:00 a.m. in the Conservation Board Hearing Room, State Land and Natural Resources Building.

B. Jim Porter  
Assistant Secretary

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**E—Errata EO—Executive Order ER—Emergency Rule  
L—Legislation N—Notice of Intent P—Potpourri  
PPM—Policy and Procedure Memorandum R—Rule**