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# Executive Orders

## EXECUTIVE ORDER NO. DCT 83-26

WHEREAS, it has been reported to me by the Commissioner of Administration that the receipts of the Treasury appear likely to fall short of revenue estimates for the fiscal year 1983-84; and

WHEREAS, continued maintenance of the appropriated levels of expenditure is likely to result in a deficit;

NOW, THEREFORE, pursuant to the authority granted me by Section 10 of Act 14 of the 1983 Regular Session of the Legislature, La. R.S. 39:55, and Article IV, Section 5 of the Constitution of Louisiana, it is hereby ordered that all departments and all budget units not within a department submit revised budgets to the Commissioner of Administration no later than December 6, 1983. The budgets shall reflect a reduction of 5.8 percent. However, as authorized by La. R.S. 39:55 and ad-

ditionally by Section 10 of Act 14 of the 1983 Regular Session, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the Commissioner of Administration.

Budget cuts pursuant to this order shall become effective December 16, 1983.

IN WITNESS WHEREFORE, 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 23rd day of November, A.D., 1983.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

Department of Agriculture  
Agricultural Finance Authority

In accordance with the emergency provisions of the Administrative Procedure Act (LSA 49:953 B), notice is hereby given that the Department of Agriculture, Louisiana Agricultural Finance Authority, at a regularly scheduled meeting held on December 8, 1983, determined that an economic emergency presently exists throughout the agricultural community with respect to the non-availability of capital at reasonable interest rates for agricultural purposes. The present emergency in the agricultural community may affect the supply of food for human consumption during the coming year, in that farmers who cannot obtain capital will be unable to produce the food needed by the consumers of this state.

The Authority further determined that, in order to alleviate these emergency conditions to the extent possible, it is necessary to enact certain regulations on an emergency basis.

Therefore, under the authority contained in the provisions of R. S. 3:266, the Authority adopted the following rules and regulations on an emergency basis:

### Part I: General Provisions

#### 1.01 Definitions

1. The terms "Authority", "Agricultural Loan", "Agriculture", "Bonds", "Commissioner", "Department", "Federal government", "Lending Institution", "Persons", and "State" are defined in the Act and have the same meaning when used in these Rules as are ascribed to them in the Act.
2. "Act" means Chapter 3-B of Title 3, comprising Sections 261-284, inclusive, of the Louisiana Revised Statutes of 1950, as amended.

3. "Director" means the Director of the Authority when and if appointed by the Authority with the approval of the Commissioner. The Authority may also appoint, with the approval of the Commissioner, an Assistant Director.
4. "Program" means a program established by the Authority pursuant to Rule 2.01 hereof.
5. "Resolution" means a resolution of the Authority.
6. "Rules" means these emergency rules and regulations.

#### 1.02 Acceptance of Aid and Guarantees

In connection with any Program, the Authority, by Resolution may accept financial or technical assistance, including insurance and guarantees, from the Federal or State governments or any Persons; agree to and comply with any condition attached thereto; and authorize and direct the execution on behalf of the Authority of any agreement which it considers necessary or appropriate to implement any such financial aid and technical assistance, insurance, guarantees or other aid. The Authority, by Resolution, may accept any guarantee or commitment to guarantee its Bonds and authorize and direct the execution on behalf of the Authority of any agreement which it considers necessary or appropriate with respect thereto.

### Part II: Programs

#### 2.01 Establishment

The Authority, by Resolution, may establish a Program or Programs pursuant to which the Authority may purchase or contract to purchase and sell or contract to sell Agricultural Loans made by Lending Institutions. The Authority, by Resolution, may also establish a Program or Programs pursuant to which the Authority may make or contract to make loans to and deposits with Lending Institutions, provided that any such Program or Programs shall require that all proceeds of such loans or deposits, or an equivalent amount, shall be used by such Lending Institutions to make Agricultural Loans.

#### 2.02 Treatment of Lending Institutions

Any Program established by the Authority shall provide for the fair, impartial, uniform and equitable treatment of all Lending Institutions. The Chairman is hereby authorized to establish such notification and communication procedures and arrangements as he shall determine to be reasonable under the circumstances to provide for effective and efficient information dissemination to Lending Institutions of the availability of the Authority's Programs.

#### 2.03 Program Guidelines

The Authority shall cause guidelines or summary descriptions for or of any Program proposed to be established by the Authority and such shall contain discussions of the scope of such Program, the documentary structure of such Program, the legal requirements for participation by Lending Institutions and their borrowers and the procedures, terms, and conditions under which Lending Institutions may participate in such Programs.

#### 2.04 Assistance

The Authority may provide staff services to assist Lending Institutions in complying with the requirements of the Act and these Rules in connection with any Program. The Chairman may establish a preapplication procedure in connection with any Program and may conduct or cause to be conducted such informational meetings in connection with any Program as he may deem appropriate under the circumstances. Forms to be employed as offers to participate or applications shall be prepared or approved by the Chairman and shall specify the information to be included therein and the supporting materials to be submitted therewith.

#### 2.05 Determinations of Eligibility

The Authority shall review the analysis and recommendations of the Chairman with respect to responses by Lending Institutions concerning a proposed Program and, if the Authority, by Resolution, finds and determines that such responses evidence a demonstrated need for the implementation of such Program in accordance with the requirements of the Act and these Rules, the Authority, by Resolution, may determine to implement the Program.

#### 2.06 Acceptance of Offers to Participate or Applications

The Authority from time to time, by Resolution, shall approve offers to participate or applications submitted by Lending Institutions in connection with a Program. Any such offer to participate or application shall have attached thereto and incorporated by reference therein the form or forms of the loan purchase agreement, loan agreement, depository agreement or other instrument to be entered into by and between the Authority and the Lending Institution under and pursuant to such Program (the "Program Documents"). Forms of the Program Documents and any other instruments relating to the issuance and sale of the Authority's Bonds to be issued for the purpose of providing the funds for the Program shall be prepared, and may be revised and amended, by the Authority under the direction of the Chairman on behalf of the Authority. Any such offer to participate or application shall be a unilateral offer and shall be a binding contract between the Authority and the Lending Institution upon acceptance and notice of acceptance by the Authority. Any such offer to participate or application shall state the aggregate principal amount of the Agricultural Loans which the Lending Institution offers to sell to the Authority or which the Lending Institution agrees to make upon the loan to or deposit with the Lending Institution of funds of the Authority, as the case may be, under and pursuant to the Authority's Program and the period within which such Agricultural Loans are to be sold or made. Any such offer to participate or application shall state the principal amount of the Agricultural Loans to be sold by the Lending Institution to the Authority and the price thereof or the principal amount of Agricultural Loans agreed to be made by the Lending Institution upon the loan to or deposit with the Lending Institution of the specified amount of funds of the Authority, as the case may be, the insurance requirements, if any, of such Program as provided in Rule 3.03 hereof and the amounts of the commitment, origination and/or servicing fees which the Lending Institution may charge its borrower.

#### 2.07 Notification of Acceptance by Authority

The Authority shall notify each Lending Institution which has submitted an offer to participate or application as to the aggregate principal

amount of Agricultural Loans, if any, which the Authority will agree to purchase or for which the Authority will lend to or deposit with the Lending Institution funds of the Authority, as the case may be, subject to the conditions set forth in the offer to participate or application. The aggregate principal amount of Agricultural Loans which the Authority will agree to purchase (or for which the Authority will lend or deposit funds of the Authority) from any Lending Institution shall not exceed the aggregate principal amount of Agricultural Loans offered to be sold or made by the Lending Institution and may be in a principal amount less than that requested. The Authority shall notify each Lending Institution of the interest rate or rates it may charge on the Agricultural Loans, the requirements to be met by such Lending Institution for the sale or making of such Agricultural Loans and the date of the expected availability of the proceeds of the Authority's Bonds for the purposes of the Program.

#### 2.08 Allocation of Funds for Agricultural Loans

The Authority shall in its sole discretion reduce the amount of each offer to participate or application to an amount it deems reasonable in the event that the Authority receives offers to sell or make more Agricultural Loans than is practical. Such reduction shall be on a pro rata basis, provided that the Authority may consider the historic experiences of the Lending Institutions in making Agricultural Loans and other relevant factors. Priorities for allocations of Authority funds under a Program may be established and reviewed by the Authority. Priorities may be based on criteria established by the Authority as best effectuating the purposes of the Act including, without limitation, a determination by the Authority of the geographic, demographic and other factors which may be evaluated by the Authority in the context of other Programs made or to be made available by the Authority.

### Part III: Details of Agricultural Loans

#### 3.01 Terms and Conditions of Agricultural Loans

Agricultural Loans to be sold or made by Lending Institutions pursuant to a Program or Programs shall be subject to and comply with such terms and conditions as shall be established by the Authority in the Program Documents. The Program Documents shall contain such terms, conditions and requirements as the Authority deems appropriate including such provisions designed to assure that there at all times shall be sufficient funds to enable the Authority to make the payments on its Bonds plus any administrative and other costs of the Authority with respect to the Bonds, the establishment and implementation of the Program and otherwise in connection with the transactions contemplated thereby.

#### 3.02 Administration and Servicing of Agricultural Loans

Each Lending Institution shall service and administer the Agricultural Loans in accordance with the terms of the Program Documents. In the event the Lending Institution is an institution regulated by a Federal or State regulatory agency, the Authority may require that such Lending Institution will agree to service the Agricultural Loans in the manner and according to the standards required by such regulatory agency and in no event at a lesser standard of service than is maintained on loans of the same character as the Agricultural Loans as are owned by such Lending Institution. Each Lending Institution, in addition, will agree to service the Agricultural Loans in such a manner so as to provide

that any Federal, State or private insurance or guarantee will be maintained.

### 3.03 Insurance of Agricultural Loans

The Authority may establish a Program under which the Lending Institutions may be required to insure or under which the Authority may determine to insure and/or reinsure Agricultural Loans to be purchased by the Authority or to be made by the Lending Institutions from funds of the Authority loaned to or deposited with the Lending Institutions. All such terms, conditions, limitations, collateral and security provisions and reserve requirements shall be described in the guidelines or summary descriptions for or of the Program prepared by the Authority pursuant to Rule 2.03 hereof and shall be included in the Program Documents.

Bob Odom  
Commissioner of Agriculture

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of November 17, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted the following items as Emergency Rules:

1. Bulletin 1705, *Separate Minimum Standards for Moderately, Severely, and Profoundly Handicapped Students*. (Copy on file in BESE office and Office of Louisiana Register)

(This emergency adoption is necessary because in order to provide the local school systems with enough copies to begin implementation with the opening of the 83-84 school year, the Department of Education must begin printing and distributing immediately.)

2. An amendment to the tuition exemption regulations (Bulletin 1533) under *College and University Procedures (VIII-E)* to allow colleges and universities 15 days after the date of commencement to submit tuition exemption invoices and related information to the State Department of Education.

(This emergency adoption is necessary because the Department of Education must print and distribute these Regulations in order to allow teachers to return to colleges and universities in the Fall semester of 1983 under this program as provided by the Louisiana Legislature.)

3. Revised Section 459 of Bulletin 1706 (formerly Act 754 Regulations) as amended in Special Education Committee, November 16, 1983 and as follows:

#### REVISIONS TO SECTION 459 (11-16-83)

A. In accordance with State law, the policy of a school system's governing authority and of this subpart, teachers, principals, and administrators are authorized to hold each student to a strict accountability for any disorderly conduct in the school, on the playground of the school, on any school bus going to or returning from school, or during recess or intermission.

Prior to administering any form of discipline that may result in the cessation of or interference with the educational program of a student identified as handicapped, teachers, principals, and administrators must give consideration to the influence that the student's handicap may have on the behavior in question. (see "H" for exception)

B. At each IEP meeting there should be a discussion of the

behavioral needs of the student. This may include:

1. addressing any behavior problem(s) of the student that are related to the handicapping condition;
2. developing a structured program of behavior management (including goals and objectives) for dealing with the behavior; and
3. a review and determination of the effectiveness of any prior plan of behavior management.

NOTE: Any structured program of behavior management which is included in the student's IEP shall not be considered disciplinary action.

C. The IEP committee shall be convened to review the program and/or placement of a student classified as handicapped as soon as possible following:

1. nine school days in or repetitive assignments to a structured in-school alternative discipline program;
2. the third occurrence of a suspendable infraction;
3. cessation of educational services for nine cumulative school days due to one or more suspensions; or
4. such inappropriate behavior that would make a review necessary.

NOTE: Generally, the IEP committee should be convened within three school days of any of the above situations.

D. Prior to the suspension or expulsion of a student classified as handicapped a determination must be made (see I. 5) as to whether the behavior is related to the student's handicapping condition. The special education administrator or designee shall be notified within one operational day of the determination decision regarding the student's handicap, the behavior, and whether disciplinary action is taken.

E. If the determination is made (see 1.5) that the behavior is related to the student's handicap, then the student shall neither be suspended nor expelled. (See "H" for exception)

1. The student may remain in his/her current educational setting if this is appropriate, or
2. The student's IEP Committee may be convened to consider modifications to the student's program/placement (e.g., additional related services, counseling, changes in his/her behavior management, increased time in the current special educational program setting, change of class schedule, teacher, etc.).

F. If the determination is made (see 1.5) that the behavior is not related to the student's handicap the student may be suspended in accordance with discipline policies for non-handicapped students.

G. If the determination is made (see 1.5) that the behavior is not related to the student's handicap and expulsion is being considered, prior to the expulsion:

1. the IEP Committee (see Sec. 442) must be convened to
  - a. familiarize the IEP Committee with the determination decision,
  - b. review the student's IEP/Placement, and
  - c. if an expulsion is determined to be the appropriate disciplinary action, to develop an alternative education program that shall be provided to the student during the period of expulsion, and
2. if an expulsion is determined to be the appropriate disciplinary action a re-evaluation must be conducted.

H. When the behavior of a student classified as handicapped is presenting an immediate danger to self or others or is significantly destructive to property, the student may be immediately removed from the school premises provided that a determination as described in 1.5 and other required due process procedures are carried out as soon as possible. Generally, this should not exceed three days from the day of the incident.

I. Explanations:

1. A suspension is defined as:
  - a. an in-school cessation of educational services for one school day or longer; and /or
  - b. a temporary removal from school for not more than nine school days.
2. An expulsion is defined as the removal of a student from school for ten or more consecutive school days.
3. An in-school alternative discipline program which includes educational services shall not be considered a suspension.

4. Re-evaluation

The evaluation coordinator is responsible for judging the adequacy of all data, including that provided by the student's teacher, as a valid indicator of the student's current performance and assuring that any other evaluation procedures deemed necessary or appropriate are conducted.

The re-evaluation should be specific to the referral questions in accordance with Bulletin 1508.

5. Determination

A determination is the assessment of a handicapped student's behavior as it is related to or influenced by his/her handicap. The determination must be made by at least one person knowledgeable about the student (e.g. a teacher) and one other professional staff member of the school system knowledgeable about the handicapping condition of concern (e.g., a certified special education teacher, a pupil appraisal staff member).

This policy was adopted as an Emergency Rule because the Office of Civil Rights has indicated in formal correspondence to the BESE that the current Section 459 of Bulletin 1706 is out of compliance with the requirements of Section 504 of the Vocational Rehabilitation Act of 1973. Section 459 of Bulletin 1706 was adopted on an emergency basis so that immediate compliance with Section 504 can be achieved.

4. The Board accepted the State Department of Education's recommendations regarding the National Teacher Examination Scores as listed below:

NTE SCORES				
AREA EXAM AND CORE BATTERY				
Area Examination	Core Battery Exams			
	Area Score	CS	GK	PK
Agriculture	466	645	644	645
Art Education	—	645	644	645
Biology & General Science	575	645	644	645
Business Education	591	645	644	645

Chemistry/Physics/General Science	530	645	644	645
Early Childhood Education	506	645	644	645
Education in Elementary School	545	645	644	645
Education of Mentally Retarded	541	645	644	645
English Language/Literature	441	645	644	645
French	517	645	644	645
German	496	645	644	645
Home Economics Education	509	645	644	645
Industrial Arts Education	—	645	644	645
Mathematics	617	645	644	645
Media Specialist/Library/A-V	563	645	644	645
Music Education	533	645	644	645
Physical Education	545	645	644	645
Social Studies	563	645	644	645
Spanish	538	645	644	645
Speech Communication	—	645	644	645

CS — Communication Skills GK — General Knowledge PK — Professional Knowledge

Since the National Teacher Examinations were revised by the Educational Testing Service, it was necessary to revalidate the exams and set new scores for certification. Emergency adoption is necessary so that individuals can be employed under these provisions for the 1983-84 school year.

5. The Board adopted the following policy regarding issuing a temporary employment permit to those taking the revised NTE:

1. A temporary employment permit, valid for the 1983-84 school year, will be granted to those candidates who met the qualifying scores on the revised NTE in three out of four modules and whose aggregate score is equal to or above the total score on all four modules required for standard certification. All other standard certification requirement must be met.

2. When no area examination is required, a temporary employment permit will be granted to candidates who meet qualifying scores in two out of three modules of the Core Battery and whose aggregate score is equal to or above score on all three modules of the Core Battery required for certification. All other standard certification requirements must be met.

3. To employ an individual on a temporary employment permit, a local superintendent would be required to verify that no regularly certified teacher is available for employment. Names of individuals employed on a temporary employment permit should be listed on the addendum to the Annual School Report with verification that no regularly certified teacher is available.

(The need for the emergency adoption of the above policy is to help local school systems that are experiencing a teacher shortage and cannot employ a regularly certified teacher.)

6. The Board adopted policies on attendance in the proposed revised Bulletin 741 as an Emergency Rule in order that these policies would be effective for the 1983-84 school year as listed below:

Attendance Requirements - (Elementary and Secondary Education)

Students from the seventh to the sixteenth birthday shall attend a public or private day school or participate in an approved home study program.

1. Schools shall administer attendance regulations in accordance with state and locally adopted policies.

2. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

3. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester or 160 days a school year for schools not operating on a semester



basis. Elementary students shall be in attendance a minimum of 160 days a school year.

#### Extenuating Circumstances

4. The only exception to the attendance regulation shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance.

Refer to R.S. 17:226.

#### Extenuating Circumstances

1. Extended personal physical or emotional illness as verified by a physician or dentist.

2. Extended hospital stay as verified by a physician or dentist.

3. Extended recuperation from an accident as verified by a physician or dentist.

4. Extended contagious disease within a family as verified by a physician or dentist.

5. Prior school system approved travel for education

6. Death in the family (not to exceed one week)

7. Natural catastrophe and/or disaster

8. For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedures established by the LEA.

5. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

#### Absences Due to School Approved Activities

6. Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

#### Types of Absences

7. The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

#### Temporarily Excused Absences

8. Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work.

#### Unexcused Absences

9. Students shall not be excused for any absence other than those listed and shall be given failing grades in those subjects for those days missed with no make-up work allowed.

10. Students shall not be excused from school to work on any job including agriculture and domestic service, even in their own homes or for their own parents or tutors.

#### Absences Due To Suspensions

11. Students missing school as a result of any suspension shall be counted as absent and shall be given failing grades for those days suspended with no make-up work allowed.

#### Homebound Instruction

12. A student enrolled in regular education who, as a result of physical illness, accident, or the treatment thereof, is temporarily unable to attend school shall be provided instructional services in the home or hospital environment through special education, when appropriate.

Procedures outlined in Act 754 and Bulletin 1508, *Pupil Appraisal Handbook*.

#### Exceptional Students' Attendance

13. School systems shall provide education and related services to exceptional students in accordance with an Individualized Education Program (IEP) for no less than the normal 180-day school cycle.

#### Entrance Requirements

14. All Students upon entering Louisiana schools for the first time shall present an official birth certificate and a record of immunization.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

#### Age Requirements

15. Special Education preschool shall be provided to eligible students ages 3-5 years.

16. The school system shall have the option to provide special education preschool to handicapped students aged 0-2 years.

17. The minimum age for kindergarten shall be 4 years, 8 months.

18. Students attaining the age of 6 within 4 months after the beginning of any public school term or session may enter such school at the beginning of the school term or session.

In any parish or municipality, the local educational governing authority may establish the policy that only children attaining the age of 6 on or before December 31 may enter regular school at the beginning of the term or session.

#### Child Welfare and Attendance

19. A planned program of child welfare and attendance services shall be provided.

#### Unexcused Absences

20. Any unexplained, unexcused, or illegal absence or habitual tardiness shall be reported to the Visiting Teacher, and/or Supervisor of Child Welfare and Attendance when necessary.

The Visiting Teacher or Supervisor of Child Welfare and Attendance may visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, visiting teachers, or supervisors of child welfare and attendance, shall cooperate fully with the State Department of Public Welfare, Labor, Health and Human Resources (DHHR), and other State and local agencies, any may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

#### Parent or Tutor Responsibility

21. The school system shall require that every parent or tutor or other person having charge of an exceptional student enrolled in the school system shall enforce the attendance of these students at the special schools or classes which may be provided for them by the state or by the local educational governing authority, and to which they have been assigned, and which they are eligible to enter.

#### Attendance Requirements — (Special Schools)

Special schools shall administer attendance regulations in accordance with state and locally adopted policies.

1. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

2. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester

or 160 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

#### Extenuating Circumstances

The only exception to the above stated standard (3.055.02) shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the educational governing authority.

Special schools not within the jurisdiction of a school system shall provide verification and approval of the extenuating circumstances through the principal of the school and the State Department of Education (SDE).

Refer to R.S. 17:226.

#### Extenuating Circumstances

1. Extended personal physical or emotional illness as verified by a physician or dentist.
  2. Extended hospital stay as verified by a physician or dentist.
  3. Extended recuperation from an accident as verified by a physician or dentist.
  4. Extended contagious disease within a family as verified by a physician or dentist.
  5. Prior school system approved travel for education.
  6. Death in the family (not to exceed one week)
  7. Natural catastrophe and/or disaster
  8. For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedure established by the LEA.
4. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

#### Absences Due to School Approved Activities

5. Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

#### Types of Absences

6. The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

#### Temporarily Excused Absences

7. Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work. Exceptions can be made only through specific provisions in the Individualized Educational Program (IEP).

#### Entrance Requirements

8. All students entering a special school shall present an official birth certificate, a record of a physical examination, and satisfactory evidence of having been immunized against communicable diseases according to an approved schedule or shall present evidence of an immunization program in progress.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

#### Age Requirements

9. Eligible students served by special schools shall be between the ages of 3 through 21.

10. The special school shall have the option to provide special education preschool to handicapped students ages 0-2 years.

11. Special schools with graded programs shall adhere to established age requirements.

#### Unexcused Absence

12. Any unexplained, unexcused, or illegal absence or habitual tardiness shall be immediately reported to the Visiting Teacher, or Supervisor of Child Welfare and Attendance, or other appropriate authority as designated by the local educational governing authority.

The visiting Teacher or Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the local educational governing authority shall visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, Visiting Teachers, or Supervisors of Child Welfare and Attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health and Human Resources, and other State and local agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

#### Parent or Tutor Responsibility

13. Each special school shall require that every parent or tutor or other person having charge of an exceptional child enforce the attendance of these children at the special schools or classes which may be provided for them.

7. The Board amended BESE Agenda Item 29 (Sept. 1983) to include authorization for the superintendents of special schools and Special School District #1 to accept employee resignations in the name of BESE.

8. The Board amended BESE Agenda Item 8-G-2 of the Oct. 27, 1983 Minutes, page 20 to include authorization for the superintendents of BESE special schools and Special District #1 to suspend employees without pay for up to 90 days in the name of the Board, pending Board action on a recommendation for termination.

These two policies were adopted as Emergency Rules because the Board previously approved a policy granting this authorization to the vocational technical school. The Board felt there is a need to have the same policy for the special schools and Special School District #1.

James V. Solieau  
Executive Director

## DECLARATION OF EMERGENCY

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

After consultation with the Mobile Home Board of Review and considering all of the legal alternatives available, the Fire Marshal for the State of Louisiana does hereby adopt as an emergency ruling the following regulation as an amendment to the

current provisions of L.A.C. 17-4:7, standards for mobile homes:

L.A.C. 17-4:7.13 Disclosure of Bankrupt Manufacturer and Assumption of Warranty by Dealers

Because the warranty provided by these regulations depends upon the financial solvency of the manufacturers of manufactured housing and mobile homes, and because there have been significant incidents of bankruptcies which impair the ability of this office and of a consumer to obtain redress for defects manufactured into the mobile home or manufactured housing, it is now hereby required that every licensed dealer disclose to any consumer that any new mobile home or manufactured housing which was manufactured by a manufacturer known by the dealer to have filed bankruptcy, that the dealer shall disclose to the consumer of any such mobile home or manufactured housing that the manufacturer has filed for bankruptcy, that the fact that the manufacturer has filed for bankruptcy may impair the ability of the consumer to enforce the warranty required by both state and federal law against that manufacturer, and that accordingly, the dealer does and shall honor that warranty in place of the manufacturer in the event that the bankruptcy in fact does impair the recognition and maintenance of the warranty otherwise required of the manufacturer by the laws of the State of Louisiana and of the United States of America.

The reason why this Rule is being promulgated on an emergency basis is that a very large manufacturer has recently filed for bankruptcy and there are many mobile homes and manufactured housing currently on dealer lots in the State of Louisiana which might otherwise be sold to unknowing consumers, obviously to their detriment.

As it was noted above, the proposed emergency ruling was brought to the attention of the Louisiana Mobile Home Board of Review on Friday November 18, 1983, and no objection was received by any member of the Board of Review.

Carrol L. Herring  
State Fire Marshal

### DECLARATION OF EMERGENCY

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following Emergency Rule:

WHEREAS, the Tensas Parish Police Jury passed a resolution on August 9, 1983 requesting the Louisiana Wildlife and Fisheries Commission to do a study on Lake Bruin concerning the fish population and the feasibility of a special commercial or rough fish harvest on the lake; and

WHEREAS, results from fish population samples and fish species composition in net sets in Lake Bruin show a preponderance of buffalo and carp relative to other species of fishes in the lake,

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission, invoking the emergency provisions of the Administrative Procedure Act, does hereby open a special 90 day commercial fishing season on Lake Bruin to commence on December 2, 1983 and to close on March 1, 1984. It is necessary to have this special season during the period of December - February to minimize conflicts between the net fishermen and the recreational users who utilize heavily this 3,000 acre oxbow lake during the spring and summer months.

Commercial fishermen will be required to obtain a special permit from the Louisiana Department of Wildlife and Fisheries to fish with nets in Lake Bruin during this special season and will also submit a monthly catch report to the Department. Net fishing will be permitted during daylight hours only, except that trammel and gill nets can remain set overnight but fish captured may be removed during daylight hours only.

The following types of nets will be allowed:

Fresh water gill nets and trammel nets greater than or having at least a minimum mesh of 4" bar and 8" stretched.

Fresh water fish seines greater than or having at least a minimum mesh of 2" bar or 4" stretched.

Jesse J. Guidry  
Secretary

# Rules

## RULES

### Board of Elementary and Secondary Education

Rule 3.01.65

The Board adopted Bulletin 1705, *Separate Minimum Standards for Moderately, Severely, and Profoundly Handicapped Students*.

Rule 5.00.80(1)a

The Board adopted an amendment to the tuition exemption regulations (Bulletin 1533) under College and University Procedures (VIII-E) to allow colleges and universities 15 days after the date of commencement to submit tuition exemption invoices and related information to the State Department of Education.  
Rule 4.00.04.c

The Board approved for final adoption, Revised Section 459 of Bulletin 1706 (formerly Act 754 Regulations) as amended in Special Education Committee, November 16, 1983 and as follows:

#### REVISIONS TO SECTION 459 (11-16-83)

A. In accordance with State law, the policy of a school system's governing authority and of this subpart, teachers, principals, and administrators are authorized to hold each student to a strict accountability for any disorderly conduct in the school, on the playground of the school, on any school bus going to or returning from school, or during recess or intermission.

Prior to administering any form of discipline that may result in the cessation of or interference with the educational program of a student identified as handicapped, teachers, principals, and administrators must give consideration to the influence that the student's handicap may have on the behavior in question. (see "H" for exception)

B. At each IEP meeting there should be a discussion of the behavioral needs of the student. This may include:

1. addressing any behavior problem(s) of the student that are related to the handicapping condition;
2. developing a structured program of behavior management (including goals and objectives) for dealing with the behavior; and
3. a review and determination of the effectiveness of any prior plan of behavior management.

NOTE: Any structured program of behavior management which is included in the student's IEP shall not be considered disciplinary action.

C. The IEP committee shall be convened to review the program and/or placement of a student classified as handicapped as soon as possible following:

1. nine school days in or repetitive assignments to a structured in-school alternative discipline program;
2. the third occurrence of a suspendable infraction;
3. cessation of educational services for nine cumulative school days due to one or more suspensions; or
4. such inappropriate behavior that would make a review necessary.

NOTE: Generally, the IEP committee should be convened within three school days of any of the above situations.

D. Prior to the suspension or expulsion of a student classified as handicapped a determination must be made (see I. 5) as to whether the behavior is related to the student's handicapping condition. The special education administrator or designee shall be notified within one operational day of the determination decision regarding the student's handicap, the behavior, and whether disciplinary action is taken.

E. If the determination is made (see 1.5) that the behavior is related to the student's handicap, then the student shall neither be suspended nor expelled. (See "H" for exception)

1. The student may remain in his/her current educational setting if this is appropriate, or
2. The student's IEP Committee may be convened to consider modifications to the student's program/placement (e.g., additional related services, counseling, changes in his/her behavior management, increased time in the current special educational program setting, change of class schedule, teacher, etc.).

F. If the determination is made (see 1.5) that the behavior is not related to the student's handicap the student may be suspended in accordance with discipline policies for non-handicapped students.

G. If the determination is made (see 1.5) that the behavior is not related to the student's handicap and expulsion is being considered, prior to the expulsion:

1. the IEP Committee (see Sec. 442) must be convened to
  - a. familiarize the IEP Committee with the determination decision,
  - b. review the student's IEP/Placement, and
  - c. if an expulsion is determined to be the appropriate disciplinary action, to develop an alternative education program that shall be provided to the student during the period of expulsion, and
2. if an expulsion is determined to be the appropriate disciplinary action a re-evaluation must be conducted.

H. When the behavior of a student classified as handicapped is presenting an immediate danger to self or others or is significantly destructive to property, the student may be immediately removed from the school premises provided that a determination as described in 1.5 and other required due process procedures are carried out as soon as possible. Generally, this should not exceed three days from the day of the incident.

I. Explanations:

1. A suspension is defined as:
  - a. an in-school cessation of educational services for one school day or longer; and /or
  - b. a temporary removal from school for not more than nine school days.
2. An expulsion is defined as the removal of a student from school for ten or more consecutive school days.
3. An in-school alternative discipline program which includes educational services shall not be considered a suspension.

#### 4. Re-evaluation

The evaluation coordinator is responsible for judging the adequacy of all data, including that provided by the student's teacher, as a valid indicator of the student's current performance and assuring that any other evaluation procedures deemed necessary or appropriate are conducted.

The re-evaluation should be specific to the referral questions in accordance with Bulletin 1508.

#### 5. Determination

A determination is the assessment of a handicapped student's behavior as it is related to or influenced by his/her handicap. The determination must be made by at least one person knowledgeable about the student (e.g. a teacher) and one other professional staff member of the school system knowledgeable about the handicapping condition of concern (e.g., a certified special education teacher, a pupil appraisal staff member).

Rule 3.01.70.v(22)

The Board accepted the State Department of Education's recommendations regarding the National Teacher Examination Scores.

3.01.70.v(22)1

The Board adopted a policy regarding issuing a temporary employment permit to those taking the NTE.

Rule 3.01.51.aa

The Board adopted the *School Attendance Requirement* policy in the proposed revised Bulletin 741, to be effective for the 1983-84 school year with a clarification that dental care is considered a part of health care.

Rule 3.01.64.a

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

Rule 3.01.70.u(10)

The Board adopted an amendment to the last sentence under "f" on page 83 of Bulletin 746 to read:

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

Rule 4.03.46

The Board adopted the recommendations of the Department of Education that any changes in the existing vocational technical schools' physical facilities and/or grounds shall be submitted and approved by the Bureau of Trade and Industrial Education prior to initiating changes.

Rule 5.03.13 (School Calendars)

The Board adopted a revision to Board Policy 5.03.13 (School Calendars).

Rule 3.01.80.a

The Board approved for final adoption, the request of the Department and changed Foreign Languages from the State Textbook Adoption Cycle for 1984-85 to the State Textbook Adoption Cycle for 1983-84, and every six-year cycle thereafter. The Board also changed Handwriting from the State Textbook Adoption Cycle for 1983-84 to the State Textbook Adoption Cycle for 1984-85 and every six-year cycle thereafter.

James V. Soileau  
Executive Director

**RULE**

**Southern University Board of Supervisors**

The Southern University Board of Supervisors pursuant to Notice of Intent published in the *Louisiana Register* on September 20, 1983, by action at its regular meeting held November 19, 1983 in New Orleans, LA adopted a field practicum fee of \$75 per semester for students enrolling in the Master of Social Work Program at Southern University at New Orleans.

The fee is effective January 1, 1984.

Jesse N. Stone, Jr.  
President, Southern University System  
Secretary to the Board

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt a 3.5% increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards.

La. R.S. 46:447 of the 1978 Legislature requires that the Office of Family Security establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1 to reflect the cost of living increase as reported in the Department of Labor's Consumer Price Index.

The current need standards are shown below along with the new AFDC and GA Need Standards based on a 3.5% increase in the cost of living:

Size of Household	Non-Urban			
	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
1	\$ 186	\$ 192	\$ 279	\$ 288
2	346	358	519	537
3	490	507	735	760
4	611	632	916	948
5	727	752	1,090	1,128
6	834	863	1,251	1,294
7	943	976	1,414	1,463
8	1,048	1,084	1,572	1,627
9	1,147	1,187	1,720	1,780
10	1,250	1,293	1,875	1,940
11	1,359	1,406	2,038	2,109
12	1,471	1,522	2,206	2,283
13	1,590	1,645	2,385	2,468
14	1,706	1,765	2,559	2,648
15	1,824	1,887	2,736	2,831
16	1,940	2,007	2,910	3,011
17	2,058	2,130	3,087	3,195
18	2,175	2,251	3,262	3,376

To determine the need standard amount for households exceeding 18 persons, the need standard amount for the number in excess of 18 shall be added to the need standard amount for 18 persons.

**Urban-Orleans, Jefferson, East Baton Rouge and St. Bernard**

Size of Household	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
	1	\$ 202	\$ 209	\$ 303
2	387	400	580	600
3	538	556	807	835
4	661	684	991	1,025
5	781	808	1,171	1,211
6	889	920	1,333	1,379
7	994	1,028	1,491	1,543
8	1,100	1,138	1,650	1,707
9	1,200	1,242	1,800	1,863
10	1,302	1,347	1,953	2,021
11	1,412	1,461	2,118	2,192
12	1,525	1,578	2,287	2,367
13	1,634	1,691	2,451	2,536
14	1,749	1,810	2,623	2,714
15	1,868	1,933	2,802	2,900
16	1,994	2,063	2,991	3,095
17	2,091	2,164	3,136	3,245
18	2,223	2,300	3,334	3,450

To determine need standard amount for households exceeding 18 persons, the need standard amount for the number in excess of 18 shall be added to the need standard for 18 persons.

**GA NEED STANDARD**

Size of Household	Current	Increased
1	\$307	\$317
2	\$387	\$400

Roger P. Guissinger  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby deletes a drug in specified dosage forms from the Louisiana Maximum Allowable Cost (LMAC) list.

The original Rule establishing the drug as part of the LMAC list was published in the August 20, 1983, issue of the *Louisiana Register*, Vol. 9, No. 8, page 552. An Emergency Rule deleting the drug from the LMAC list was published in the September 20, 1983, issue of the *Louisiana Register*, Vol. 9, No. 9, page 607.

**RULE**

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

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

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

Roger P. Guissinger  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following rule in the Medical Assistance Program.

**RULE**

Effective January 1, 1984, and thereafter the Medical Assistance Program shall limit the items provided to eligible recipients with the diagnosis of Cerebral Palsy or Cystic Fibrosis to those items of durable Medical equipment approved by the Federal Court order Dickson vs. Fischer and approved by the Department of Health and Human Services, Dallas Regional Office in a letter to the Office of General Counsel, dated August 7, 1981. Subsequent to the court order, in a final Rule published in the *Louisiana Register*, Volume 8, Number 11, pg. 598, on November 20, 1982, hyperalimentation therapy (parenteral) equipment and supplies was added to the Medical Assistance Program.

This action is to clarify the description of items available under the durable medical equipment section 19-530 of the Medical Assistance Program manual to insure that all covered items of durable medical equipment supplied are available to all eligible recipients and not only to persons with a specific diagnosis or condition.

No items of durable medical equipment and supplies presently considered for approval by the Medical Assistance Program will be eliminated by this change.

Roger P. Guissinger  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following rule in the Medical Assistance Program. This change is based on a reinterpretation of Supplemental Security Income (SSI) policy concerning the need for medical documentation to substantiate a client's ability to return home after six months in a long term care facility in order to determine exclusion of the home property as a resource. This information was received in a memorandum from the Acting Associate Commissioner for SSI to the Regional Commissioner, Dallas, dated August 1, 1983.

**RULE**

Effective January 1, 1984, the need for medical documentation of the likelihood to return home by individuals residing in long term care facilities shall be eliminated.

The statement of intent to return home, made by the individual, shall be considered sufficient to exclude home property as a resource, regardless of the level of incapacity of the individual. The intent to return home shall be reviewed at redetermination.

This policy shall apply to all residents of long term care facilities who own a home, intend to return to said home and the home is not excluded for another reason.

Roger P. Guissinger  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following amendment to a Rule published in Volume 8, Number 1, Page 89 of the January 20, 1982, *Louisiana Register* regarding Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This Rule is submitted to formally adopt an Emergency Rule published in the September 20, 1983, *Louisiana Register* and is authorized by 45 CFR 233.37(c) as published in the *Federal Register* of Friday, February 5, 1982, Volume 47, Number 25, pages 5679 and 5680.

**RULE**

Beginning October 1, 1983, timely reporting for AFDC and Refugee recipients shall be defined as follows:

AFDC and Refugee recipients will meet the timely requirement if:

(1) Changes in circumstances are reported within 10 days of the knowledge of the change.

**AND**

(2) Earned income is reported and verified monthly on a monthly report received by the monthly timely due date.

If an AFDC or Refugee recipient fails without good cause to report earned income in accordance with the above, the earned income disregards shall not be applied to the earning not timely reported.

**GOOD CAUSE**

Good Cause (reason) for failure to timely report in accordance with the above shall exist when circumstances beyond the recipient's control, which could not have reasonably been anticipated, prevent the client from timely reporting.

OFS policy shall be amended accordingly.

Roger P. Guissinger  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby increases the allowable monthly income for Long Term Care and Home and Community Based service applicant/recipients as follows:

**RULE**

Effective January 1, 1984, the maximum allowable monthly income limit (CAP) Rate for Long Term Care and Home and Community Based service eligibility for an individual will be increased from \$912.90 to \$942. For a couple occupying the same room in a long term care facility, the double rate of \$1884 would apply.

This increase allows the Medical Assistance Program to remain in compliance with federal regulation 42 CFR 435.1005, which sets the maximum income limit, before deductions, at 300 percent of the Supplemental Security Income (SSI) payment.

Effective January 1, 1984, the monthly SSI payment will be increased by \$9.70 to \$314. in accordance with a letter addressed to the Secretary of the Department of Health and Human

Resources from the Regional Commissioner of the Department of Health and Human Services, Social Security Administration, dated August 1, 1983.

Roger P. Guissinger  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following rule:

#### **RULE**

Effective January 1, 1984, the monthly maintenance allowance for an individual receiving Home and Community Based Services will be increased from \$304.30 to \$314.

Federal regulation, 42 CFR 435.726, contains provisions for determining the amount of the monthly maintenance allowance.

Effective January 1, 1984, the monthly maintenance increases by \$9.70 to \$314. in accordance with a letter addressed to the Secretary of th Department of Health and Human Resources from the Regional Commissioner of the Department of Health and Human Services, Social Security Administration, dated August 1, 1983.

Roger P. Guissinger  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following amendment to a Rule published in Volume 8, Number 1, page 89 of the January 20, 1982, *Louisiana Register* regarding Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This Rule is submitted to formally adopt an Emergency Rule published in the September 20, 1983, *Louisiana Register*.

#### **RULE**

Beginning September 27, 1983, recipients whose cases were closed for failure to submit a complete monthly report by the final due date but who submit a complete monthly report by the tenth day of the next month, or the next working day if the tenth day of the month is a holiday or weekend shall have their eligibility for benefits determined on the basis of the information supplied in that report without being required to reapply.

Office of Family Security policy shall be amended accordingly.

Roger P. Guissinger  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the amendment to the Emergency Rule promulgated on September 2, 1983, and published in the *Louisiana Register* Volume 9, Number 9, dated September 20, 1983, regarding Retrospective Budgeting and Monthly Reporting in the Food Stamp Program as mandated by Federal Regulation 7 CFR 272 et. seq., as published in the *Federal Register* of Tuesday, May 25, 1982, Volume 47, No. 101, pages 22684-22701, regarding Monthly Reporting and Restrospective Budgeting.

#### **RULE**

Beginning September 27, 1983, recipients whose cases were closed for failure to submit a complete monthly report by the final due date but who submit a complete monthly report by the tenth of the next month, or the next working day, if the tenth day of the month is a holiday or weekend, shall have their eligibility for benefits determined on the basis of the information supplied in that report without being required to reapply.

The Office of Family Security policy shall be amended accordingly.

Roger P. Guissinger  
Secretary

#### **RULES**

##### **Office of the Governor Federal Property Assistance Agency**

###### **Part-I - Legal Authority**

###### **A. 1. Executive Order.**

Executive Order EWE-77-11, dated August 1, 1977, authorizes the name of the State Agency to be the Louisiana Federal Property Assistance Agency in the Executive Branch of the Office of the Governor, Division of Administration. This executive order authorizes the Director of the State Agency to have all the powers, duties, and responsibilities enumerated in the Plan of Operation as approved by the General Services Administrator.

###### **2. Attorney General's Ruling.**

The Attorney General's Opinion No. 77-1003 dated August 5, 1977 establishes the legality under the State law of the State of Louisiana that the Executive Order EWE-77-11 has the effect of law.

###### **3. Appropriations Bill.**

The Ancillary Enterprise Act 293 dated July 10, 1977, establishes the legal authority for the Revolving Fund of the State Agency to be used as the means of financing for the State Agency's operations.

###### **Part II - Designation of State Agency**

A. 1. The Louisiana Federal Property Assistance Agency in the Executive Branch of the Office of the Governor, Division of Administration, is designated as the agency responsible for administering the Federal surplus property program in the State of Louisiana.

###### **2. Organization of the Agency.**

The State Agency has agency status in the Executive Branch of the Office of the Governor, Division of Administration, under the supervision of the Director of the State Agency as chief executive officer reporting to the Commissioner of Administration.

The main segments of the organization are:

- a. Director (chief executive officer).
  - b. Administration.
  - c. Procurement, compliance, and utilization.
  - d. Operations and property distribution.
3. Facilities

The main headquarters and offices of the State Agency are located at 1635 Foss Drive, Baton Rouge, LA. The central facilities for the State Agency are at this location, which includes approximately 29,000 square feet of covered space, 200,000 square feet of outside storage space, and 900 square feet of parking space. This facility is owned by the State of Louisiana and is rent-free.

### Part III - Inventory Control and Accounting System

#### A. Inventory Control.

##### 1. Scope of Accountability System.

The State Agency shall maintain accurate accountability records of all donable property approved for transfer to the State Agency and donable property received, warehoused, distributed, and disposed of by the State Agency. Accountability records of all passenger motor vehicles and single items having an acquisition cost of \$3,000 or more on which restrictions are imposed shall be maintained in order to identify the items.

##### 2. Checking Property into State Agency Custody.

a. All property received shall be checked in promptly as soon as full identification can be completed.

b. The approved copy of the Standard Form 123 (SF-123) is used as the basis for checking property into the State Agency. The Inventory Adjustment Voucher shall be used for property received without the SF-123. To supplement these, available shipping documents, invoices, trucking bills of lading, donee reports, etc., will be used.

c. Exceptions or differences in a line item on the SF-123 are noted when the item(s) are received to reflect any increase or decrease as it affects the line item. This action will be documented to report any change in the amount initially allocated on a report of overages/shortages. This action is subsequently posted to the Property Receipts Register.

d. The SF-123 is considered as an order; therefore, any differences, over or short, are recorded on the Shortage/Overage Report form. Copies of this form in every case are forwarded to the General Services Administration (GSA) Regional Office involved. A copy is also mailed to the holding agency when the record of receipt shows a variance from the quantities and items shown on shipping documents.

e. In accordance with the requirements of Federal Property Management Regulations (FPMR) 101-44.115 concerning overages, when the estimated fair value or acquisition cost of a line item of property is over \$500, it will be listed on the SF-123 and sent to the GSA Regional Office for approval.

3. All issues of property to eligible donees are recorded on a Distribution Document (invoice), with provisions made for recording name of item, State serial number, quantity, government acquisition cost, and service charge.

##### 4. Periodic Verification of Property on Hand.

a. A financial verification of the property on hand at the end of each month at the State Agency is made and reconciled with the books in accordance with accepted accounting practices.

b. A physical inventory will be completed each fiscal year. This physical inventory will be compared with stock record cards as each segment is completed. All differences will be properly noted, recorded, and will become part of the regular accounting system. Any adjustments on items shall be reported to the Director for approval and any necessary follow-up and corrective action.

5. Tracing Property from Receiving Document to Issue Document.

a. Each line item on the Receiving Report requires a stock record card including noun nomenclature, State serial number, government acquisition cost, and quantity received and issued. All issue sheets shall record the same information when an item has a unit acquisition cost of \$75 or more and is nonconsumable. This is in accordance with the State Property Control Regulations and Louisiana Revised Statutes, Title 39. This provides an audit trail from property receipt to property issue.

b. Items with an acquisition cost of less than \$75 or which are consumable (less than one year of life in use) shall be recorded on a stock record card with like items. The stock record card shall include noun nomenclature, State serial number, government acquisition cost, and quantity received and issued. A lot number is assigned to those like items and the lot is shown with a weighted acquisition cost. The quantity is adjusted with each issue and receipt. The acquisition cost is adjusted with each shipment receipt and each time the issues are greater than the oldest State serial number shipment received. The service charge is adjusted for all the items in the lot at the time the weighted acquisition cost is adjusted. This first-in, first-out inventory system balances the lot of the same items against the stock card.

c. Stock record card postings reflect the same information on receipts and issues and this record alone will allow tracing from receipt to issue.

##### 6. Means of Determining Quantity of Various Types of Property Donated to Individual Donees.

a. A file folder is maintained in the State Agency for each eligible donee. This folder will hold a copy of each Distribution Document (invoice), monthly status of account, correspondence, reports, and other items involving transactions with the donee.

b. A separate compliance record is maintained for each donee on items with a unit acquisition cost of \$3,000 or more and on all passenger motor vehicles on which restrictions are imposed.

c. A summary of distribution to record the acquisition cost of property transferred to each eligible unit is prepared monthly.

##### 7. Disposal of Property of No Value to Program.

a. Property will be reported to GSA for transfer to another state or disposed of by public sale, dumping, or abandonment as authorized. Appropriate records are maintained to cover such disposals, in accordance with the procedures and requirements of FPMR 101-44.205.

#### B. Financial Accounting.

##### 1. Scope.

A double entry financial accounting system provides a full accounting of all property requested, screened, received, issued, and disposed of, plus income, expenses, and status of the Revolving Fund. The system includes:

- a. Distribution Documents (invoices).
- b. Accounts Payable.
- c. Accounts Receivable.
- d. Sale Register (issues).
- e. Property Receipts Register.
- f. Deposit Slips and Vouchers.
- g. Cost Center Responsibility Report (budget control).
- h. General Ledger.
- i. Payment of Bills and Expenses.
- j. Monthly Financial Report.
- k. In-use Inventory.
- l. State Property Inventory Control Report.
- m. Record of Disposals.
- n. Statistical Analysis Reports.

### Part IV - Return of Donated Property

#### A. 1. Return of Property by Donee.

When a determination has been made that property has not been put in use by a donee within one year from the date of



receipt of the property, or when the donee has not used the property for one year thereafter under the terms and conditions of the Application, Certification, and Agreement form signed by the chief executive officer or other authorized representative of the donee as a condition of eligibility (and repeated on the reverse side of each Distribution Document), the donee, if property is still usable as determined by the State Agency, must either:

- a. Return the property at its own expense to the State Agency warehouse.
- b. Transfer the property to another eligible donee within the state or to a Federal agency as directed by the State Agency.
- c. Make such other disposal of the property as the State Agency may direct.

2. The State Agency will periodically emphasize this requirement when corresponding and meeting with donees and when surveying the utilization of donated property at donee facilities.

#### Part V - Financing and Service Charges

##### A. Financing.

1. The State Legislature approves the budget for the State Agency and an appropriations bill is signed into law by the Governor each fiscal year which allows the State Agency to operate a Revolving Fund. This allows the State Agency to receive service charges from donees in order to defray the costs of the State Agency within the approved budget.

2. Funds expended, advanced, or commitments made or incurred shall be paid or provided for from the receipts of the State Agency's Revolving Fund prior to the close of the fiscal year.

3. The Revolving Fund is established with the State Treasurer to maintain the revenues from service charges to cover the costs of the State Agency as may be necessary to administer and operate the program and must be used only for such purposes and for the short- and long-term benefit of the donees.

4. All income from service charges and other monies received by the State Agency are deposited to the Revolving Fund. Payments covering all expenses are made by State check. All remittances must be in the form of checks drawn on the account of the donee and made payable to the State Agency. All expenditures made from the Revolving Fund will be in accordance with Federal regulations involved, FPMR 101-44.202(c)(5).

5. Any surplus in the Revolving Fund which is evident shall be passed directly to the donees' benefit through reduction in the service charges for the current inventory during the fiscal year. Surpluses during the fiscal year may be utilized by the Director to acquire additional distribution facilities, improve existing facilities, or other capital expenditures deemed by the Director to be in the best overall interests of the donees. In the event the program is to be terminated, service charges will be reduced to the extent that any surplus will be passed on to the donees on the usable inventory.

##### B. Service Charges.

1. Service charges are established for items at the time of receipt of the property and are designed to effect full recovery of the cost of operations of the State Agency. The service charges shall be clearly marked on each item or lot. The service charges are based on the prorated expenses incurred annually by the Agency including, but not limited to, the following major cost areas: personnel, transportation, utilities, fuels, telephone, warehousing, storage, compliance, insurance, printing, supplies, and travel.

2. The service charges assessed each item shall be reasonable and fair in relation to the cost incurred and the services performed by the State Agency. Emphasis will be placed on keeping the service charges to a minimum but at the same time providing the necessary service. Other factors considered in de-

termining service charges are original acquisition cost, present value, screening cost, quantity, condition, desirability of property, transportation cost, loading and unloading cost, packing and crating, administrative cost, utilization and compliance, and delivery to donees when required.

3. The following schedule is used to determine service charges:

Original Acquisition Cost of Property (\$)	Service Charge
Under 200	Zero to 15% of Original Acquisition Cost
201 to 2,500	Zero to 10% of Original Acquisition Cost
2,501 to 10,000	Zero to 5% of Original Acquisition Cost
10,001 to 25,000	Zero to 4% of Original Acquisition Cost
25,001 and over	Zero to 3% of Original Acquisition Cost

The total of the service charges for all property donated by the Agency during any given fiscal year shall not exceed 15% of the original Government acquisition cost of the property.

4. Special or extraordinary costs may be added to the service charges as follows:

a. Rehabilitated property - direct costs for rehabilitating property will be added to the service charge.

b. Overseas property - additional direct costs for returning the property may be added.

c. Long-haul property - charges for major items with unusual costs may be added. Any such costs which are anticipated will be discussed with the donee prior to shipment.

d. Special handling - an additional charge may be made for dismantling, packing, crating, shipping, delivery, and other extraordinary handling charges.

e. Screening - extraordinary costs incurred in screening property may be added.

5. The Director has the authority to reduce the service charges due to property condition. The Director may request the GSA Regional Office for a reduction on high-acquisition-cost items when in poor condition, or when the item is to be used for secondary purposes.

##### C. Minimal Charges.

1. Service charges for items requested by a donee and which are shipped directly from the Federal holding agency to the donee shall be based on a percentage of the acquisition cost of the item which is derived from the percentage of the costs for each of the functions performed by the State Agency.

2. Transportation costs, if transportation is provided by the State Agency, shall be based on the cost per mile, cost of loading, unloading, crating, and packing. Transportation arranged by the donee shall be paid direct by the donee and must be provided in a timely manner in order not to lose the priority for the item.

##### D. Special Donations.

1. In cases involving major items of property or otherwise where unusual expenses may be incurred, the State agency may negotiate the service charge with the donee.

E. The State Agency Monthly Donation Report of Surplus Personal Property will be used to measure performance.

F. The Director has the authority to reduce the service charge when he believes that an element of the charge is not applicable, or when he deems it to be in the best interests of the program.

#### Part VI - Terms and Conditions on Donable Property

A. 1. The State Agency will require each eligible donee, as a condition of eligibility, to file with the Agency an Application, Certification, and Agreement form outlining the certifications and agreements, and the terms, conditions, reservations, and restrictions under which all Federal surplus personal property will be

donated. Each form must be signed by the chief executive officer of the donee agreeing to these requirements prior to the donation of any surplus property. The donee shall be defined as the unit which is authorized to pay for the item(s) and which otherwise meets the qualification requirements. The certifications and agreements, and the terms, conditions, and reservations and restrictions will be printed on the reverse side of each State Agency Distribution Document (invoice), which shall be signed by the chief executive officer of the donee or his certified designee, whose name must be provided by the State Agency in writing over the signature of the chief executive officer of the donee.

2. The following periods of restriction are established by the State Agency on all items of property with a unit acquisition cost of \$3,000 or more, and, on all passenger motor vehicles:

a. Passenger motor vehicles - 18 months from the date the property is placed in use.

b. Items with a unit acquisition cost of \$3,000 to \$10,000 - eighteen months from the date the property is placed in use.

c. Items with a unit acquisition cost over \$10,000 - 30 months from the date the property is placed in use.

d. Aircraft (except combat type) and vessels (50 feet or more in length) with a unit acquisition cost of \$3,000 or more - 60 months from the date the property is placed in use. Such donations shall be subject to the requirements of a conditional transfer document.

e. Aircraft (combat type) - restricted in perpetuity. Donation of combat type aircraft shall be subject to the requirements of a conditional transfer document.

3. For good and sufficient reasons, such as the condition of the property, or the proposed use (secondary utilization, cannibalization, etc.), the State Agency may reduce the period of restriction on items of property falling within the provisions of Part VI, 2.c and d., at the time of donation, but not less than for a period of 18 months from the date the property is placed in use.

4. The State Agency, at its discretion, may impose such terms, conditions, reservations, and restrictions as it deems reasonable, on the use of donable property other than items with a unit acquisition cost of \$3,000 or more, and passenger motor vehicles.

5. The State Agency has imposed the following terms and conditions which shall be applicable during the period of compliance:

a. Each passenger motor vehicle and any motorized heavy equipment (such as bulldozers, tractors, etc.) shall bear the official decal of the donee or the name of the donee in letters not less than three inches in height on each side of the item during the period of compliance.

b. Donees which are defined as State agencies shall maintain those items which are movable, nonconsumable and have a fair market value of \$75 or more and have been obtained from the Federal surplus property program on the inventory control system defined in the State Property Control Regulations of August 20, 1976.

c. Donees which are not defined as State agencies shall maintain those items which are movable, nonconsumable and have a fair market value of \$75 or more and have been obtained from the Federal surplus property program on an inventory control system during the period of compliance. That inventory control system shall show the location of the items.

6. Failure to comply with the provisions of Part VI, Section 5, will cause the State Agency to impose the following penalties on the donee:

a. Return of the item to the State Agency at the donee's expense.

b. A fine of one percent per day of the acquisition cost of

the item shall be imposed on the donee for each day the restriction is not met.

c. The donee shall be declared ineligible as a participant in the program for a period of 90 days.

d. The Director may set aside the condition and penalties in Part VI, Section 5, and Part VI, Section 6. a., b., and c., in writing, for good and sufficient reasons.

7. Whenever information is obtained by the Director of the State Agency from utilization reports, periodic surveys, or from other sources which indicate that a donee has failed to place property into use for the benefit acquired or within the prescribed period of time, or that there has been a loss, or theft, or related acquisition, use, or disposal of property during the compliance period, the Director shall immediately initiate the appropriate investigative and compliance action as prescribed in Part X, Section 4. When an investigation proves failure by the donee to comply with this Part, the Director shall impose the penalties listed in Part VI, Section 6. a., b., and c.

B. 1. The State Agency may amend, modify, or grant release of any term, condition, reservation, or restriction it has imposed on donated items of personal property in accordance with the standards prescribed in this plan, provided that the conditions pertinent to each situation have been affirmatively demonstrated to the satisfaction of the State Agency and made a matter of public record.

2. The State Agency will impose on the donation of any surplus item of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as GSA may determine necessary because of the characteristics of the property.

3. The State Agency will impose on all donees the statutory requirement that all items donated must be placed in use within one year of donation and be used for the purpose for which it was donated for one year after being placed in use or otherwise returned to the State Agency while the property is still usable.

#### Part VII - Nonutilized Donable Property

A. 1. All property in the possession of the State Agency for 12 months which cannot be utilized by eligible donees shall be reported to GSA for disposal authorization in accordance with FPMR 101-44.205. In accordance with this regulation the State Agency shall either:

a. Transfer the property to the State Agency of another state or to a Federal agency.

b. Sell the property by public sale.

c. Abandon or destroy the property.

2. In the event of disposal by transfer to another State Agency in another state or by public sale, the State Agency may seek such reimbursement as is authorized in accordance with FPMR 101-44.205.

#### Part VIII - Fair and Equitable Distribution

A. 1. General Policy.

The State Agency shall arrange for a fair and equitable offering of available surplus property to the eligible units in the state, based upon their relative needs and resources and their ability to utilize the property in their program.

2. Determinations.

The following criteria shall be used by the Director of the State Agency in determining the relative needs and resources of donees and their ability to utilize the property:

a. The population of the parish of the donee based on the current Preliminary Population Estimates for Louisiana by Parish. Source: Louisiana Tech University, official depository of U.S. Bureau of Census Materials.

b. The per capita income of the parish of the donee.

Source: Current, Bureau of Economic Analysis, Department of Commerce.

c. The percent of the average employed persons to the population of the parish of the donee. Source: Research and Statistics Unit, Department of Employment Security, current, and Louisiana Tech University, Current Preliminary Population Estimates by Parish.

d. The daily average school attendance of the parish of the donee. Source: Louisiana Department of Education, Current.

e. The number of hospital beds (short-term general hospitals) of the parish of the donee. Source: Current Louisiana Hospitals Statistics of the State Office of Comprehensive Health Planning.

f. Details on the scope of the donees' program, financial information, and specific items of property needed.

Other factors to be taken into consideration will include:

a. Critical need on the part of the applicant due to a state of emergency or emergency such as fire, flood, hurricane, etc.

b. Quantity and/or value of surplus property received by donee to date, and specific major items of equipment previously received.

c. Interest and expressions of need on the part of the donee in the property available.

d. Ability and willingness demonstrated by donee to inspect and select property, timeliness in removing property from warehouse, or a request for direct shipment from a Federal holding agency.

e. Financial ability of donee to acquire property, repair or renovate property (if necessary), and to be able to maintain the property.

3. Applications for Surplus Property Not in Inventory.

a. A request for a specific item of property may be submitted by the chief executive officer, or his designee, of the donee to the director of the State Agency on a Request for Property form when the specific item is not in the inventory of the State Agency.

b. The Request for Property form shall be the only means of requesting property by the donee in order that the Director may use the same information in determining priority on competing requests for items. Priority ratings by the Director shall be made, utilizing the formula based on the criteria shown in Part VIII, Section A.4., and shall be based on the information submitted by the donee on the Request for Property form.

c. Falsification of any information on the Request for Property form submitted by the donee shall cause the donee's eligibility to participate in the program to be revoked for a period of twelve months.

4. Formula for Determining the Property Request Priorities.

The State Agency shall use this formula for determining which donee shall receive an item for which there are competing requests. The information submitted by the donee on the Request for Property form shall be the main basis for the rating. The Director of the State Agency shall have the authority to modify the rating formula on a quarterly basis and to delete and/or add categories as are necessary to maintain fair and equitable distribution among the donees. The higher the donee rating, the higher the priority the donee will have for the item utilizing the formula.

a. Population by parish of the donee:

Under 10,000	10	50,001-100,000	5
10,001-20,000	9	100,001-150,000	4
20,001-30,000	8	150,001-200,000	3
30,001-40,000	7	Over 200,001	2
40,001-50,000	6		

b. Per Capita Income by Parish of the donee:

Under \$3,000	10	\$3,901-\$4,100	5
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\$3,001-\$3,300	9	\$4,101-\$4,300	4
\$3,301-\$3,500	8	\$4,301-\$4,500	3
\$3,501-\$3,700	7	Over \$4,501	2
\$3,701-\$3,900	6		

c. Percent of average employed persons to the population by parish of the donee:

Less than 10%	10	30%-35%	5
10%-15%	9	35%-40%	4
15%-20%	8	40%-45%	3
20%-25%	7	Over 45%	2
25%-30%	6		

d. Daily school attendance by parish of the donee:

Under 5,000	10	40,001-60,000	5
5,001-10,000	9	60,001-80,000	4
10,001-20,000	8	80,001-100,000	3
20,001-30,000	7	Over 100,001	2
30,001-40,000	6		

e. Number of hospital beds by parish of the donee:

0-25	5
26-50	4
51-200	3
201-500	2
Over 501	1

f. State of Emergency: 10

g. Emergency: 20

h. Unencumbered funds available to acquire property: Yes-10; No-0.

i. Unencumbered funds available to repair, renovate (if necessary), and maintain property: Yes-10; No-0.

j. Ability and willingness demonstrated by donee to inspect and select property, and timeliness in removing property from warehouse: 0-10.

k. Scope of donee's program and utilization of the item for the benefit of the residents: 0-10.

l. Interest and expressions of need on the part of the donee in the item: 0-10.

m. Direct pickup request from the Federal holding agency by the donee: 5.

n. Value of surplus property received by donee to date:

Acquisition Cost (Federal)	Rating
0-\$ 10,000	10
\$10,001-\$ 25,000	8
\$25,001-\$ 50,000	6
\$50,001-\$100,000	4
Above \$100,001	2

o. Specific major items of equipment previously received: 0-10.

5. Selection and Shipment of Donable Property.

a. The Director of the State Agency shall recommend to GSA the certification of donee screeners, as are qualified and needed, in accordance with FPMR 101-44.116.

b. The State Agency shall, insofar as practical, on items requested on the Request for Property form, arrange for inspection and release of property directly from the holding agencies by the donee at minimal service charges to cover legitimate costs as detailed in Part V of this plan, when requested by the donee.

#### Part IX - Eligibility

A. 1. The State Agency will contact and instruct all known potential donees in the State on the procedures to follow to establish their eligibility to participate in the surplus property program. A listing of the potential donees in the State shall be established by using the standards and guidelines in FPMR 101-44.207, as well as the following guides:

a. Public Agencies.

1. The Louisiana Secretary of State's Roster of Officials

which lists cities, towns, parishes, the judiciary, State departments, divisions, councils, boards, commissions, institutions, Indian tribes, etc.

2. The executive officers of the above units will be contacted for a listing of local departments, divisions, commissions, councils, indicating their different activities and functions.

3. The Economic Development and Planning Commissions will be contacted for lists of their recipients who might be qualified.

b. Nonprofit, tax-exempt units.

1. State Departments of Education, Higher Education, Public Health, Mental Health, Community Affairs, Youth Services, and others will be asked for listings of all local units approved or licensed by their departments.

2. Existing listings of units now eligible to participate in the surplus property program.

3. National, regional, and State organizations and associations.

4. Inquiries, letters, telephone calls, etc., received relative to eligibility.

2. Contacts will be made by letter, telephone calls, general meetings, and conferences with the above groups, supplemented when necessary by news releases, informational bulletins and attendance at conferences and meetings to discuss the surplus property program.

B. 1. Each unit will be required to file with the State Agency as a condition of eligibility:

a. An Application, Certification, and Agreement form signed by the chief executive officer of the donee accepting the terms and conditions under which property will be transferred.

b. A written authorization signed by the chief executive officer, or executive head of the donee activity, or a resolution by the governing board or body of the donee activity, designating one or more representatives to act for the applicant, obligate any necessary funds, and execute distribution documents.

c. Assurance of compliance indicating acceptance of civil rights and nondiscrimination on the basis of sex or handicapped in accordance with GSA regulations and requirements.

d. Directory information, including the applicant's legal name, address, and telephone number and status as a public agency or nonprofit, tax-exempt educational or public health unit.

e. Program details and scope, including different activities and functions.

f. A listing of specific equipment, material, vehicles machines, or other items in which the donee would be interested in the future.

g. Financial information, if necessary, for the evaluation of relative needs and resources.

h. Proof of tax-exemption under Section 501(c)(3) of the Internal Revenue Code of 1954 (for non-profit units only).

i. Proof that the applicant is approved, accredited, or licensed in accordance with FPMR 101-44.207.

2. All approvals of eligibility will be updated every three years.

#### Part X - Compliance and Utilization

A. Scope.

The State Agency shall conduct utilization reviews to ensure compliance by donees with the terms, conditions, reservations, and restrictions imposed on:

1. Any property not placed in use within one year from the date of acquisition, and not used for a period of one year.

2. Any passenger motor vehicle.

3. Any item of property valued at \$3,000 or more.

4. Any item having characteristics that require special handling or use limitations imposed by GSA.

B. 1. The State Agency will arrange to visit each donee receiving major items of property, i.e., items with a unit acquisition cost of \$3,000 or more and passenger motor vehicles with Federal and/or State restrictions on the use of property, at least once during the period of restriction. All such visits will be made by the compliance/utilization audit staff or administration of the State Agency.

2. Written reports of utilization from the chief executive officer of the donee will be requested during the periods of restricted activity or in the event of unusually heavy work loads at the State Agency.

3. Each visit on compliance utilization will encompass:

a. General utilization of property, including items with an acquisition cost of under \$3,000 and items under Part X, Section A.4.

b. Compliance with all terms, conditions, reservations, and restrictions imposed on the use of the property.

c. Any evidence of over-supply or stockpiling.

d. Application advice for property needed.

e. Effectiveness of the surplus property program.

f. Recommendations for better service.

4. A report will be prepared on each compliance visit and submitted to the Director for approval. Follow-up action on non-compliance or nonuse will be taken as necessary. Instances of suspected fraud or misuse will be reported to local law enforcement agencies or the State Police, and to the Federal Bureau of Investigation and GSA. State Agency personnel will assist in any subsequent investigations.

#### Part XI - Consultation with Advisory Bodies, Public and Private Groups

A. 1. The State Agency will arrange for and participate in local, regional, or statewide meetings of public and private organizations and associations which represent potential donees to disseminate information on the program, discuss procedures and problems, and obtain recommendations on determining relative needs, resources and the utilization of property and how the State Agency can provide more effective service. The State Agency will regularly provide information on the donation program to State and local officials, and to heads of nonprofit institutions and organizations, and will actively participate in, and upon request, provide speakers for conferences and meetings held by public and private organizations.

2. The State Agency, in consultation with advisory bodies and public and private groups, will invite eligible donees to submit expressions of interest and need for property items so that the State Agency may advise GSA of such requirements, including requests for specific items of property.

3. A Louisiana Federal Property Assistance Agency Advisory Board shall be established by the Director of the State Agency. It shall be composed of one representative from each of the eight areas listed in the State Agency Quarterly Donation Report of Surplus Personal Property. The Director shall select the representative who is felt to best represent that segment of the donees. Advisory Board members shall advise the Director on means to improve the program in the areas which they represent. The representatives shall serve without pay or compensation.

#### Part XII - Audits

A. 1. At the close of each month the State Agency will conduct an internal audit which will:

a. Reconcile the warehouse and office records on inventory value, disposals, property received, and property issued.

2. Annually, the audit staff of the State Agency will conduct an audit of the State Agency which shall include, in addition to fiscal affairs, a review of the conformance of the State Agency with

the provisions of this Plan of Operation and the requirements of 41 CFR 101-44.

3. An external audit will be performed at least once each two years by the Legislative Auditor or by an independent certified public accountant or independent licensed public accountant who is certified or licensed by a regulatory authority of the State or other subdivision of the United States. It shall include an audit of all fiscal affairs and a review of the conformance of the State Agency with the provisions of this Plan of Operation and the requirements of 41 CFR 101-44. A copy of the audit will be furnished by the State Agency, immediately upon completion, to the GSA Regional Office. The Director will advise the GSA Regional Office of all corrective actions taken with respect to any exceptions or violations indicated by the audit. It is agreed that GSA may, for appropriate reasons, conduct its own audit of the State Agency following due notice to the Governor of the reasons for such audit, and may visit the State Agency for purposes of reviewing the Agency's operation when it deems it appropriate.

4. Financial records and all other books and records of the State Agency shall be available for inspection by representatives of GSA, the General Accounting Office or other authorized Federal activities.

#### Part XIII - Cooperative Agreements

A. 1. The State Agency has the authority to enter into such cooperative agreements with Federal agencies and other State agencies as may be necessary, in accordance with FPMR 101-44.206. Such agreements may involve, but not be limited to:

- Use of property by State Agency.
- Overseas property.
- Use of Federal Telecommunication System.
- Interstate transfers.
- Others, as may be necessary.

#### Part XIV - Liquidation

A. 1. In the event of, or at the time determination has been made by State officials to liquidate the State Agency, a liquidation plan will be prepared in accordance with FPMR 101-44.201.c.14.

2. The liquidation plan shall include:

- Reasons for liquidation.
- Schedule and estimated date of termination.
- Method of disposal of surplus property on hand, consistent with the provisions of FPMR 101-44.205.
- Method of disposal of the agency's physical and financial assets.
- Retention of books and records for a six-year period following liquidation.

3. Such plan will be submitted to GSA and its approval secured prior to the beginning of liquidation.

#### Part XV - Forms

A. The Distribution Document (invoice) shall be used as the standard issue document and the invoice for all issues of surplus property to eligible donees or other states. The terms and conditions shall be printed on the back of each pre-numbered Distribution Document (invoice).

B. 1. Certain specific items required Conditional Transfer Documents in addition to the standard forms.

- Noncombat type aircraft with a unit acquisition cost of over \$3,000 require a Conditional Transfer Document.
- Combat type aircraft with a unit acquisition cost of over \$3,000 require a Conditional Transfer Document.
- Vessels over 50 feet in length with a unit acquisition cost of over \$3,000 require a Conditional Transfer Document.

#### Part XVI - Records

A. 1. All official records of the State Agency will be retained for not less than six years, except records involving property in compliance status for six years or longer will be kept for at least one year after the case is closed.

Don C. Marrero  
Director

#### RULE

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

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A(1) and (5) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures to amend the Louisiana Hazardous Waste Management Plan (HWMP) at its August 29, 1983 hearing. Prior to the adoption of these amendments, the public was afforded the opportunity to comment on the proposed revisions at a public hearing held in Baton Rouge on October 5, 1983. Following the public hearing, the proposed amendments were found acceptable by the Oversight Subcommittees of the Joint Natural Resources Committee. Upon acceptance by the Joint Natural Resources Committee, the ECC adopted the amendments at its November 17, 1983 hearing.

The amendments to the Louisiana Hazardous Waste Management Plan are as follows:

Section 3.0 92) of the HWMP is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

- Accept for treatment, storage, or disposal of a waste not covered by a manifest;
- Divert a waste shipment from one location to another without a manifest or prior permission from the generator; or

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

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

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

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

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

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

Section 5.2.4 D. of the HWMP is deleted.

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

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

Section 6.1.3 of the HWMP is amended to read as follows:

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

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

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

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

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

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

"a) Permeability: 3' clay at  $1 \times 10^{-7}$  cm/sec or less and so designed and operated as to prevent endangering any fresh-water aquifer by the migration of contaminants from the facility, or an equivalent system acceptable to the Administrative Authority. This requirement is in addition to the requirements of 17.1.2 A. and 23.1.2 A.1)."

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

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

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

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

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

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

- 1) Releases, fires, and explosions as specified in 11.4.7;
- 2) Facility closure as specified in 13.6 A.;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Persons requesting copies and/or further information concerning the HWMP amendments may contact Mary MacDonald, Office of Environmental Affairs, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066 or phone 504-342-1227.

Winston R. Day  
Chairman

## RULE

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

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1051 et. seq., in particular, Section 1124 B, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:951 et. seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures to amend the Louisiana Solid Waste Rules and Regulations (SWRR) at its August 25, 1983 meeting. The Office of Environmental Affairs held a public hearing in Baton Rouge, LA, on October 5, 1983, to accept public comments concerning the proposed amendment of the SWRR Sections 3.0 and 7.3.8. A Notice of Intent to amend the Rules was published in the September 20, 1983, *Louisiana Register*, and the proposed amendments were forwarded to the House and Senate Natural Resources Committees.

Upon the acceptance by the Joint Committees on Natural Resources, the ECC adopted the amendments at its November 17, 1983, meeting. The amendments deal with SWRR Section 7.3.8., “Standards Governing Landfarms” and Section 3.0, “Definitions”. Section 7.3.8. was amended to effect regulation according to site-specific requirements. Standards for closure and post-closure care were also expanded. Two new terms used in Section 7.3.8. were defined and added to amend Section 3.0. The amendments follow:

#### 3.0 Definitions

**Treatment Zone** - that depth of the soil of a landfarm into which solid waste has been incorporated and additional depths in which decomposition is occurring based on site specific conditions.

**Zone of Incorporation** - that depth of the soil of a landfarm into which solid waste has been incorporated.

#### 7.3.8 Standards Governing Landfarms

##### A. Limitations

1. Sufficient data must be presented to indicate that calculated acreages and methods are adequate to treat the types and volumes of waste disposal proposed.

2. Maximum allowable metals application shall be restricted to the following:

Soil Cation Exchange Capacity (meq/100g)  
Maximum Applied Metal (lb/acre)

Metal	0-5	5-15	>15
Lead	500	1,000	2,000
Zinc (Zn)	250	500	1,000

Copper (CU)	125	250	500
Nickle (NI)	50	100	200
Cadmium (Cd)	5	10	20

Add: Other metals not listed may be subject to restrictions based on metals content of the waste.

3. Surface application of liquid wastes shall not exceed two inches per week.

4. Soils shall maintain a sufficiently high cation exchange capacity (CEC) to absorb metallic elements in the solid waste by natural (pH range of soil) or artificial (additives) means. Soil in the zone of incorporation must be maintained for ongoing treatment effectiveness, management needs, and soil integrity.

5. Nitrogen concentrations of waste must be within limits deemed acceptable to the Assistant Secretary.

6. Wastes shall be applied to the land surface or incorporated into the soil within three feet of the surface.

7. A quality control system shall be maintained to assure that all incoming wastes are in conformance with the facility permit.

##### B. Surface Drainage and Hydrology

1. Landfarms shall be located in a hydrologic section where the historic high water table is at a safe depth below the zone of incorporation, or the water table at the site shall be controlled to a safe depth below this zone, on a site specific basis.

2. Topography of the site shall provide for drainage to minimize standing water.

3. Land slope shall be controlled to prevent erosion.

4. Any discharge into the off-site environment shall be governed by applicable state and federal discharge permits.

##### C. Closure and Post-closure

1. The operator shall comply with the financial responsibility requirements of Section 7.3.2.E. and notification requirements of Section 7.3.2.F.

2. Upon closure the soil shall be tested in accordance with parameters set forth in Section 7.3.8.D.2 of these regulations.

3. During the closure period the owner or operator must:

- a. Continue all operations (including pH control) necessary to continue normal waste treatment within the treatment zone.

- b. Maintain the runoff control system required under Section 7.3.1.B.1;

- c. Maintain the runoff management system required under Sections 7.3.1.B.2 and 3;

- d. Control wind dispersal of odors and/or waste if required under Section 7.3.3.D;

- e. Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 7.3.8.G.2;

4. After closure, continue to comply with any prohibitions or conditions under Sections 7.3.8.G.1; and 7.3.8.G.2.

##### D. Monitoring

1. Tests of the soil-waste mixture shall be performed semi-annually or more frequently if deemed necessary on a site specific basis.

2. Test parameters shall consist of cation exchange capacity, soil pH, total nitrogen, organic matter, salts, and others as deemed necessary on a site specific basis, such as, heavy metals.

3. Annual reports shall be submitted to the Assistant Secretary during the operating life of the facility and for three years after closure, and shall contain analyses of test results, calculated amounts of waste applied per acre, total amounts of nitrogen applied per acre, and land use and crop information. If necessary, additional monitoring may be required on a site specific basis.

##### E. Sewage Sludge and Septic Tank Pumpings

1. If applied to non-food chain crop land waste shall be treated by a Process to Significantly Reduce Pathogens (Figure 3)

prior to application or incorporation.

2. If applied to food-chain crop land, the waste must be treated by a Process to Further Reduce Pathogens (Figure 4) prior to application or incorporation. If crops to be grown for direct human consumption are grown within 18 months subsequent to application or incorporation, such treatment is not required if there is no contact between the solid waste and the edible portion of the crop; however, in this case the solid waste is subject to the same conditions as non-food chain crop land.

3. All requirements listed in Section 7.3.8.A. through D. shall apply.

4. Other requirements are based on land use.

5. Additional requirements as deemed necessary on a site specific basis based on waste types and method of application.

F. Industrial Biological Waste Treatment Sludges and Other Wastes

1. All requirements listed in Section 7.3.8.A through D shall apply.

2. Other requirements are based on land use.

3. Additional requirements as deemed necessary by the Assistant Secretary based on waste types and method of application.

G. Land Use

1. Non-Food Chain Crop Land

a. Public access to the facility shall be controlled for at least 12 months following final application.

2. Food-Chain Crop Land

a. Land used for tobacco and other crops grown for human consumption.

(1) The pH of the solid waste and soil mixture shall be maintained at or above 6.5.

(2) The annual application of cadmium from the waste shall not exceed 0.5 kg/hectare on land used for production of tobacco, leafy vegetables, or root crops, the annual cadmium application rate shall not exceed limits established by the Assistant Secretary.

(3) The cumulative application of cadmium or total heavy metals from solid waste shall not exceed limits established by the Assistant Secretary.

b. Land used for animal feed only

(1) The pH of the solid waste and the soil mixture must be 6.5 or greater at the time of solid waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food chain crops are grown.

(2) Grazing shall be prevented for at least one month following final application.

(3) A facility operating plan shall be filed with the Assistant Secretary which demonstrates how the animal feed will be distributed to preclude ingestion by humans and which describes the measures to be taken to safeguard against possible health hazards from cadmium or other heavy metals\* entering the food chain, which may result from alternative land use.

(4) Future land owners shall be notified by a stipulation in the land record or property deed which states that the property has, or may have, received solid waste at high cadmium or heavy metals application rates and that food-chain crops should not be grown due to a possible health hazard, as applicable.

Persons requesting copies of the Louisiana Solid Waste Rules and Regulations and/or further information concerning the Rule may contact John Koury, Office of Environmental Affairs, Solid Waste Management Division, Box 44066, Baton Rouge, LA 70804, or telephone (504) 342-1216.

Theresa A. Walters  
Clerk

## RULE

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

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1051 et. seq., in particular, Section 1124 B, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:951 et. seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures to amend the Louisiana Solid Waste Rules and Regulations (SWRR) at its August 25, 1983 meeting. The Office of Environmental Affairs held a public hearing in Baton Rouge, LA, on October 5, 1983, to accept public comments concerning the proposed amendment of the SWRR Sections 6.4.3 C.3.h, 6.5.3 D.1.a, 7.3.1 B.4, 7.3.1 C.3, 7.3.1 D.2, 7.3.3 B.3, 7.3.3 C.1.a, 7.3.3 C.1.b, 7.3.3 C.2, 7.3.4 A.1, 7.3.4 A.2, 7.3.4 G.3.b, 7.3.4 I.1., 7.3.7 B.2., 7.3.7 C, 7.3.7 I, 7.3.8 A.5, 7.3.8 D.1, 7.3.8 D.2, 7.3.8 E.5, 7.3.8 F.3, 7.3.9 B.2, 7.3.9 B.3, 7.3.9 E.5. A Notice of Intent to amend the Rule was published in the September 20, 1983 *Louisiana Register*, and the proposed amendments were forwarded to the House and Senate Natural Resources Committees.

Upon the acceptance by the Joint Committees on Natural Resources, the ECC adopted the amendments at its November 17, 1983 meeting. The amendments replace the phrase "by the Assistant Secretary" or "to the Assistant Secretary" with the phrase "on a site-specific basis". The purpose of the amendments is to assure that discretionary determinations made by the Assistant Secretary are developed on a site-specific basis.

Persons requesting copies of the Louisiana Solid Waste Rules and Regulations and/or further information concerning the Rule may contact John Koury, Office of Environmental Affairs, Solid Waste Management Division, Box 44066, Baton Rouge, LA 70804, or telephone (504) 342-1216.

Theresa A. Walters  
Clerk

## RULE

### Department of Natural Resources Office of Forestry and Department of Revenue and Taxation Tax Commission

The Louisiana Forestry Commission and Tax Commission, as required by L.R.S. 56:1543 and pursuant to Notice of Intent published October 20, 1983, has adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1984.

1. Pine Sawtimber	\$176 per M bd.ft.
2. All Hardwoods & Cypress Sawtimber	60 per M bd.ft.
3. Pine Pulpwood	17 per Cord
4. Hardwood Pulpwood	4 per Cord

D.L. McFatter, State Forester  
Office of Forestry

J. Reginald Coco, Jr., Chairman  
Tax Commission



**RULE**  
**Department of the Treasury**  
**Teachers' Retirement System of Louisiana**

By action taken on November 22, 1983, the Board of Trustees of the Teachers' Retirement System of Louisiana adopted the following Rule to become effective January 1, 1984:

**RULE**

All cost computations on and after January 1, 1984, for active members to gain retirement credit will be computed using an eight percent interest rate.

The only exceptions to the eight percent interest rate will be credit for active military service and repayment of refunds for reciprocal recognition between retirement systems which have five percent interest rates in the legislative provisions and credit for service in the non-public schools of Louisiana and the public schools in other states which is computed using the actuarial life expectancy tables.

A review of the interest rate being used will be made in January of each year. Should a change of rate be agreed on after the review, the new rate will become effective July 1 of that same year.

Carleton C. Page  
Secretary-Treasurer

# Notices of Intent

**NOTICE OF INTENT**  
**Department of Agriculture**  
**Commissioner of Agriculture**

Notice is hereby given that the Commissioner of Agriculture, pursuant to the authority granted under R.S. 40:2282, will repeal Rule 9.4 of the Rules and Regulations for the Administration of the Louisiana Cooperative Federal/State Meat Poultry Inspection Program.

Rule 9.4 presently provides as follows: "Retail sales must be made directly to the consumer at the location where the product is processed."

Written comments concerning the Commissioner's proposed action will be accepted by Bobby Durr, Director, Meat Inspection Program, 4432 Florida Boulevard, Baton Rouge, or may be made by telephone at 504/925-4870. All comments will be given due consideration by the Commissioner prior to final action to repeal Rule 9.4.

Bob Odom  
Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Repeal of the existing regulation will have no effect on local governmental units because local governmental units do not participate in the inspection program and do not derive any revenues from the meat inspection program. Repeal of the regulation will eliminate travel costs of \$5,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Repeal of the existing regulation will have no effect on revenue collections of the agency or local governmental units. There are no fees imposed on any establishment (slaughter house, meat plant, or retail establishment) for inspection of meat and meat products.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be a minimal reduction of costs for approximately 10 retail meat establishments: (1) elimination of unnecessary record-keeping requirements, (2) better utilization of personnel, (3) greater scheduling efficiency.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition and employment is anticipated as a result of the repeal of the existing regulation. All of the affected retail meat establishments are presently processing animal carcasses in-house and all will continue to do so after the regulation is repealed. The only change will be that a state inspector will not be present when the processing is done.

Richard Allen  
Assistant Commissioner,  
Management & Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Board of Elementary and Secondary Education**

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

1. The Board amended BESE Agenda Item 29 (September, 1983) to include authorization for the superintendents of BESE special schools and Special School District #1 to accept employee resignations in the name of BESE.

2. The Board amended BESE Agenda Item 8-G-2 of the October 27, 1983 Minutes, page 20, to include authorization for the superintendents of BESE special schools and Special School District #1 to suspend employees without pay for up to 90 days in the name of the Board, pending Board action on a recommendation for termination.

3. The Board approved the revised Attendance Policy for Vocational Technical Schools concerning absences as follows:

**ATTENDANCE POLICY FOR VOCATIONAL-  
TECHNICAL SCHOOLS (ABSENCES)**

The Attendance Policy for students enrolled in post-secondary vocational technical schools shall be as follows:

1. A student with three consecutive absences or five

intermittent absences during a two school month period shall be suspended from school for a period of three school months or 60 school days.

2. A suspended student shall give assurance that the causes of his/her absence have been removed before the student is allowed reentry into the school.

3. All suspensions and reentries into the school shall be made by the director or the director's designee.

4. A student with two suspensions with unexcused reasons for absences in a 12 month period shall not be eligible for reentry within 12 months from the date of his/her suspension.

5. A student absent due to an emergency or emergencies such as personal illness or injury, illness or death in immediate family, active military service, jury service, natural disasters, or man-caused disasters shall be recorded as any other absence. However, the student shall be allowed to reenter immediately on returning to school. Validity and approval of these absences shall be determined by the director or the director's designee and shall be validated at the time of each absence.

6. The effective date of enrollment shall be the first day of attendance, and this day shall be counted for reporting purposes.

4. The Board approved the revision of the special fee schedule for non-residents in the Marine Upgraded Program at Louisiana Marine and Petroleum Institute as follows:

Master on Mate	\$60
Engineer	40
Crewboat Operator	40
Towing Operator	60
Able Seaman	25
Oiler	25
Lifeboatman	12
Tanker	6

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1983 at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Employee resignations, Special Schools  
and SSD #1**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There is no cost or benefit to affect groups.

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

There is no effect on competition and employment.

James V. Soileau  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Policy on termination of employees in  
special schools and SSD #1**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The special school superintendents and superintendent of Special School District #1 would be given a more direct authority over personnel matters and the employee would have a clearer understanding of his/her status.

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

There would be no effect on competition and employment.

James V. Soileau  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Vo Tech attendance policy**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Any implementation costs (savings) will be negligible and unquantifiable.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no cost or benefits to directly affected persons.

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

There will be no estimated effect on competition or employment.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Vo Tech fee schedule**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be an increase in revenues for the school because of increased special fees for non-resident students of approximately \$2,000/year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be additional costs to non-resident students whose courses of study will be modified and adjusted because of changes in Coast Guard licensing examinations and procedures.

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

There will be no change effecting competition and employment.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Office of the Governor**  
**Division of Administration**

Proposed Revisions to Implementation of Act 160 (1982)

The Division of Administration promulgated as Rules in the December, 1982 *Louisiana Register* the use of four forms for agencies to use to meet the reporting requirements of Act 160 of 1982. It was noted that Act 160 also requires an "identification of significant recommendations in previous reports on which no action has been taken." Because from now on there will be previous reports to refer to, the Act 160 report due March 1, 1983

and annually thereafter shall include Form 160-5, to follow, as well as Forms 160-1, 2, 3, and 4 (modified for the appropriate reporting period).

It is understood that the intent of the Act 160 legislation was to provide undersecretaries in each Department with a tool for internal planning, management, and control as well as to provide appropriate persons in the House and Senate, the Commissioner of Administration and the Governor with program information. The submission of Forms 160-1 through 5 are an indication of the fulfillment of the role of the undersecretary as defined in R.S. 36:8, and can be evidence to the public of efforts to make State government more efficient and effective. Routine monitoring of programs, institutions, etc. does not need to be included, nor should actual reports be attached in lieu of summarized information on the forms. The "Act 160 Report" should include only significant problems, reports, and evaluations (generally distinguished by the focus on the impact or level of success of a particular program or project); the performance indicators shown on BR-5's are generally not the result of particular studies and therefore not appropriate here.

If a department has not identified any significant problems in its administration and management of programs and operations, has made or acquired no evaluations of programs within its agencies, and has not had any significant report made to the undersecretary during the reporting period, the undersecretary shall submit a letter to the House, Senate, Governor, and Commissioner of Administration indicating such in lieu of Forms 160-1 through 5 by the March 1 deadline.

Interested persons may submit written comments on the proposed Rule change, until January 20, 1984, to the following: Sarah C. Morrison, Management and Program Evaluation, Box 44335, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed Rule change.

E.L. Henry  
Commissioner of Administration

Significant Recommendations from  
Previous Reports With No Action Taken

Program/Project	Recommendation(s)	Reason(s) No Action Taken

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

**Rule Title: Act 160 REPORT REVISIONS**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

The only implementation cost associated with this Rule will be the personnel time required to complete the additional form.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

There is no estimated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There is no estimated effect on competition and employment.

Wayne E. Grant  
Assistant Commissioner

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Legislative Fiscal Officer

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration**

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

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

1.1.1 This Rule does not apply to acquisitions from State Brand Name Contract. However, individual Brand Name Contracts may have provisions for other types of approval.

1.2 In a request to the State Central Purchasing Agency the following must be provided to avoid delays in approval:

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

1.2.2 Provide a detail list of the proposed equipment, including quantities and estimated costs for lease, purchase, rental, maintenance, etc. IN ADDITION TO THE ABOVE, THE FOLLOWING MUST BE PROVIDED FOR PURCHASES OVER \$100,000. [1.2.3 through 1.2.7]

1.2.3 Provide detailed cost associated with this acquisition, including:

A. Site preparation.

B. Transportation cost.  
C. Additional personnel.  
D. Additional training.  
E. Systems and programming required from non-State sources.

F. Additional supply cost.

G. Other request associated with the acquisition.

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

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

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

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

1.3 The State Central Purchasing Agency may require additional information or justification as it deems appropriate for any particular procurement request.

1.4 Each agency contemplating a procurement greater than \$100,000 shall, upon definition of the preliminary functional requirements and prior to drafting of invitations to bid, notify the State Central Purchasing Agency in writing of the intended procurement. The State Central Purchasing Agency shall schedule a procurement support team. The procurement support team participation must include, as a minimum, drafting of invitations to bid, bid selection, and negotiations of contract terms.

1.5 Proprietary specifications shall not be included in invitations to bid unless proper justification is presented to and approved by the State Central Purchasing Agency.

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

2.1 This Rule will describe the information that all agencies in the Executive Branch must furnish when seeking the approval of the State Central Purchasing Agency to acquire computer software. Computer software, for the purpose of this Rule, is defined as any program or series of programs offered commercially to computer installations. If the cost of the software to be acquired is under \$5,000, no justification to the State Central Purchasing Agency is required.

2.2 In a request to the State Central Purchasing Agency the following must be provided to avoid delays in approval:

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

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

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

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

A. Cost of the software.

1. Permanent License Fee.

2. Annual License Fee.

3. Fixed Term License Fee.

a. Length of term.

B. Installation cost.

C. Personnel training cost.

D. Cost of any additional hardware to be acquired to

support this software.

E. Annual maintenance costs.

F. Miscellaneous costs not covered above.

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

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

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

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

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

### 3.1 GENERAL.

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

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

3.1.3 Planning Requirements. All State data processing installations shall maintain a current disaster plan which incorporates plans for dealing with an emergency as defined in 3.1.1 above.

When equipment is being rented or leased, or in any case where title to the equipment does not rest with the State, the supplier shall be required to state in contractual form: 1) that the equipment supplied to the State is fully insured (or provide satisfactory evidence of self-insurance) and 2) the supplier's plans and capabilities to replace the equipment in the event of an emergency.

### 3.2 RENTED OR LEASED EQUIPMENT.

3.2.1 Replacement Pursuant to Contract. When equipment rented or leased to the State must be replaced due to an emergency, the renter or lessor shall be the source of the replacement if the requirements of 3.1.3 provide for suitable replacement. In this case, no additional procurement procedures shall be required, but a final report shall be submitted by the using agency to the State Central Purchasing Agency.

3.2.2 Replacement Other than by Contract. When either no contracts exist (per 3.1.3) or the vendor cannot adequately replace the equipment pursuant to a contract, equipment may be rented or leased through the following procedures:

A. The using agency shall notify the State Central Purchasing Agency in writing that this procedure is necessary.

B. The State Central Purchasing Agency Director will promptly designate a Procurement Support Team suitable to the situation.

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

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

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

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

G. A situation report, evaluating the procurement activity, shall be made by the State Central Purchasing Agency staff.

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

### 3.3 PURCHASED EQUIPMENT.

3.3.1 Replacement with Rented Equipment. Purchased equipment lost in an emergency situation may be replaced with equipment rented on a short-term (no more than 24 months) basis only when the head of the using agency has determined in writing that it would be to the advantage of his agency (either operationally or financially). In this case, the procedure set forth in 3.1.2 shall be employed.

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

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

B. The only delays and response times shall be as established by the State Central Purchasing Agency staff.

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

D. A situation report, evaluating the procurement activity shall be made by the State Central Purchasing Agency staff.

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

4.1 R.S. 39:198 provides for multi-year leasing of data processing equipment for periods up to five years with State Central Purchasing Agency approval. See Section 1.2 for Justification Guidelines.

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

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

5.2 The State Central Purchasing Agency reserves the right to require reports on, and to audit use of, unscheduled maintenance in any agency which operates under these Rules and Regulations.

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

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

6.1 PROCUREMENT SUPPORT TEAM COMPOSITION. A procurement support team shall be formed in accordance with the procedures defined herein for every contract in an amount greater than \$100,000 for the procurement of data processing hardware, software, and related services, as required by R.S. 39:200. Purchase release orders issued pursuant to a Direct Order Contract or

a Brand Name Contract shall not constitute a contract for purposes of these procedures. The formation of a procurement support team shall be accomplished by the State Central Purchasing Agency and shall include one or more representatives from each of the following: the Division of Administration, Central Purchasing Agency; the Attorney General's Office; the using agency initiating the procurement action; and the Legislative Fiscal Office.

As stated in R.S. 39:200, at least two members of each procurement support team should have formal training in computer contract negotiations. The Legislative Fiscal Office, the Attorney General's Office, and the Purchasing Office shall each designate in writing to the State Central Purchasing Agency the names of a primary and an alternate team member, and should insure that at least one of these individuals has received formal training in computer contract negotiations. It shall thereafter be the responsibility of each named agency to keep the State Central Purchasing Agency advised of any changes in designated individuals.

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

As required by R.S. 39:200, at least four members, one from each office designated, must be present to constitute a quorum.

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

**6.3 EMERGENCY PROCUREMENTS.** Notwithstanding the guidelines established above, procurements under emergency condition (as defined by the State Central Purchasing Agency) will involve a procurement support team designated by the State Central Purchasing Agency, under the directions of a team leader designated by the State Central Purchasing Agency. Agencies and individual team members may be contacted by telephone, and make oral recommendations and comments. Such oral recommendations or comments shall be confirmed in writing as early as possible. Procurement support team members participating in emergency procurement shall participate in a follow-up meeting, at which time a written evaluation of the process will be prepared and forwarded to the State Central Purchasing Agency.

**6.4** All contracts in an amount greater than \$100,000 shall be entered into with the assistance of a Procurement Support Team and be subject to the review and approval of other agencies as required by statute or regulations. The approval or acceptance by a procurement support team member is not to be construed as approved by the agency which that team member represents, in those cases where formal agency approval of the final agreements is required.

**6.5** In situations where formal negotiations with prospective vendors, or a successful bidder, is appropriate, such negotiations will be conducted by a negotiations team appointed by the procurement support team leader. One member of the negotiating team will be designated as lead negotiator. The results of such negotiations will, of course, be subject to all statutory required reviews. The lead negotiator and at least one other member of the nego-

tiating team should have formal training in computer contract negotiations.

**6.6** The individual agencies represented on procurement support teams will have the following primary responsibilities. These responsibilities may be enlarged or modified as appropriate to each given situation by the procurement support team leader with the concurrence of the State Central Purchasing Agency.

A. Legislative Fiscal Office. The Legislative Fiscal Office shall have primary responsibility for the financial analysis of ITB's, and review of funding procedures, and certification of specific appropriation for the purpose prior to the final contract award.

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

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

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

**6.6.1** The Office of Information Resources shall provide technical staff to the Procurement Support Team. They shall provide advice and support in the area of data processing techniques, negotiation techniques, developing the structure and content of invitations to bid.

**6.7** Procedures. Each procurement activity covered by R.S. 39:196-200 shall be conducted in accordance with the following procedures:

**6.7.1** Each agency contemplating a procurement covered by the provisions of R.S. 39:196-200 shall, upon definition of the preliminary functional requirements and the drafting of specifications, notify the State Central Purchasing Agency in writing of the intended procurement. The State Central Purchasing Agency shall then make a determination as to the best available method of satisfying the agency's requirements (e.g., by transferring equipment from another agency, or by issuance of invitations to bid.) If the State Central Purchasing Agency determines that bidding procedure is most appropriate, it shall authorize the procuring agency to proceed.

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

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

**6.7.4** At the end of the procurement process one copy of the documentation related to the procurement will be retained on file by the State Central Purchasing Agency. The team leader will make written status reports at the end of each phase to the State Central Purchasing Agency. Such status reports shall be presented to the State Central Purchasing Agency at each regular meeting.

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

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

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

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

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

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

7.1.2 At time of notification, the staff of the State Central Purchasing Agency shall as a minimum provide all the State Departments, the Legislative Fiscal Office, the State colleges and universities and the Vocational-Technical specialist on the Board of Elementary and Secondary Education with a Notification of Availability.

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

7.1.4 The State Central Purchasing Agency, with the assistance of the Office of Information Resources, will review all applications for equipment and make recommendations to the State Director of Purchasing. These recommendations and the State Director's decision will be based in large measure on the justification offered.

7.1.5 If no suitable application for the equipment is contained, the State Central Purchasing Agency will take steps to dispose of it in one of the following ways:

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

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

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

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

D. Offers by vendors to accept the equipment in trade will

be evaluated against current retail value of such equipment.

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

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

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

8.1 The State Central Purchasing Agency will require that all equipment specifications include in an Invitation to Bid (ITB) be of a functional nature or of an architectural design that promotes competition, if at all possible. These specifications should convey to prospective bidders the general requirements of the agency issuing the ITB and any special features required.

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

8.3 The State Central Purchasing Agency reserves the right to determine when functional specifications will be required.

8.4 The Office of Information Resources shall provide technical assistance to the State Central Purchasing Agency upon request of the Director.

8.5 Assignments. No contract or purchase order may be assigned, sub-let or transferred without written consent of the Commissioner of Administration. This consent will be based on the recommendation of the Director of State Purchasing contingent on the determination that the assignment is in the best interest of the state and/or the contract vendor has submitted proof of extreme hardship.

Interested persons may comment on the proposed regulations, in writing through January 3, 1984, at the following address: E. L. Henry, Commissioner, Division of Administration, Box 44095, Baton Rouge, LA 70804.

E. L. Henry  
Commissioner of Administration

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: D. P. Procurement**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

The agencies responsible for administering the proposed Rules will not incur any additional costs associated with the adoption of the Rule. However, the user agencies and the State of Louisiana should realize savings through comprehensive and coordinated data processing procurement procedures. These savings will vary by agency and are not quantifiable.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

The proposed Rule will not effect revenue collections of a governmental unit.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

There should be no additional costs or economic benefits associated with the adoption of this Rule except to the extent that overall costs of data processing procurement should be reduced.



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

There will be no effect on employment or competition as a result of the implementation of the Rule. The implementation of the proposed Rule will provide for the continuation of procedures currently in practice and will further provide for the continued monitoring, coordination and evaluation of data processing procurement.

Edgar C. Jordan  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Office of the Governor Division of Administration

#### FISCAL POLICY AND PROCEDURE MEMORANDUM NO. 63 (REVISED FEBRUARY, 1984) UNIFORM POLICY FOR USE AND MANAGEMENT OF STATE VEHICLES

In accordance with the authority vested in the Commissioner of Administration by Sections 60, 231 and 361-365 of Title 39 of the Revised Statutes of 1950, notice is hereby given of the intent to revise Policy and Procedure Memorandum No. 63, to be effective February 20, 1984. Except where otherwise noted, these regulations apply to all State officers, employees, and authorized persons in all agencies of the State, as defined in Title 39, Section 82 to include all offices and entities of the executive branch, judicial branch, and legislative branch of State government.

The use of a State-owned vehicle is considered to be a privilege provided by the State so that official job responsibilities can be fulfilled. The intentions of these policies are to insure that this privilege is exercised appropriately and that the operation and management of State-owned vehicles is as economical and effective as possible.

Changes proposed are both technical and substantive in nature, designed to clarify the appropriate assignment process and utilization of State vehicles, to provide penalties for the misuse of same, to effect compliance with the federal Internal Revenue Service guidelines on the treatment of commuting as income, to begin the first steps of a uniform minimum preventive maintenance program for all State agencies, and to revise reporting requirements for compliance with R.S. 39:60.1.C. Other provisions of PPM No. 63 previously adopted, regarding the acquisition of more energy efficient vehicles, remain intact. So that this document will provide a comprehensive reference to all official policies regarding State-owned vehicles, portions of other regulations and statutes are included in the Introduction.

Contents of this policy include:

- I. Introduction; Current Legal Authority and Definitions
- II. Organization of Vehicle Management Program
- III. Acquisition and Disposition of Vehicles
- IV. Vehicle Assignments
- V. Vehicle Storage and Commuting Policies
- VI. Maintenance and Care of Vehicles
- VII. General Provisions

#### I. INTRODUCTION

##### A. Current Legal Authority from Other Sources

1. R.S. 39:231.A. Except as provided in Subsection B and Subsection C, the Commissioner of Administration, with the approval of the governor, shall, by Rule or regulation, prescribe

the conditions under which various forms of transportation may be used by state officers and employees in the discharge of the duties of their respective offices and positions in the state service and the conditions under which allowances will be granted for traveling expenses.

R.S. 39:231.B. Each statewide elected official may use, at public expense, any state aircraft, automobile, or other vehicle which has been assigned to such official by the commissioner of administration for any purpose which such official deems necessary in performing the duties of his office.

2. R.S. 39:361. The Division of Administration shall establish a uniform policy for all state agencies for the use of State-owned motor vehicles by state employees. In developing the policy the following criteria shall be used:

(1) Based upon miles driven the break-even point at which it is more economical to purchase a vehicle for an employee as opposed to the paying of mileage shall be determined.

(2) If the vehicle is to be used primarily for city to city travel a standard size car may be purchased and if travel is primarily within a city or within a small geographical area, a compact car or other type of vehicle shall be purchased. No foreign made vehicles shall be purchased. All passenger sedans purchased except those for use by the Louisiana Department of Public Safety and those major department heads of the executive branch and certain other personnel approved by the Joint Legislative Budget Committee shall have highway mileage ratings of at least twenty miles per gallon according to United States Environmental Protection Agency standards for that particular make and model automobile.

(3) In cases in which the vehicle will not meet the mileage break-even point as established pursuant to Paragraph 1 above, the special need of the individual employee or official to have the use of a car purchased for his individual use, as in the case of certain department heads or persons engaged in law enforcement undercover work, may be considered.

##### R.S. 39:362. Purchase of Vehicles; specifications

The Division of Administration shall prepare a set of specifications for automobiles (both compact and standard size cars) and trucks (both pickup and heavy duty trucks) and other types of vehicles to be used by all state agencies. The Bureau of Purchasing in the Division of Administration shall prepare specifications so that state agencies only purchase one type of car per category and shall prepare in [sic] list of exceptions such as a vehicle for the governor, the vehicles for undercover police work, and other similar purposes. The Bureau of Purchasing shall bid contract rather than negotiate with all of the authorized dealers for prices on individual cars and shall also require state agencies to purchase from the authorized dealer who has been awarded the bid. Other authorized dealers who meet the standard specifications for the vehicles may sell cars to the state but only at the lowest bid price. The specifications and purchasing procedures set out in this Section, and all other provisions of this Part, shall be applicable to every state agency and department which uses state owned vehicles, without exception and notwithstanding any law to the contrary.

R.S. 39:363. Pooling of State owned vehicles; determination of need; exclusions.

The Division of Administration shall determine how many vehicles based upon the break-even points, determined as provided in R.S. 39:361, would be surplus because employees who presently have them would not be eligible for them. The Division of Administration shall assume title to all of those vehicles and initiate a motor pool in various areas of the state where there are significant numbers of state employees who could benefit from such a pool. The Division of Administration shall assess the needs for the pools in those areas and determine the total number of vehicles in each pool to meet the daily requirements of such

agencies . . .

R.S. 39:364. Employees of Office of State Police . . . (special provisions).

R.S. 39:365. Purchase or lease of luxury automobiles and equipment prohibited . . . (including exclusions).

3. R.S. 39:60.1.C. The Commissioner of Administration shall assemble and release annually to the governor and legislature, by January 31, a comprehensive report, by each budget unit and each spending agency in the executive and judicial branches of state government, complete as of September 30 of the preceding year, of information concerning motor vehicles, aircraft, and boats, owned or leased by each agency within the executive or judicial branch. The report shall include for each vehicle, the type of vehicle, make, model, year, primary user (if any), mileage traveled or hours of use, annual rental or lease cost if not purchased, or the purchase price.

4. R.S. 49:121 Identification of Property

(Name of board, department or subdivisions; marking on boat or vehicle; Louisiana public license plates; exemptions)

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

D. The individual whose responsibility it is to place the purchase order for any vehicle or water craft as herein provided for shall be personally responsible for seeing that the agency name is placed thereon as herein required and shall do so within ten days after the delivery of such vehicle or water craft is receipted for and prior to delivery of such vehicle to the person or agency from whom the purchase was made.

E. Those automobiles used in crime prevention and detection and similar investigative work which, if identified as required by this section, could not be used effectively for such purposes, are exempt from the provisions of this part, and in addition, the automobiles used by the governor, lieutenant governor and state-wide elected officials are exempt from the provisions of this part.

F. No officer or employee of the state or any of its political subdivisions shall drive or operate any publicly owned land vehicle, air craft or water craft not marked in accordance with the provisions of this Section, and no public officer or employee shall request, direct or permit any other public official or employee or any other person to drive or operate any such vehicle.

G. The head of any department or board of the state or any of its subdivisions who operates or who orders, requests or permits any employee under his control or supervision or any other person to operate any publicly owned land vehicle, water craft or aircraft not marked in accordance with the provisions of this Section shall be guilty of a violation thereof. Each day upon which such a violation is committed shall be considered a separate offense.

5. R.S. 39:330 Responsibility for Property . . .

A. Each property manager shall be the custodian of and

shall be responsible for all property of his agency . . . provided, however, that when any property is entrusted to any other officer or employee of the agency, the property manager shall require a written receipt for such property to be executed by the person receiving the property, and in such event the property manager shall be relieved of responsibility for the property. . .

E. Each property manager and each person to whom property is entrusted and receipted for as provided in this part shall be liable for the payment of damages whenever his wrongful or negligent act or omission causes any loss, theft, disappearance, damage to or destruction of property of his agency. . .

F. Whenever a property manager has knowledge or reason to believe that property of the agency is lost, stolen or otherwise unaccounted for or is damaged or destroyed, or whenever any other person has such knowledge or reason for such belief with respect to property entrusted to him, such property manager or such person shall report his knowledge or reason to the head of the agency. The head of the agency shall immediately notify the commissioner, who shall cause an investigation to be made to determine whether the property manager or the person entrusted with the property or any other person has by his wrongful or negligent act or omission caused the loss, theft, disappearance, damage to, or destruction of such property. After the investigation, the commissioner shall either (1) release the property manager or person entrusted with the property from liability, (2) collect payment of damages from or arrange for such payment by the property manager or person entrusted with the property or (3) certify the facts to the Attorney General. If the commissioner deems that the investigation shows some other person to be liable for the damages, he shall take such steps as are necessary to recover damages therefor or otherwise satisfy the claims of the state with regard thereto.

6. Policy and Procedure Memorandum No. 49 - (General Travel Regulations);

a. V.B.1. State-owned vehicles shall be utilized for travel to points within Louisiana whenever possible unless another method of transportation can be documented as more efficient.

b. V.C. Operation of Motor Vehicles on Official State Business

1. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid state driver's license.

2. If available, safety restraints shall be used by the driver and passengers of vehicles.

3. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and returned to ORM, together with names and addresses of principals and witnesses. An accident report concerning state-owned vehicles shall also be filed with the insuring agency, Travelers Insurance Company, as soon as possible. The branch closest to the official domicile of the vehicle should be contacted. Any questions about this should be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

4. Unauthorized persons should not be transported in state or privately-owned vehicles during the conduction of official state business. Approval of exceptions to this policy may be made by the traveler's supervisor if he determines that the best interests of the state will be served and if the passenger (or passenger's guardian) signs a statement acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

c. V.D. State-owned Automobiles

1. All purchases made on state gasoline credit cards must be signed for by the approved traveler making the purchase. The license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the report required in Item 3 of this Section.

2. Travelers in state-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall familiarize themselves with the existence of such allowance and/or contracts and the location of vendors by contacting the Purchasing Office, Division of Administration.

3. The user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer readings, credit card charges, dates, and places visited. When an agency car pool vehicle is used, the traveler, upon returning the vehicle to the pool shall report the operating condition of the vehicle to the person designated as the responsible assigning officer.

4. State-owned vehicles may be taken out of state only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

#### B. Definitions

For the purpose of these regulations, the following words have the meanings indicated:

1. **State-Owned Vehicles:** Motor vehicles owned or leased by the State which require a human operator.

2. **Passenger Vehicles:** Those state-owned vehicles whose primary function is to transport people from one place to another, excluding emergency medical transportation (e.g. ambulances) and vehicles assigned for use by direct law enforcement agents. Generally, this shall include trucks with up to ¾ ton capacity.

3. **Personally-Assigned Vehicles:** A State-owned vehicle assigned to a particular employee for use in accomplishing job assignments and/or for the purpose of vehicle accountability.

4. **Pool Vehicle:** A State-owned vehicle made available to State employees on a specific trip basis. These may include:

a. **Section Pool:** State vehicles assigned to particular sub-units of a major State organization.

b. **Unit/Agency Pool:** State cars assigned to more than one section, usually at a common location such as an institution or larger office building.

c. **Office Pool:** State vehicles available as needed to employees of any section within a larger organizational structure, such as the Offices within the Executive Departments.

d. **Department Pool:** State vehicles under the general "ownership" of an Executive Branch Department or, in these regulations, a State college or university.

e. **DOA Pool:** State-owned vehicles under the supervision of the DOA Office of State Property Control, from which any State agency may rent a vehicle as available and appropriate.

5. **State Employee:** Any classified or unclassified employee of the State of Louisiana, e.g. whose salary is paid through the State Treasury, and "authorized persons" such as advisors and consultants, members of boards, commissions, and advisory councils, and others who have received appropriate authorization

to utilize a State vehicle.

6. **Statewide Elected Official:** Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture, Commissioner of Elections, Commissioner of Insurance.

7. **Personal Mileage:** Mileage accrued which is not directly connected to State business. Travel between home and office (commuting mileage) is considered personal mileage, unless in special approved circumstances the employee does not normally work in an office.

8. **State Fleet Manager:** The Division of Administration staff person in State Property Control responsible for the implementation, monitoring, and overall administration of the statewide vehicle management program.

9. **Break-even Mileage:** The annual mileage traveled on official state business beyond which it is more economical for employees to utilize a State vehicle than receive reimbursement at the established State rate for use of a personally-owned vehicle. Commuting mileage is not included in this computation.

10. **Department:** Unless otherwise noted, use herein represents all Departments of the executive branch, including colleges and universities, boards, commissions, councils, and other entities; and offices and entities of the judicial and legislative branches of State government.

11. **Official Domicile:** For the purpose of determining commuting mileage, shall be the physical location of the office, institution, or other facility where the State employee regularly reports and performs most official job responsibilities.

## II. ORGANIZATION OF VEHICLE MANAGEMENT PROGRAM

A. In accordance with the responsibilities and authority vested in the Commissioner of Administration by Sections 231 and 361 of Title 39 of the Louisiana Revised Statutes of 1950, interagency management of State-owned vehicles is the responsibility of the Division of Administration and has been placed in the Office of State Property Control, Division of Fleet Management, by the Commissioner. The duties of the State Fleet Manager shall include but are not limited to:

1. functioning as the primary liaison with Transportation Coordinators for each of the executive departments, colleges, universities, boards, etc.

2. establishment and maintenance of an accurate data base which is sufficient for the fixed asset program; assignment of vehicles; cost allocation for vehicle use, fuel purchase, maintenance and repairs.

3. identification of the need for and provision or coordination of training for Departmental Transportation Coordinators, Officers, and vehicle operators.

4. development and implementation of assessment for ongoing identification of areas where State vehicle shortages are occurring, based on utilization patterns, vehicle availability, etc.

5. assumption of title to underutilized vehicles which have not been granted exceptions based on special functions, and reassignments of these to agencies with assessed vehicle needs (as well as temporary rentals); develop and maintain coordination with the Budget Office regarding the above.

6. review of all requests from Department Transportation Coordinators for exceptions to State vehicle policies. (Appeals may be made by the Department Secretary to the Commissioner of Administration.)

7. development and maintenance of interdepartmental agreements for use of bulk fuel dispensing, maintenance facilities, secure vehicle storage areas, etc.

8. review of all reports of vehicle abuse, supervise investigation of same, and recommend action to be taken by Commissioner and/or Department Head.

9. review of Department requests regarding major repairs (both mechanical and body damage), disposal, and acquisition of vehicles; final authorization for action to be taken, within other appropriate guidelines.

10. monitoring of reports received from Department Transportation Coordinators, notification of Commissioner and Department head when problems are not being resolved.

B. Because the effective and efficient utilization of vehicles requires the cooperation of all parties, each Department (see I.B.10 herein) shall designate one individual as the Department Transportation Coordinator. The name, position, and telephone number of this person shall be furnished to the Commissioner of Administration by March 1, 1984, and updated as changes occur. This is to be accomplished within the current position allocation. Although the scope of duties of the Department Transportation Coordinators will vary somewhat because of the vast differences in the sizes and uses of motor vehicle fleets among State agencies, all Department Transportation Coordinators shall:

1. Serve as primary liaison for his/her Department with the Division of Administration, Office of State Property Control, including:

a. Responsibility for dissemination of DOA policies and procedures regarding the use of State vehicles among all Department employees.

b. Responsibility for submission of accurate and timely reports regarding State-owned motor vehicles as requested by the Division and/or mandated by legislation.

c. Responsibility for responding to inquiries from the Division regarding particular situations involving the possible misuse of State-owned vehicles assigned to his/her Department or operated by the Department's employee.

d. Report to the Division any improper use of State vehicles that comes to his/her attention, along with corrective actions taken as appropriate.

e. Report to the Division any major accident involving a State-owned vehicle or plans to dispose of or transfer a vehicle.

2. Review monthly vehicle usage and maintenance reports as required elsewhere in these regulations, investigate irregularities or have them investigated, and provide explanations to the Division as requested.

3. Supervise or monitor the study of any Department-operated garages or service/repair facilities as directed by the Division or the legislature.

4. Maintain current and complete files on each motor vehicle assigned to, owned by, or used by the Department, to include information detailed elsewhere in these regulations, until such time that all the required information is automated and easily retrievable.

5. Insure that every Department employee who operates a State vehicle at any time has on file a signed agreement and understanding form, which is not more than one calendar year old. A sample copy is attached, DOA-MV-1, and will be available from DOA Forms Management.

6. Insure that Department employees with personally-assigned State-owned vehicles file an additional signed application and agreement (DOA Form MV-2) at least annually with the Department Transportation Coordinator, which shall be submitted to the State Fleet Manager for approval by May 15 each year.

7. Supervise and control interagency car pool operations as established within the Department and serve as liaison with DOA State Property Control for the interdepartmental State Motor Pool operations.

8. Coordinate and approve agency requests within the Department for replacement or new vehicles before such are submitted to the DOA Budget Office, first insuring that under-

utilized vehicles are not available within the Department for transfer. (Each case will also be reviewed and approved by the DOA Fleet Manager prior to Budget Office approval.) The Department Transportation Coordinator should have sufficient authority to reassign agency vehicles within the Department. This authority shall not be delegated to a lower level.

9. Insure that preventive maintenance has been performed on all vehicles assigned to the Department according to the minimum schedule contained herein or the schedule developed and approved for the particular vehicle, and that required records of such are current and complete. (See also Items 2 and 4 of this section.)

10. Insure the collection of any commute charges that are not collected by payroll deduction within the Department.

C. In order to more efficiently fulfill the responsibilities outlined in this policy memorandum, the Department may designate appropriate employees in smaller organizational units as Transportation Officers, within present position allocations. The Department Transportation Coordinator shall delegate in writing those functions which the Transportation Officer is responsible for on the smaller scope of an institution, pool, or office level. A copy of these delegated responsibilities shall be furnished to the Transportation Officer's supervisor so that conflicts in assignments can be avoided.

D. A Department may develop another organizational structure which better serves the vehicle needs of its agencies. Details of such structures shall be approved by and filed with the Division of Administration and updated as changes occur. Substitute structures must still provide all reports and accountability features required herein unless excepted by law.

### III. ACQUISITION AND DISPOSITION OF VEHICLES

A. In view of the increasing cost of fuel and vehicles and in view of Louisiana's need to employ the most cost-effective method of transportation, the following Rules shall be observed in the acquisition of vehicles (effective January, 20, 1982):

1. Large-size or "luxury" vehicles (as defined in R.S. 39:365.B. and C.) shall henceforth be purchased only for use of elected officials as is presently permitted under R.S. 39:365.E.

2. Mid-size vehicles may only be purchased for use by Department Heads at the level of Secretary.

3. Compact vehicles may be purchased for usual occupancy by three or more persons or when the major usage will be inter-city mileage.

4. Subcompact vehicles shall be purchased where usual occupancy is anticipated by one or two persons, or where travel will be limited in the main to intra-city travel, or when mileage is not expected to exceed 15,000 per year.

B. Specifications shall be developed by the Division of Administration, Office of State Purchasing, to provide for the needs of State agencies according to the above and define specifically what model types each category includes, to result in a bid contract for vehicle purchases. Specifications will accommodate those restrictions and exceptions detailed in R.S. 39:361, 362, and 365.

C. All requests to purchase vehicles, including Purchase Release Orders, shall include a detailed explanation of the purpose and use of each vehicle. The explanation shall include such details as intended use in the motor pool, whether the vehicle will be used mainly in inter-city or intra-city travel, number of expected occupants, anticipated yearly mileage, etc.

D. Approval for the acquisition of a vehicle will not be given until it has been determined that a suitable vehicle is not already owned by the State and underutilized at its current assignment, which could be transferred to the requesting agency, and that the need for the vehicle is sufficient to warrant a purchase

rather than lease or rental. Signatures of the State Fleet Manager and State Executive Budget Officer will constitute such approval.

E. All newly purchased State-owned vehicles will be delivered to State Property Control for inspection of compliance with purchasing specifications and condition at delivery, as well as establishment of a centralized file on the vehicle and, when developed, insertion of an operator's manual, accident reporting procedures and forms, and, as appropriate, a universal State credit card.

1. The preventive maintenance requirements of the vehicle will be determined between the State Fleet Manager and Department Travel Coordinator, and reporting expectations clarified as necessary.

2. No vehicle will leave the premises of State Property Control without the appropriate State identification affixed. After that time, the owner-Department becomes responsible for insuring that such identification is maintained in a readable condition. Exceptions to this mandate are detailed in Section I.A.4 of this Rule.

3. Departments shall apply to the Department of Public Safety for vehicle license plates and shall notify the State Fleet Manager of the number assigned to a new vehicle and any subsequent changes which may occur.

4. Vehicles purchased by the Department of Transportation and Development and Department of Public Safety are not accepted and inspected by DOA State Property Control, but these agencies will notify the State Fleet Manager of vehicle acquisition, license plate number assignment or changes, and other such information as is necessary to maintain a current and comprehensive vehicle inventory and control program.

F. Upon determination by the Department Travel Coordinator and, ultimately, the State Fleet Manager that the useful or efficient life of a vehicle has been surpassed, that vehicle shall be transferred to DOA State Property Control for disposal as surplus property in accordance with law or regulations.

#### IV. VEHICLE ASSIGNMENTS

##### A. Personally Assigned Vehicles

1. To qualify for an assigned vehicle, State employees must drive, on State business, in excess of the break-even mileage, which has been determined for these purposes to be 15,000 miles annually. This mileage should accrue consistently throughout the year, not sporadically month to month. Exceptions to this policy include:

a. According to R.S. 39:364, an employee of the Department of Public Safety, except police employees, must travel in excess of 18,000 business miles per year in order to have a vehicle personally assigned to him/her. The Secretary or Assistant Secretaries of Public Safety may make exceptions to this because of emergencies or unusual circumstances, which must be documented for the files of the State Fleet Manager on DOA Form MV-2 (attached).

b. Assignment of vehicles to Statewide elected officials, the Commissioner of Administration, Cabinet Secretaries, and presidents or chancellors of State colleges and universities, due to the extensive and constant nature of their responsibilities. Personal use of these vehicles, however, is considered a gratuity by the Internal Revenue Service, so these persons are not exempt from later provisions dealing with that subject.

c. State Police troopers, who generally report to assignments directly from their residences and because of their 24-hour assignment to protect Louisiana citizens, uphold compliance with the law, and protect property.

d. Those which may be made by the Commissioner of Administration for other State employees whose responsibilities include full-time public safety or investigative work, those who drive specially-equipped vehicles, and those whose technical ex-

pertise demands frequent over-time in the service of data processing equipment, heating and air conditioning at institutions, etc. Individual requests for such exceptions must be made to the Commissioner on DOA Form MV-2.

2. A Personal Assignment Agreement (DOA Form MV-2, attached) must be completed, signed, and filed with the State Fleet Manager annually by May 1 in order to continue the personal assignment into the new fiscal year. Any agreements approved by the State Fleet Manager during the year shall expire June 30 and require renewal request according to the schedule above.

3. Assigned vehicle drivers do not have the authority to grant permission for the use of assigned vehicles to any other person except for reason of health and/or safety, except as below.

4. The personally assigned vehicle shall be made available for official use by other staff members when it would otherwise not be used (and such use noted on the daily vehicle log, DOA Form MV-3). When the employee is on extended leave (more than five days), the Transportation Officer or Coordinator should be notified so that the vehicle may be temporarily reassigned.

5. Employees with personal vehicle assignments are responsible for insuring that service, maintenance, and inspection of the vehicle is completed as required, which includes proper reporting to the Transportation Officer or Department Transportation Coordinator, as determined within the Department.

6. The driver of each personally assigned State-owned vehicle shall submit a Monthly Vehicle Usage Report to his/her supervisor by the third working day of each month, who shall audit such and within three additional days route the reports to the appropriate Transportation Officer or Departmental Transportation Coordinator. Drivers shall utilize DOA Form MV-3, attaching any explanatory information as needed.

##### B. Pool Vehicles

1. Assignment of vehicles shall be made on a priority basis to those locations where a combination of employees are reimbursed for more than 15,000 miles driven on official State business in their personal vehicles because State vehicles were not available.

2. Continuance of assignment of vehicles to a Departmental or smaller unit pool shall be provided on a top priority to those units which accrue 15,000 or more miles annually per vehicle on official State business, as determined by monthly and annual reports. Rotation of the use of vehicles in a pool is therefore encouraged if vehicle retention is considered important. (Non-passenger vehicle utilization will be assessed on an individual basis.)

3. The Transportation Officer or Department Transportation Coordinator, as determined within each Department, shall be responsible for monitoring the utilization of pool vehicles and making assignment decisions as necessary. Additionally, this person will:

a. insure that any State employee in his/her unit who may operate a State vehicle has on file a signed State Vehicle Operator's Agreement or Personal Assignment Agreement.

b. insure that each driver maintains the daily log for the particular vehicle and submits to him/her necessary documentation for reporting purposes.

c. compile required information for monthly reports submitted to the Department Travel Coordinator and, upon request, to the State Fleet Manager.

d. insure that each vehicle under his/her supervision has the minimum preventive maintenance performed at appropriate intervals, as defined in Section VI.C. herein, with required reports completed and submitted; this shall include oversight of basic upkeep such as car washing, checking tire pressures, and annual safety inspections.

e. insure that proper procedures have been followed

when any accident occurs involving a State-owned vehicle (see Section I.A.6.b.3), and that an incident report is filed with the Department Transportation Coordinator whenever he/she receives a report of vehicle abuse, that vandalism has occurred, etc. If it is determined that a State-owned vehicle has been totaled or incurred major damages, the State Fleet Manager shall also be notified.

f. perform such duties as necessary to monitor the use of State vehicles assigned to that pool and insure their most efficient and effective operation.

C. DOA Pool Vehicles: Under separately available procedures, any Department may request the utilization of a pool vehicle maintained by DOA State Property Control. Such utilization may be on the basis of short-term rental or long-term leasing, with prior approval of the State Budget Office, at a fee estimated by State Property Control to recover the costs of operating the service.

## V. VEHICLE STORAGE AND COMMUTING POLICIES

A. Each State-owned vehicle shall have a designated overnight storage site which shall generally be the office location, regardless of whether the vehicle is personally assigned or a pool vehicle. This site shall be reported annually to the State Fleet Manager as indicated in Section VII.I. herein, and updated as changes occur. If the requested storage site is an employee's home, the subsequent sections shall apply.

B. State-owned vehicles may be stored overnight at an employee's residence at the discretion of the appropriate Transportation Officer or Department Transportation Coordinator when:

1. the State employee will be departing upon or returning from an official trip away from the employee's official domicile either before or after normal working hours, or where the employee's residence is reasonably in route between the employee's official domicile or the vehicle storage site and the place where the employee is to commence work the next workday.

2. the vehicle is to be used in the conduct of specific, scheduled State business outside the normal working hours of the agency.

3. the employee is required to work specific, unexpected and unplanned overtime with the result that no other practical means of getting home is available to the employee.

4. the employee has a short-term assignment (no longer than one week) during which he/she is on 24-hour call and must use a specific vehicle due to the special equipment carried therein. Longer term assignments require approval of the Commissioner (see section C).

C. Regular home storage (overnight parking) of a State-owned vehicle will only be permitted with approval of the Commissioner of Administration, using DOA Form MV-2, which shall expire at the end of each fiscal year. For renewal, this form must be submitted to the State Fleet Manager by May 1 each year. Reasons considered for home storage include:

1. documentation that no State facility, commercial parking, or other State parking space is available. The Division may determine that paying for space is more cost-efficient than commuting, or that another State agency will provide storage space.

2. documentation that available overnight parking space is unsafe. The Division may arrange for additional security measures (police patrols, fences, etc.) or institute a trial period at any time to determine whether conditions cited are chronic or sporadic. Specially-equipped vehicles will be given added consideration.

3. documentation that the State employee is required to travel in response to urgent or emergency calls outside of regular working hours in such frequency that it is more cost-effective to provide a State vehicle than reimburse the employee at the official

mileage rate for use of his/her personal vehicle. Being "on call" does not constitute documentation; travel logs must indicate the regularity of these occurrences over at least a three-month period. If a bona fide emergency exists during which an employee must travel to a site and personal transportation is not available, he/she may be reimbursed for taxi utilization (with receipts). Departments shall, however, have employees in such vital positions determine a substitute or backup transportation method in case an emergency should occur when they do not have personal transportation available. As a last resort, a local or State law enforcement agency may be contacted by the local agency or institution director for emergency transportation assistance, to be reimbursed by the agency upon invoice.

4. the need for immediate access to special equipment carried only in the State-owned vehicle.

5. the fact that specific employees or a class of employees are engaged in field work or work not generally confined to a permanent duty station, in which a vehicle must be used to perform said duties and the nature of which preclude regular pickup and return of a State vehicle from and to a State storage facility or parking area. A three-month travel log utilizing consecutive Monthly Vehicle Usage Reports (DOA Form MV-3) or processed Travel Reimbursement forms, will provide documentation for this exception when inclusion of a large group (i.e. State Police field troopers) is not relevant.

6. when used in a commute program as described in Section D below.

D. State-Owned Vehicles Operated in a Commute Program

1. State-owned or leased automobiles and passenger vans may be used to provide commute transportation for State employees if such use does not interfere with the prescribed use of the vehicles and if the full cost of operating the service is reimbursed directly by the employees in a program specifically approved by the Division of Administration.

2. Request for commencement or continuation of an employee commuting program shall include:

a. identification of vehicles to be utilized

b. reasons that this use of vehicle would be of particular benefit to program (e.g. remote location of institution, movement from one road site to another, etc.)

c. method of determining operating cost of vehicle and monthly fee for each participant (driver is included)

d. method of charging employee for participation, to reimburse agency for cost of operation (e.g. payroll deduction, advance payment, etc.)

e. identification of probable participants; routes; probable drivers (with Louisiana driver's license numbers); where vehicle will be stored overnight and on weekends; other uses of vehicle

f. any other information requested by the DOA Fleet Manager.

3. Each approved commuting program shall maintain records that will demonstrate it is self-supporting, and provide such to the DOA Fleet Manager by May 15 of each year. Renewal of approval for the subsequent fiscal year will be dependent upon this report. A daily mileage log will be maintained that also indicates the driver and passengers for each trip.

4. Agencies may include whatever additional controls they deem necessary.

E. Reimbursement for Commute Miles

Except as specifically provided for herein, all State employees who are permitted to commute in State-owned vehicles between their residences and their official domicile, for whatever reason, shall be subject to a commute charge to be collected by payroll deduction. Another method of collection may be proposed by the Department if no additional administrative costs are in-

curred. These procedures are intended to comply with Internal Revenue Service codes and interpretations which include commuting privileges as fringe benefits and a form of non-cash compensation to be counted as gross income if the value of the benefit is not reimbursed to the employer. Exceptions may include:

1. State employees who work in the field and do not report in person to an official domicile more than two times per week are not considered to have commuting privileges and are excluded from a commute charge. This must be documented for a minimum of three months prior to approval by the Commissioner unless the State employee is newly assigned, in which case the assignment will be limited to three months and reviewed prior to renewal. Field workers are not entitled to use assigned State vehicles for personal purposes. (State troopers are excluded from this provision and addressed in Section I below.)

2. State employees who are not approved for regular home storage of a vehicle but who may temporarily or on a very occasional basis commute because of a special, short term assignment, of the type referred to in Section V.B. of these policies. If the assignment requiring commuting lasts for more than one week, the Commissioner must be advised of and approve any request for continued suspension of commute charges.

3. Elected statewide officials who determine, under the authority granted to them in R.S. 39:231.B., that commuting is official State business and therefore at public expense. The Division, however, does not support this interpretation.

F. The commute charge to be effective July 1, 1984, except for that class identified in Section I to follow, will be determined according to the shortest round trip distance between the residence of the State employee and the official domicile, at a frequency of twenty times per month. The monthly total of estimated commute mileage will place the employee into one of five zones, from which a standard charge per month is calculated at the current rate per mile utilized by the United States government agencies (20¢):

Zone	Range of Commute Miles/Month	Charge/Month
Special State Trooper (field)		\$ 25.00
I	1-200 ( 5 mi. one way)	\$ 40.00
II	201-400 (10 mi. one way)	\$ 80.00
III	401-600 (15 mi. one way)	\$120.00
IV	601-1,000 (25 mi. one way)	\$200.00
V	Over 1,000	\$300.00

G. The commute charge may be reduced for one month by half when the State employee did not commute in the State-owned vehicle for at least ten consecutive working days during a previous month, upon application by the employee's supervisor to the Department Transportation Coordinator. Documentation may be required. Other divisions of the charge will not be permitted. If the commuting privilege is rescinded for a period of a month or more, the Department Fleet Coordinator shall be notified immediately and he/she, in turn, will notify the State Fleet Manager as well as the appropriate accounting office so that the payroll deduction can be suspended or terminated.

H. The State employee who has the privilege of commuting has the responsibility to immediately notify the Department Transportation Coordinator of any change in residence, whether commute zone is affected or not. Such State employee will be held responsible for major discrepancies found between estimated commute mileage and actual distance determined during an audit, and/or unaccounted-for mileage on the vehicle. In addition to fee recovery, penalties for fraudulent reporting shall include suspension and/or termination of vehicle privileges, and may include termination of employment, fines, or prosecution.

I. State Police field troopers who are permitted limited

personal use of State vehicles in order to enhance the safety of the public and provide immediate response to criminal activities or perilous situations shall be charged \$25 per month toward the operating expenses of the vehicle.

J. The commute charge withheld by payroll deduction will be identified under a unique revenue object code and remain in the State Treasury as income not available to the agencies. Any Department proposing another collection method must detail procedures for assuring full accountability.

## VI. MAINTENANCE AND CARE OF VEHICLES

### A. General

The preventive maintenance (PM) program is designed to provide maximum safety, efficiency, and economy in the operation of motor vehicles, and to minimize lost vehicle time caused by extensive repairs. All Departments and other agencies must follow the minimum guidelines contained herein or submit an alternative, formal program to the State Fleet Manager by April 1, 1984 for approval. There shall be a primary person designated as responsible for insuring that PM guidelines are followed on each State-owned vehicle; this may be the employee who has a personally-assigned vehicle, a Transportation Officer for a group or pool of vehicles, the Department Transportation Coordinator, maintenance facility managers, or others. This person will be held accountable for compliance with these or the Department's PM guidelines and maintenance of compliance records which are subject to audit. An individual file will be maintained on each vehicle, as called for in Section VI.E in these policies, by either the designated responsible person or someone in a higher management position within the agency.

### B. Routine Maintenance

1. Each State employee designated in Section A above shall routinely check their assigned vehicles to insure proper oil level, water and coolant or antifreeze for radiators, water for batteries, wear on belts, and proper inflation of tires. Additionally, vehicles shall be kept clean both inside and out. The vehicle driver and/or responsible person shall see that these services are performed at least weekly, and the vehicle file shall document this. DOA Form 424 may be utilized for this purpose if signed by the person who checked the vehicle. A pool Transportation Officer may require that every driver of the State-owned vehicles complete a checklist and turn it in with the vehicle keys after each trip.

2. All State employees authorized to operate State-owned vehicles should at least occasionally be responsible for performance of the routine maintenance check so that any questions regarding how to check these items can be clarified before a problem on the road occurs. Basic items such as how to change a tire and jump a dead battery should also be taught as necessary. Drivers may be tested on these or other appropriate items, at the discretion of the Department head, before permitting the employee to drive a State-owned vehicle.

### C. Preventive Maintenance

1. The preventive maintenance guidelines indicated on DOA Form MV-4 (attached) will be followed for all passenger vehicles unless the manufacturer's guidelines are more stringent. In that case, the DOA form shall be modified and still utilized to maintain a current and ongoing record of the vehicle's maintenance. The Department Transportation Coordinator is responsible for seeing that an appropriate written maintenance plan has been prepared for any other type of State vehicle he/she is responsible for, and that such is followed.

2. DOA Form MV-4 shall be completed at each preventive maintenance interval (adapted as necessary for non-passenger vehicles) and signed by both the mechanic or shop foreman and responsible State employee. One copy of the completed form shall be maintained in the vehicle file; one copy shall be transmitted

through the responsible Transportation Officer (if any) to the Department Transportation Coordinator; one copy shall be forwarded to the State Fleet Manager, where an automated system will begin to track operating costs and repairs on each vehicle. Departments may arrange to communicate this information to DOA by another method, such as printouts of internally maintained data, until electronic networking is accomplished.

3. Until such time that the State Fleet Manager or another system can generate prompter messages to agencies regarding due dates for preventive maintenance on specific vehicles, the person designated as responsible for that vehicle shall develop some type of tickler system so that maintenance intervals will not be exceeded. If maintenance is not performed within ten working days of the due date or mileage indicator, the vehicle assignment is subject to termination.

#### D. Annual Safety Inspections

All State-owned vehicles shall maintain valid safety inspection stickers or other safety criteria as appropriate to the type of vehicle. The Department Transportation Coordinator is responsible for insuring that this occurs.

#### E. Vehicle Files

In addition to the records of routine and preventive maintenance required above on each vehicle, the vehicle file shall include a copy of the daily/monthly log of vehicle use, which shall indicate downtime of the vehicle and reason for such, as well as records of all repairs, operating costs, etc. associated with the vehicle.

#### F. Service Facilities

1. When a vehicle is under warranty, the authorized dealer (certified by the manufacturer to perform maintenance on their equipment) shall be utilized except in unusual circumstances as approved by the Department Transportation Coordinator. Payment for services to other private facilities should not be authorized except in such cases.

2. Service from State-owned garages or maintenance facilities operated or leased by the Department owning the State vehicle (not under warranty) is required when reasonably available, following procedures established by the Department.

3. Basic service through the Division of Administration's Fleet Management Section is available at nominal fees to all State agencies on a scheduled basis at the Baton Rouge facility. Loan vehicles may be provided when available. As additional services and facilities become available Departments will be notified. Gasoline is available at reduced rates for State-owned vehicles which belong to Departments who have entered into an agreement for payment with the Division of Administration's Office of State Property Control.

4. Every State agency is encouraged to furnish preventive and restorative services (including labor, parts, fuel) to State-owned vehicles belonging to any other State agency as its own facilities and needs permit. The agency served shall pay expenses involved to the agency providing the service, at a rate agreed upon prior to the service being rendered, and any such funds collected will be made available to the agency furnishing the services, facilities, and records.

a. The Division of Administration will assist in the development of any intradepartmental assessment of vehicle maintenance services in order to determine the feasibility of expanding service availability to other agencies in the geographic region and appropriate charges to recover costs.

b. The Division of Administration will prepare a directory after July 1, 1984, with regular updates, listing locations of all fuel and maintenance facilities which Departments have indicated are available to meet the needs of State-owned vehicles belonging to other State agencies.

5. Commercial facilities under State contract or with

blanket purchase agreements with the State will be utilized when the above are not available. These will also be identified in the forthcoming directory as they are developed.

6. When the service facilities detailed above are not available, automotive repairs fall under specific purchasing code procedures, as outlined in Executive Order 82-13. These state that repairs and parts associated with those repairs for automobiles and machinery shall be obtained by either an authorized dealer (as defined in Section VI.F.1), or through competitive bids according to small purchase regulations as follows (unless otherwise exempted):

a. Under \$100; no competitive bidding required.

b. Over \$100 but under \$500; receipt of price quotations required and purchase made on basis of lowest quotation (telephone and teletype quotations acceptable when reason explained in writing).

c. Over \$500 but under \$2,000; solicit written quotations from at least five (5) bonafide prospective bidders using DA 101 and FACS 101 forms.

d. Over \$2,000 but under \$5,000; sending out written invitations for bids to at least eight (8) bona fide, qualified bidders, including complete specifications, notice of bid reading, etc.

e. Over \$5,000 includes advertising requirements, etc.

State agencies are strongly urged to adopt internal procedures whereby the Department Transportation Coordinator is consulted when repairs are estimated to total between \$100 and \$500, and that his/her authorization be required for repairs estimated to cost over \$500 prior to performance even by an authorized dealer. The Department Transportation Coordinator, in consultation with the State Fleet Manager, should review repair and operating expense records to determine whether it may be more cost-efficient to replace the vehicle than continue to maintain it.

7. Except for those agencies to which other purchasing authority has been delegated, Executive Order 82-13 states that: (2.g.5) "Repairs and parts associated with those repairs for heavy equipment, airplanes, and large boats shall be obtained by the use of an authorized dealer."

8. State contracts exist for most major vehicle items, under which substantial discounts are available. Except in emergency situations, these dealers must be utilized for batteries, tires, parts, transmissions, glass repair, etc. Lists of these dealers will be furnished to all Departments for placement in each State vehicle and updated as changes occur.

9. Drivers of State vehicles should be aware that fuel purchases for State-owned vehicles are exempt from federal excise taxes (usually credited on the monthly fuel bill), and that parts and other commodities are exempt from the State portion of the sales tax. Retailers may, however, not be knowledgeable in this area and may have to call the Transportation Officer for confirmation.

10. When fuel is not available from a State operated facility, the driver shall utilize the self-service pumps unless a mechanical problem needs to be checked by the attendant. Credit card charge receipts will be audited for this periodically, and an employee violating this provision shall be personally responsible for full-service purchases which cannot be justified. Handicapped drivers are excluded from this policy when the handicap makes self-service a hardship.

11. Each State employee has the responsibility to report to his/her Transportation Officer, Department Transportation Coordinator, or the Division of Administration State Fleet Manager any incident involving possible misuse, abuse, or neglect of a State vehicle, including lack of proper maintenance. Confidentiality of the source of information will be maintained if requested. Reports received from the general public will also be investigated.

12. Operators of State-owned vehicles will follow all rea-



sonable procedures to insure the safety and economical use of State vehicles, including:

- a. locking vehicles at any time they are left unattended.
- b. removing credit cards when keys must be left in the vehicle at parking facilities.
- c. parking the vehicle in authorized places where reasonable security is offered and removing from ready visibility any State or personal property within the vehicle.

## VII. GENERAL PROVISIONS

A. Cases of special need where the performance of official State business requires deviation from stated policy must receive prior written approval from the Commissioner of Administration. Such cases include:

1. State-owned vehicles used by employees traveling less than 15,000 miles annually. (Personal Assignments)
2. Privately owned vehicles used by employees traveling in excess of 15,000 miles annually.

The above requests for exception must be submitted annually to the Commissioner by May 1 for application in the following fiscal year.

B. State-owned passenger vehicles which are anticipated to be operated less than 15,000 miles annually and are not specifically excepted by the Commissioner, will be either:

1. reassigned to employees or units in the same Department who travel more than 15,000 miles per year in personal vehicles or where State vehicles need to be replaced;
2. incorporated into intradepartmental motor pools; or
3. turned over to the Division of Administration's State Property Control.

C. Regulations related to State-owned vehicles promulgated in Policy and Procedure Memorandum #49, General Travel Regulations (cited in Section I.A.6 of these policies) shall continue to be in effect.

D. When federal funds were involved in the purchase or lease of a State-owned vehicle, federal Rules and Regulations governing the utilization of that vehicle will prevail. Such situations that conflict with State policies must be justified to the Commissioner as exceptions, following procedures outlined herein. Vehicles purchased by other special funds containing specific utilization provisions that conflict with State policies herein will likewise be identified to the Commissioner for exception.

E. When a State employee is required to use a State-owned vehicle for travel while away from his domicile, the vehicle may be used prudently to obtain meals and other necessary services. It shall not, however, be used for entertainment or personal purposes, either within or outside of the official domicile, and such use shall result in a suspension of the privilege of using a State vehicle. The employee will be required to pay a \$50 fee for the reinstatement of this privilege, and may be subject to disciplinary action at the discretion of the employee's appointing authority. The State Fleet Manager will be notified of all such incidents and their disposition. Use of State-owned vehicles within the official domicile to obtain meals is not permitted except for State Police and other investigative and law enforcement officers actually on duty; field workers who are between consecutive site visits; and elected Statewide officials who determine that such is official State business. In all situations, the operations of a State-owned vehicle will be in the best interest of the tax-paying public and, therefore, directly service oriented.

F. Under no circumstances shall a State employee operate a State-owned vehicle while under the influence of intoxicating beverages, drugs, or other substances.

G. The operator of a State-owned vehicle will be personally responsible for any fines, tow-away charges, or other costs associated with his/her failure to observe all federal and State motor vehicle laws or municipal ordinances.

H. The operator of a State-owned vehicle, by signing DOA Form MV-1, agrees to become temporary custodian of that piece of property assigned to him/her and therefore, under R.S. 39:330, becomes liable for the payment of damages due to his wrongful or negligent act or omission.

I. An annual report on vehicles will be submitted to the Commissioner of Administration by January 1, 1985, and each succeeding year, to include the following:

1. Listing of State-owned vehicles assigned or leased to the Department, to include type of vehicle, make, model, year, primary user (if any), mileage traveled or hours of use (grand total through September 30 and specified yearly figures), annual rental or lease cost if not purchased, or the purchase price. (This information has been required since 1978.) The BR-20B, C, and D forms prepared for the State Budget Office will suffice for much of this information, and will be supplemented to include license plate identification number, State Property Control Agency/Tag numbers, daytime location of vehicle, overnight storage site, total days of downtime due to repairs or maintenance, total annual cost of repairs and maintenance (excluding fuel and oil added between changes), basic operating costs (fuel, oil added, etc.), and estimated insurance cost. DOA Form MV-5 will collect this additional information until further notice to Department Heads.

2. Total number of State-owned passenger vehicles driven less than 15,000 miles annually (required since 1978), by official domicile location.

3. Total number of miles traveled by State employees in privately-owned vehicles on State business during the same reporting period, by official domicile location (required since 1978).

4. Listing of State employees traveling more than 15,000 miles annually in private vehicles on State business; actual miles and amount reimbursed (required since 1978) and office or official domicile location. By adding office (or office domicile) location under "Nature and Purpose of Travel," the BR-14B budget request form will suffice for this requirement (copy attached).

5. Information on intradepartmental motor pools operating; any interdepartmental motor pools established; identified needs for these services or other status indicators (required since 1978).

6. Number of passenger vehicles turned over to DOA State Property Control, or otherwise disposed of, during the year reported (required since 1978).

If the BR20B, C, D and 14B are completed for the State Budget Office deadline, only the supplementary information noted above will need to be submitted to the Division of Administration by January 1.

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

All interested persons are invited to submit comments and recommendations on these proposed revisions and additions through January 13, 1984 to Lloyd Graving, Assistant Commissioner, Box 44095, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed regulations.

E. L. Henry  
Commissioner of Administration

STATE OF LOUISIANA  
ACKNOWLEDGEMENT OF RESPONSIBILITIES  
FOR  
DRIVERS OF STATE-OWNED VEHICLES

The undersigned certifies that he/she has read all of Policy and Procedure Memorandum No. 63, Uniform Policy for Use of State Vehicles (Revised January, 1984) and agrees to abide by the same. A violation of these policies and procedures would be just cause for disciplinary action and/or the imposition of a fine. While a State-owned vehicle is entrusted to me, I am custodian of and responsible for the safe, lawful, and efficient operation of the vehicle.

As assurance that my operation of a State vehicle will not endanger the citizenry of Louisiana, I also acknowledge that my driving record, vehicle insurance history, and medical history as related to driving capacity may be investigated.

SIGNED: \_\_\_\_\_

LA. DRIVER'S LICENSE NO.: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

NAME: \_\_\_\_\_

SECTION: \_\_\_\_\_

OFFICE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

EFFECTIVE DATES: \_\_\_\_\_ TO \_\_\_\_\_

(No longer than one year)

STATE OF LOUISIANA  
REQUEST FOR PERSONAL ASSIGNMENT  
AND/OR HOME STORAGE  
OF STATE-OWNED VEHICLE

STATE EMPLOYEE'S NAME: \_\_\_\_\_  
Last First MI

CLASSIFICATION: \_\_\_\_\_ S.S.#: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 DEPARTMENT: \_\_\_\_\_ OFFICE: \_\_\_\_\_ SECTION: \_\_\_\_\_  
 VEHICLE REQUESTED: \_\_\_\_\_  
Make/Model Model Year Serial Number

\_\_\_\_\_  
Property Control I.D. No.

\_\_\_\_\_  
La. License Plate Tag Number

A. A personal assignment of the vehicle identified above to the employee identified above is requested for the following reason (please check appropriate box):

1. Employee travels in excess of 15,000 miles annually on official state business (D.P.S.: 18,000 miles), excluding commuting mileage.
2. Employee is an elected Statewide official, Commissioner of Administration, Cabinet Secretary, or president or chancellor of a State college or university.
3. Employee is a State Police Trooper.
4. Vehicle carries special equipment only used by applicant or is specially adapted for applicant. Explain: \_\_\_\_\_  
 \_\_\_\_\_
5. Employee must have immediate access to a vehicle due to technical expertise needed on site at facilities (electronic, plumbing, heating, etc.)
6. Other reason(s), such as employee must have immediate access to a vehicle or for vehicle accountability purposes (please detail): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

B. Permission for the above-named employee to commute between his/her residence and official domicile, or to regularly store the vehicle overnight and on weekends at the residence, is requested for the following reasons (please check appropriate boxes):

1. No State facility, commercial parking, or other State parking is available. Where vehicle is parked during the day: \_\_\_\_\_  
 Other relevant information: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 2. Available parking space is unsafe. Location of parking:  
 \_\_\_\_\_  
 Attach details of vandalism (dates, amount of damage) or other relevant information.
- 3. Employee regularly must respond to emergency calls by traveling to office or facility site. (Attach minimum of three consecutive months of travel logs or other source as documentation.)
- 4. Employee has need for immediate access to special equipment carried only in or built into State-owned vehicle. Explain:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 5. Employee does not directly report to regular duty station or office more than an average of twice a week and vehicle is necessary to perform functions of position. (Attach minimum of three consecutive months of travel logs or other source of documentation, unless employee is State Trooper.)
- 6. Employee is driver in a Division of Administration approved Commute Program.
- 7. Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Address of Employee Residence: \_\_\_\_\_  
 \_\_\_\_\_

Address of Official Domicile (or primary duty station): \_\_\_\_\_  
 \_\_\_\_\_

Round trip Mileage: \_\_\_\_\_ X 20 days/month

Circle Appropriate Zone and Commute Charge:

<u>Zone</u>	<u>Range of Commute Miles/Month</u>	<u>Charge/ Month</u>
Special	State Trooper (field)	\$ 25.00
I	1-200 ( 5 mi. one way)	\$ 40.00
II	201-400 (10 mi. one way)	\$ 80.00
III	401-600 (15 mi. one way)	\$120.00
IV	601-1,000 (25 mi. one way)	\$200.00
V	Over 1,000	\$300.00

C. Permission is requested below to exclude the State employee named above, if permitted to store a vehicle at his/her residence, from the commute charge for the following reason:

- 1. Employee does not directly report to regular duty station more than an average of twice per week, as documented in Section B.5 above, and accumulates no other personal mileage.
- 2. Employee is driver in DOA approved Commute Program that fully recovers costs.

3. Other: \_\_\_\_\_

By signing this request, the Department head and State employee attest to the authenticity of the information, which is subject to audit or investigation at any time. If approved, a personal assignment (A) constitutes an agreement of assumption for responsibility to see that required preventive maintenance is performed, daily logs maintained, and required reports submitted on time. When the vehicle is not in use, it generally shall be available to other State employees.

If commuting or home storage privileges are approved (B), the State employee agrees not to use the vehicle for other personal purposes without special approval and that he/she will immediately notify the Department Transportation Coordinator and State Fleet Manager of any residence change. The State employee agrees to a payroll deduction of the amount stated in "B" above unless the Department has another collection method approved by the Division of Administration, or the State employee has received an exception (C) to the commute charge.

ADDITIONAL COMMENTS OR EXPLANATIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested Approval

Period: \_\_\_\_\_, 198\_\_\_\_  
through June 30, 198\_\_\_\_

Signatures: \_\_\_\_\_  
State Employee

\_\_\_\_\_  
Dept. Transportation Coordinator

=====

	Approved	Denied	
A. Personal Assignment	<input type="checkbox"/>	<input type="checkbox"/>	
B. Home Storage/Commuting	<input type="checkbox"/>	<input type="checkbox"/>	Fee/Month: _____
C. Commute Charge Exemption	<input type="checkbox"/>	<input type="checkbox"/>	

Signed: \_\_\_\_\_  
State Fleet Manager

Date: \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF LOUISIANA  
DIVISION OF ADMINISTRATION  
**PREVENTIVE MAINTENANCE COUPON**

PM Interval \_\_\_\_\_ miles

VEHICLE NUMBER(SERIAL):	ODOMETER READING:	DATE:	GARAGE NAME:
GARAGE ADDRESS:			
When odometer reaches . . . 6,000 18,000 30,000 42,000 54,000 66,000 78,000 90,000	Perform all maintenances and services in this group <b>GROUP A</b> <input type="checkbox"/> Change engine oil & filter <input type="checkbox"/> Clean battery posts & clamps <input type="checkbox"/> Visually check hoses & belts <input type="checkbox"/> Visually check tires for tread wear and signs of improper balance or alignment <input type="checkbox"/> Manual transmission—check pedal freeplay <input type="checkbox"/> Check fluid levels—transmission, differential or transaxle, battery water, coolant, master cylinder & power steering. If any levels are excessively low, inspect for corrective action.		
When odometer reaches . . . 12,000 36,000 60,000 84,000	Perform all maintenances and services in this group and those in group A above <b>GROUP B</b> <input type="checkbox"/> Rotate tires <input type="checkbox"/> Check safety equipment as specified by vehicle manufacturer		
When odometer reaches . . . 24,000 72,000	Perform all maintenances and services in this group and those in groups A & B above <b>GROUP C</b> <input type="checkbox"/> Tune engine—replace plugs, adjust carburetor, check timing, replace fuel filter <input type="checkbox"/> Check PCV valve <input type="checkbox"/> Replace air filter <input type="checkbox"/> Check exhaust system <input type="checkbox"/> Lubricate all fittings, door/hood/trunk hinges and latches		
When odometer reaches . . . 48,000 96,000	Perform all maintenances and services in this group and those in groups A, B, & C above <b>GROUP D</b> <input type="checkbox"/> Pack wheel bearings <input type="checkbox"/> Change automatic transmission fluid & filter <input type="checkbox"/> Remove all wheels & inspect all brakes—repair as needed		
COMMENTS/RECOMMENDED REPAIRS OR ADJUSTMENTS NOT COVERED BY THIS PM:			
I certify that the above prescribed maintenance has been performed.			
MECHANIC'S SIGNATURE _____		DRIVER'S SIGNATURE _____	

Maintenance Item	Intervals in Thousands of Miles															
	6	12	18	24	30	36	42	48	54	60	66	72	78	84	90	96
Change engine oil & filter	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Visually check hoses & belts	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Check clutch pedal freeplay	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Check tires for unusual treadwear	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Check fluid levels	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Coolant	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Battery Water	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Brake master cylinder	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Transmission	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Power steering	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Differential/transaxle	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Clean battery posts & clamps	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rotate tires		X		X		X		X		X		X		X		X
Check safety equipment		X		X		X		X		X		X		X		X
Tune engine (replace plugs/fuel filter, adjust carb., check time)				X				X				X				X
Check PCV valve				X				X				X				X
Lubricate all fittings, door/hood/trunk hinges & latches				X				X				X				X
Replace air filter				X				X				X				X
Check exhaust system				X				X				X				X
Remove all wheels & inspect brakes								X								X
Repack wheel bearings								X								X
Change automatic transmission fluid & filter								X								X

PERFORM ALL NEEDED MAINTENANCE AS INDICATED BY VISUAL CHECKS AND INSPECTIONS  
SEE FURTHER INSTRUCTIONS ON INSIDE OF FRONT COVER

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: PPM #63**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

1983/84 = \$15,790.00  
1984/85 = 91,067.00  
1985/86 = 43,036.00

These costs are necessitated by the additional staff (2.5 positions) and operational expenses required to administer the state vehicle fleet management, commuter fee and coordinated maintenance program. The first year is for four months and the second includes a one-time cost for computer software.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

1983/84 = \$ 816,820.00  
1984/85 = 1,741,692.00  
1985/86 = 2,911,692.00

These figures represent the amounts associated with the imposition of the commuter fee. If a withholding procedure is adopted the figure will be a reduction in salary expense and conversely if a payment system is used, the figures will depict increased revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

Economic benefit to be derived by state of Louisiana in that revenues generated from commuting fees will be deposited in State Treasury for later appropriation to all governmental units; cost of operating a fleet management program will be absorbed by self-generated revenues.

Persons now using state vehicles for personal commuting will have to pay for that privilege according to the mileage driven.

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

It is anticipated that State usage of private sector vehicle maintenance facilities will not be affected until a comprehensive/coordinated program for use of state-owned maintenance facilities is effectuated. Some reduction in the number of vehicles purchased should result, as detailed in II.B.g.

Larry Dickinson  
Executive Assistant  
Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Board of Board Certified Social Work Examiners**

Proposed Rules, Regulations and Procedures  
for the Board Certified Social Worker

**RULE NO. 1 — ACKNOWLEDGE OF LEGAL PREREQUISITES**

The Board Rules and Regulations are governed by LA R.S. 37:2701-2718 of the 1972 Regular Session of the Louisiana Legislature, as amended, and by the State Administrative Procedure Act, R.S. 47:954.

**RULE NO. 2 — ETHICAL STANDARDS**

The Board Certified Social Worker acknowledges a pro-

fessional responsibility to the community in which S/he serves and to those persons and groups which are designated as clients. This professional responsibility includes the following:

- a. A commitment to the basic values of the social work profession and to competence of practice.
- b. A fair and honest representation to the public of the worker's qualifications and professional associations.
- c. An adherence to the principle of confidentiality as specified in Section 2714 of Act 706 of the 1972 Legislature.
- d. A commitment to the maintenance of a professional relationship with those persons designated as clients. This relationship includes seeking the best interest of and for the client.
- e. A commitment to utilize integrity in advertising professional services, in setting fees, and in interprofessional relations.

**RULE NO. 3 — REPORTING VIOLATIONS BY BCSWS**

Any Board Certified Social Worker who knows of a violation or infraction of LA R.S. 37:2701-2718, and who fails to report such violation in writing to the Board immediately, shall be considered to be negligent and is subject to prosecution under Section 2713 of said Act.

**RULE NO. 4 — PRIVATE PRACTICE DEFINED**

Any social worker practicing social work for a fee or other remuneration - but not an employee as defined in Rule No. 5, nor excluded by Section 2718 of LA R.S. 37:2701-2718 - shall be considered to be in private practice. Only a social worker currently licensed as a Board Certified Social Worker by the State of Louisiana may engage in the private practice of social work.

**RULE NO. 5 — EMPLOYEE (in Social Work) DEFINED**

A social worker shall be considered an employee under the following conditions:

- a. S/he provides direct or indirect social work services;
- b. S/he receives remuneration from an employer for these services; and
- c. Said employer deducts federal income tax and F.I.C.A. from the salary or wages.

Non-licensed social workers shall not:

- a. Contract directly with clients for clinical services, consultation, supervision or educational services;
- b. Bill clients for services rendered;
- c. Receive direct payment from clients;
- d. Claim to be licensed or in private practice.

**RULE NO. 6 — FULL TIME EMPLOYMENT DEFINED**

Full time employment is defined as 30 or more clock hours per week for pay and/or remuneration.

**CREDITABLE PART TIME EMPLOYMENT**

Part time employment of at least 18 hours per week may be used to qualify an applicant for licensure in accordance with the following schedule:

Hours Worked/Week	No. of Years	No. Weeks of Supervision
18-20	4	208
21-22	3-1/2	182
23-26	3	156
27-29	2-1/2	130

**RULE NO. 7 — FEES PAYABLE BY BOARD CERTIFIED SOCIAL WORKERS**

The fees charged in connection with a board certified social worker certificate shall be appropriately differentiated and shall not be more than the following amounts:

- a. Examination Fee: \$90.
- b. Registration Fee: \$50.
- c. Re-examination Fee: \$75.
- d. Certificate without examination under the provisions of R.S. 37:2707 and certificate of reciprocity under the provisions of R.S. 37:2708: \$50.

e. Renewal of a certificate including a lapsed certificate: \$50.

f. Reissuance of a lost or destroyed certificate, following approval of the board: \$15.

#### RULE NO. 8 — APPLICATION

a. Application and supporting documents must be received for Board review at least 60 days prior to examination. If applicant fails to keep the Board advised of residence the Board disavows responsibility for notification of acceptance or rejection and admission to the examination.

b. Transcripts or Diploma Verification: The official transcript or letter from a university verifying receipt of a Master of Social Work Degree must be received directly from the university.

c. Supervision, Minimum Requirement: The minimum amount of acceptable supervision for a social worker applying for licensure is an average of one hour per week of direct supervision for two accumulative years. Group supervision is acceptable only if there is a maximum of four in a group and such supervision does not exceed at least one-half of the total supervisory time.

d. Waivers to Minimum Requirement of Supervision: This Rule is designed to apply to individuals who have moved to Louisiana from other states, territories or foreign countries who are not eligible for licensure by reciprocity or endorsement.

The Board will waive the requirement that such applicant moving to Louisiana has been supervised for a period of two years by a Louisiana Board Certified Social Worker provided that the applicant can document that S/he has obtained equivalent supervision such as ACSW supervision.

#### RULE NO. 9 — LICENSE RENEWALS AND CANCELLATIONS

a. Renewal notices are mailed on June 20, of each year. Renewal fee is due between June 20 and November 30, of each year. Board Certified Social Workers must list those social workers under their supervision on their renewal form.

b. Delinquent Fee is paid between December 1, and February 28, of each year.

c. License is cancelled after February 28, and registered notice of cancellation is mailed.

d. If a license is allowed to lapse after February 28, the applicant shall be considered a "new applicant." Since said applicant already has on file documentation of the required supervision and verification of academic qualifications, only the written examination will be required upon payment of the Examination and Registration Fee.

e. It is the BCSWs responsibility to keep the Board informed of their current mailing address.

f. No Inactive Status granted.

#### RULE NO. 10 — DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE

Certificate denial, suspension or revocation shall be accomplished in accordance with Section 2713, B of R.S. 37:2701-2718 and the State Administrative Procedure Act in consultation with the Attorney General's Office. Hearings will be conducted in accordance with Rules, Regulations and Procedures for the Board Certified Social Worker.

#### RULE NO. 11 — RECIPROcity AND ENDORSEMENT

Reciprocity with other states and territories having comparable licensure is permissible as approved by the Board.

In cases wherein no formal reciprocity agreement has been made, the Board may endorse the license of a social worker moving to Louisiana from a state or territory with equivalent licensure standards. A Louisiana Certificate shall be issued upon payment of fee.

#### RULE NO. 12 — ADMINISTRATION OF EXAMINATION

a. The Board Certified Social Worker examination shall be administered at least once per calendar year at a time and place

designated by the Board.

b. Examination Pass Point: The Board shall administer and grade a written examination or employ a national recognized testing firm to do the same. Whichever method is used, the Board will consistently strive to enhance the concept of reciprocity with other states having comparable licensure to Louisiana. A pass score of 70 will be used to grade the examination.

#### RULE NO. 13 — CERTIFICATE LETTERING/REPLACEMENT

Only the individual's name will identify the licensee on the certificate. No degrees, honors or other information shall be added.

If an error is made on a certificate through no fault of the Board Certified Social Worker, a corrected certificate will be provided at no additional charge. If it is the Board Certified Social Worker's error in providing information, there will be a \$15 charge.

#### RULE NO. 14 — DIRECTORY OF BOARD CERTIFIED SOCIAL WORKERS

A directory of Board Certified Social Workers shall be kept current. The Directory, as supplemented or replaced, shall be provided to all Board Certified Social Workers at no charge. Additional directories are available on request at cost plus postage and handling.

#### RULE NO. 15 — BOARD MEMBERS - OFFICERS

a. Number — the officers of the Board shall be Chairperson, Vice-Chairperson and Secretary, each of whom shall be elected by the Board.

b. Election and Term of Office — the Officers of the Board shall be elected at each June Board Meeting by the members of the Board. The term of office shall run from the July Board Meeting to the next June Board Meeting. Officers may succeed themselves for only one consecutive term.

c. Removal and Vacancies — any officer elected by the Board may be removed from office by a vote of a simple majority of the Board when in the judgement of the Board the best interests of the Board would be served thereby. A vacancy in any office because of death, resignation, removal, disqualification or otherwise shall be filled for the unexpired portion of the term by the members of the Board at the earliest opportunity in a regular or special meeting of the Board.

d. Duties of the Chairperson — the chairperson shall be the executive officer of the Board and shall preside at all meetings of the Board. The Chairperson must countersign (with at least two other board members) all contracts of the Board. The Chairperson shall make reports to the Board on a regular and timely basis his/her activity or knowledge of activity which might affect the Board (such reports might include legislative action, correspondence from professional organizations, legal opinions, etc.). The Chairperson shall perform all other duties as are incidental to the office of Chairperson or are properly required of the person in that office of the Board. The Chairperson votes only in the case of ties. Meetings shall be conducted using *Robert's Rules of Order*.

e. Duties of the Vice-Chairperson — the Vice-Chairperson shall exercise the functions of the Chairperson during the absence or disability of the Chairperson and shall perform such other duties as from time to time may be assigned to that office by the Board. The Vice-Chairperson is responsible for the timely publication of the Newsletter.

f. Duties of the Secretary — the Secretary is responsible for the official Minutes.

g. Board Members — the Board Members shall review and approve each newsletter, all contracts, board reports to professional organizations, reports to the legislature, and all other disseminated information which might affect the Board. The Board shall review all applications for licensure and two members



signatures are required for approval-disapproval of said applications. The Board Members shall make appropriate appointments to its commissions and committees. The Board shall investigate alleged violations of R.S. 37:2701-2718 and the Rules and Regulations. The Board shall uphold R.S. 37:2701-2718 and the Rules and Regulations of the Board.

#### RULE NO. 16 — PREPARATORY COURSES

The Board shall not endorse nor in any way participate in the operation or planning of any preparatory or cram course allegedly preparing applicants for the Board Certified Social Work examination.

No former member of the Board of Examiners may take part in the development, sponsorship of or administration of any preparatory or cram course offered to those who are yet to take the Board Certified Social Worker Examination for three years after said Board Member's term of office has expired.

#### RULE NO. 17 — FISCAL ACCOUNTABILITY

a. Purchase of supplies over \$150 or any contractual services must be approved by the Board. Salaries, routine office expenses and supplies are authorized by the Board at the beginning of the fiscal year and subsequent changes may be presented at any board meeting for approval. The Executive Secretary is authorized to purchase office supplies and services as needed for the Board's use.

b. Payments will be made by check signed by the Executive Secretary and one board member.

c. The Board's depository is identified as the American Bank and Trust Company, Baton Rouge, Louisiana. This depository may be changed at any time by the Board should it decide that such change is in the best interest of its public trust.

d. Board Members shall be reimbursed for any expenditure incurred in carrying out business of the Board, i.e. lodging, meals, travel.

### B. PROPOSED PROCEDURAL RULES OF THE LOUISIANA STATE BOARD OF BOARD CERTIFIED SOCIAL WORK EXAMINERS

#### Preface

Consistent with the Legislative purpose enumerated in Louisiana Revised Statute, Title 37, Section 2701, and to further protect the safety and welfare of the people of this state against unauthorized, unqualified and improper practice of Board Certified Social Work, the following Rules of practice are established under this Board's rule-making authority of Louisiana Revised Statutes 37:2705(c), 37:2713, and Revised Statute, Title 49, Section 952:

#### Rules of Practice

1. Investigation of Complaints.
2. Conduct of Hearings.
3. Rules on Licensure.

#### 1. Investigation of Complaints:

a.) The Board or any of its members is authorized to receive complaints against licensees or applicants, from any person, including other licensees.

b.) Any complaint bearing on a licensee's professional competence, conviction of a crime, unauthorized practice, violation of the State law applicable to the practice of social work, mental competence, or neglect of practice, should be submitted to the Board or any of its members in written form.

c.) Once a written complaint is received, the Board or any of its members shall forward the written complaint to its designated Complaint Investigation Officer (hereinafter referred to as CIO) for appropriate investigation and/or disposition.

d.) Since the Board may be required to convene a dis-

ciplinary hearing arising out of the complaint, the Board members shall not personally participate in the investigation of the facts concerning the issues of the complaint.

e.) The Board's CIO shall have authority to investigate the nature of the complaint through conference and correspondence directed to those parties or witnesses involved. The officer shall send the involved licensee notice of the investigation, containing a short summary of the complaint and any questions the officer may direct to the licensee relating to the complaint. All letters to the involved licensee, the complainant, or any other witness, shall be sent by registered mail, with the designation "Personal and Confidential" clearly marked on the outside of the envelope.

f.) The Complaint Investigation Officer shall conclude the investigation as quickly as possible without compromising thoroughness. Unless good cause is shown by the CIO satisfactory to the Board, which may extend the time for the investigation, the investigation and recommended action shall be completed within 30 days of the date the CIO first receives the complaint.

g.) The CIO shall have authority to recommend action which is disciplinary or remedial in nature. Where the recommended action amounts to a denial, suspension, revocation of the certificate, or probation of the licensee, the Board shall immediately convene a formal adjudication hearing, pursuant to Louisiana Revised Statutes, Title 37, Section 2713. The officer may also determine that the licensee's explanation satisfactorily answers the complaint and may recommend to the Board that the matter be dropped. In either event, the recommended remedial action or dismissal of the complaint shall be forwarded to the involved complainant and licensee.

h.) In any complaint, the CIO shall have authority to recommend an informal conference to resolve some or all of the issues raised by the complaint. In that event, the officer shall notify the licensee of the time and place of the conference and of the issues to be discussed. The licensee shall also be advised that the hearing will be informal, that the witnesses will not be placed under oath, and that no subpoenas will be issued. The licensee shall also be told that any statements made at the conference may not be used against him or her at a formal hearing, unless all parties consent and that further, the Board, in any formal hearing, may not consider any statement made at such a conference in making its final decision. Further, the licensee shall be advised that no transcript to the conference will be made. If the licensee notifies the CIO that he does not wish such an informal conference, none shall be held. In that event, the CIO will make whatever recommendations for remedial or disciplinary actions, based on the investigation completed to that point. In addition to suggested remedial actions, the CIO shall recommend to the Board the initiation of a formal disciplinary hearing if the investigation discloses: that the complaint is sufficiently serious to require formal adjudications; if the licensee fails to respond to the Complaint Investigation Officer's letter concerning the complaint, and the complaint officer feels there are sufficient grounds to justify further action; the licensee's response to the CIO's letter discloses that such action is necessary; if an informal hearing was held but did not resolve all of the issues; or where the licensee refuses to comply with the recommended remedial action.

i.) The CIO may also resolve the complaint through a consent order entered into by the licensee, whether there has been an informal hearing or not. If the order contains any agreement by the licensee to some disciplinary or remedial course of action, the agreement must be signed by the licensee and the CIO.

j.) The CIO will make note of any settlement arrived at between the complainant and the licensee, but such a settlement does not necessarily preclude further disciplinary action by the Board.

k.) In any recommended action submitted to the Board by the CIO, the recommended action should be submitted in brief, concise language, without any reference to the particulars of the investigation, or any findings of fact or conclusions of law arrived at during that process.

l.) If the CIO recommends the initiation of formal disciplinary hearings, the Board shall follow the recommendation; provided further that the Board shall have the authority to initiate formal proceedings, regardless of the recommendations of the CIO.

m.) The Board shall also have authority to delegate to the CIO any alleged violations of Revised Statute 37, Section 2716, prior to Board action on such alleged violations. In that event, the CIO shall submit to the Board the complete details of the investigation, including all facts and the complete investigation file, if requested by the Board. Final authority for appropriate action rests solely with the Board.

n.) At no time shall the CIO investigate any case as authorized by the Board or this section where said officer has any personal or economic interest in the outcome of the investigation, or is personally related to or close friends with the complainant, the licensee, or any of the involved witnesses. In such event, the officer shall immediately contact the Board, who shall have authority to appoint an investigation officer ad hoc for disposition of that case.

## 2. Conduct of Hearings:

A. The Board shall be authorized to conduct two types of hearings: Compliance hearings and formal disciplinary hearings.

1.) The Board will provide a compliance hearing to a rejected applicant under Revised Statute 37:2706(B), provided the rejected applicant requests a compliance hearing, in writing, within 30 days after the receipt of the notice of the rejection, in which request the applicant shall state the opposition to the rejected application.

2.) A licensee, whose certificate is deemed lapsed, under Revised Statute 37:2710(B), shall be entitled to a compliance hearing, provided the licensee requests same, in writing, within ten days after the receipt of the notice of the lapsed certificate; or in the event that the licensee did not receive notice of the lapsed certificate within 30 days of the date upon which the license would have lapsed by operation of law.

3.) Whenever possible, the Board shall schedule a compliance hearing on a rejected application in such manner that the applicant is given an opportunity to present evidence of compliance and the Board to Rule thereon in sufficient time to allow the applicant to take the next schedule examination, if the Board decides in favor of the applicant. If this is not possible, and the Board has reason to believe that the applicant's opposition has merit, the applicant shall be allowed to take the examination provisionally, pending the hearing and determination of the Board. In no event shall the compliance hearing be conducted later than 30 days after requested. This time limitation applies to rejected applicants, as well as licensees with lapsed certificates.

4.) The purpose and the intent of the compliance hearing is to provide a forum for the applicant or licensee to present documentary evidence in the form of affidavits, court records, official records, letters, etc., along with under-oath testimony to establish that they do, in fact, meet the lawful requirements for the application or for the retention of the license. The Board shall have the authority to administer oaths, hear the testimony and conduct the hearing. No transcript of the hearing is required. The applicant or licensee may be represented by counsel, or may represent themselves in proper person.

5.) Within 15 days after the compliance hearing, the Board will forward its final decisions, including findings of fact and conclusions of law, by registered mail, to the unsuccessful applicant or licensee.

6.) Thereafter, the unsuccessful applicant or licensee may apply for a re-hearing, as provided for in Louisiana Revised Statute 49:959, subject to further judicial review, pursuant to Revised Statute 49:964, 965.

B. The Board shall also be authorized to conduct formal disciplinary hearings, pursuant to Revised Statute 37:2713(B). Where this hearing bears upon the suspension or revocation of a certificate, the Board shall promptly notify the Attorney General, who is authorized and directed to appear on behalf of the state. In all other cases, the complaint against the involved licensee shall be presented before the Board by the CIO.

1.) The hearing shall be held before the Board only after the involved licensee is given at least 30 days' notice by registered mail. The contents of the notice, as well as the conduct of the hearing, shall be governed by Revised Statute 49:955, being further provided that the licensee be advised of his right to be represented by legal counsel; and that the Board shall arrange for a court reporter to make an accurate transcript of all testimony presented at the hearing.

2.) The rules of evidence, notice, authority to administer oaths, issue subpoenas, conduct depositions and control confidential or privileged information, will apply to the formal adjudication hearing in the form specified in Revised Statute 49:956.

3.) It is the licensee's continuing obligation to keep the Board informed of his whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a change of address and the new address is not provided to the Board, the Board may hold the hearing in the licensee's absence, after making reasonable efforts to obtain the licensee's new address.

4.) When the licensee receives notice, he may file an answer to the notice, denying some or all of the charges, or offering any explanation or assert whatever defense is deemed applicable.

5.) For good cause shown, the Board has discretion to extend or continue the time set for the hearing for such reasons as ill health, inability to obtain counsel, the complexities of the case, or such other matters deemed by the Board to present good cause.

6.) The Board shall elect from its membership a person to act as Presiding Officer at the hearing, to make rulings on objections, the admissibility of evidence, and to insure that the conduct of the hearing proceeds without delay and pursuant to law. The other Board members may not delegate their decision-making and fact-finding duties to the Presiding Officer; nor shall the Presiding Officer have any greater weight in the decision-making process. The Board's findings of fact and conclusions of law shall be signed by the majority of the Board finding those facts and conclusions of law. Any Board member disagreeing with those findings of fact and conclusions of law may also file in the record a dissent.

7.) Any Board member having reason to believe that he or she is biased or prejudiced against one of the parties to the proceeding or has a personal interest in the outcome shall immediately notify the remaining Board members and request to be disqualified. Likewise, any party to such a hearing may file with the Board an affidavit requesting a disqualification because of bias or personal interest. As soon as possible, but no later than the beginning of the hearing, the majority of the board must pass upon the requests for disqualification. The concerned Board member shall not participate in the action to disqualify and shall not vote on the issue. If the Board is quite certain that there is no merit to the requests for disqualification, the Board will proceed with the hearing. However, any doubt should be resolved in favor of disqualification. In that event, the Board should immediately contact the Governor to appoint a Board member pro tem to replace the disqualified member for the hearing in progress only.

8.) The parties to the hearing are urged to confer prior to the hearing through their respective counsel, or personally to attempt to reduce or simplify the issues to be heard. This pro-

cedure is not required. The Board will, however, honor any stipulations arrived at between the parties as a proven fact at the hearing. The purpose of the pre-hearing conference is to insure that the hearing is not unusually delayed by receiving testimony or other evidence on matters which are not seriously in dispute.

9.) The Board shall have discretion to consolidate one or more cases for hearing involving the same or related parties, or substantially the same questions of law or fact. The Board may also grant separate hearings if such a joint hearing would be prejudicial to one or more of the parties. If hearings are to be consolidated, notice must be given to all parties in advance of the hearing.

10.) The presiding officer shall consider a motion to modify or quash any subpoena issued in connection with the hearing, provided that such motion is filed, by registered mail, with the Board not later than three days prior to the hearing date, or the date scheduled for the deposition, if the subpoena was issued in connection with a deposition. Possible grounds to quash or limit the subpoena include, but are not limited to, testimony or material protected by privilege of statute regulation or other law; burdensomeness that would not be justified in light of the evidence's importance to the case; undue hardship on a witness; vagueness; and immateriality.

11. The procedures to be followed in conducting the hearing governing the order of the proceedings, rulings on evidence, and the Board's decision are contained in Chapters 11 through 14, respectively, of the Disciplinary Action Manual for Occupational Licensing Boards, prepared by the Louisiana Department of Justice, 1979, through the office of the Attorney General. A copy of these pertinent chapters will be provided to an interested party involved with a hearing, by written request submitted to the Board.

12. The burden of proof rests upon the Attorney General or the CIO whichever is bringing the charge before the Board. No sanction shall be imposed or order be issued, except upon consideration of the whole record, as supported by and in accordance with reliable, probative and substantial evidence. While proof beyond all reasonable doubt is not required to establish a given fact as true, the burden must be carried by a clear preponderance of the evidence. This standard of proof shall obtain in all hearings conducted before the Board and for any review or examination of evidence provided by Revised Statute 49:957, Section 958, or any re-hearing requested, pursuant to Revised Statute 49:959.

13. Any party or person deemed to be governed by or under the jurisdiction of Revised Statute 37, Section 2701 through 2718, may apply to the Board for a declaratory order or ruling in order to determine the applicability of a statutory provision or rule of this Board to said party or person. The Board shall issue the declaratory order or ruling in connection with the request by majority vote of the Board, signed and mailed to the requesting party, within 30 days of the request, except that the Board may seek legal counsel or an Attorney General's opinion in connection with the request, in which case the declaratory order or ruling may be issued within 60 days of its request.

14. Judicial review and appeal of any decision or order of the Board shall be governed by Revised Statute 49:964, 965.

### 3. Rules on Licensure:

a.) In any compliance hearing, the burden shall be on the applicant or licensee to establish that he meets the criteria for licensure or that his or her certificate was timely renewed.

b.) A licensee who allows his or her certificate to lapse for a period of six months or longer without renewal, or who is unsuccessful at a compliance hearing concerning this matter, shall be required to file a new application, subject to the examination procedures, and pay those required fees. However, such an applicant need not duplicate the two consecutive years of social work supervision or proof of graduate degree and may be re-

instated upon successful completion of the examination and payment of the appropriate fees.

c.) Any licensee who is engaged in the supervision of a potential applicant for qualification under Revised Statute 37:2706(A) (6), whose license has lapsed for any period of time under Revised Statute 37:2710(B), shall immediately notify all such supervisees of the period of the lapsed certificate. A copy of this letter shall be forwarded to the Board. Upon reinstatement and/or renewal of the certificate, the licensee, at his expense, shall promptly notify all such supervisees with a copy of this notification forwarded to the Board. The same rules apply to any licensee whose license is suspended, revoked, or is issued such sanctions incompatible with supervisory activity.

d.) Any disputes concerning the applicability of the supervised service during periods of lapsed licenses, suspensions or revocations, shall be the sole determination of the Board.

A public hearing will be held in Baton Rouge, LA, in the Auditorium of the Louisiana State Library, 760 Riverside North, on January 3, 1984 at 10 a.m.

Written comments may be addressed to Suzannę L. Pevey, Executive Secretary, Louisiana State Board of Board Certified Social Work Examiners, Box 345, Prairieville, LA 70769.

Paul E. LeBlanc  
Chairperson

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

### **Rule Title: Rules, Regulations and Procedures for the Board Certified Social Worker**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Promulgation of these Rules, which have been used since 1972, will cost an estimated \$6,000, which includes expenses for public hearings, legal consultation, board member travel and clerical time. These expenses have been budgeted for the current year and will be paid from self-generated revenues.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

There will be no estimated effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS - (Summary)**

There will be no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

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

There will be no estimated effect on competition and employment.

Paul E. LeBlanc  
Chairperson

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, hereafter referred to as the Agency, proposes to implement a Rule in the Medical Assistance Program which will serve to change Agency policy concerning loss of Medicaid eligibility as a result of Supplemental Security Income (SSI) termination.

Effective March 1, 1984, the Agency will not abide by policy known as Appeal Number 70132 rendered by the Department of Health and Human Resources Appeals Section. The purpose of this change is to bring the Medical Assistance Program into compliance with 42 CFR 435.1003 concerning adequate and timely notice. Appeal Number 70132 exceeds the intent of the Health Care Financing Administration (HCFA) guidelines as shown in a letter to State Agencies administering approved Medical Assistance Plan from HCFA dated June 15, 1983.

**PROPOSED RULE**

Effective March 1, 1984, the following will become Agency policy concerning adequate and timely notice for SSI related termination.

(a) Clients who lose SSI eligibility for reasons other than annual SSA Cost of Living Increase or through placement in a Long Term Care Facility will no longer automatically lose Title XIX Medical Assistance Benefits concurrent with SSI closure. These clients shall be given adequate and timely notice as specified in 42 CFR 435.919, and the right to appeal the loss of Title XIX Medical Assistance Benefits.

(b) Each case will be screened by the Office of Family Security to determine if the Client is potentially eligible for Medical Assistance under another program. The client will then be notified of potential eligibility or ineligibility for Medical Assistance under another program and will be informed that he or she may still apply for such benefits. If the client requests an appeal within ten days of the date of notification of Medicaid discontinuance, benefits will continue pending the outcome of the appeal. If the client appeals after ten days of the date of notification but within 30 days of the notification, benefits will not continue; however, appeal rights are retained.

(c) Each client who applies for benefits on another basis prior to the SSI/Medicaid termination date will be given retroactive benefits beginning with the SSI/Medicaid termination date, if eligible, in accordance with 42 CFR 435.914.

Interested persons may submit written comments at the following address: R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule. A copy of this proposed Rule and fiscal and economic impact statement is available for review in each parish in the local office of Family Security.

A public hearing on the proposed Rule will be held on January 5, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments orally or in writing at said hearing.

Roger P. Guissinger  
 Secretary

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Adequate and Timely Notice**  
**Re: Medicaid Closures**  
**as a result of SSI Termination**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

	(4 months)		
	FY 83-84	FY 84-85	FY 85-86
State	\$ 318,993	\$1,061,043	\$1,156,537
Federal	524,903	1,698,497	1,851,362
	<u>\$843,896</u>	<u>\$2,759,540</u>	<u>\$3,007,899</u>

Based on recent experience, approximately 4,440 cases are closed each year as a result of SSI terminations. The above cost estimates assume all of these cases will appeal and win.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Federal Revenues will be increased by \$524,903 in FY 83-84; \$1,698,497 in FY 84-85; \$1,851,362 in FY 85-86.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

Clients whose Medicaid benefits are closed as a result of SSI termination will be given the opportunity to appeal without loss of Medicaid benefits until the appeal decision is rendered, provided the decision is appealed within ten days. The state will only be required to absorb additional months of medical coverage if the Fair Hearing is not held and decision reached within 90 days of request.

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

No effect on competition and employment.

Jake Canova  
 Deputy 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 policy on the provision of non-emergency ambulance transportation for Title XIX recipients. This policy was adopted as an Emergency Rule on November 4, 1983.

**PROPOSED RULE**

The Office of Family Security, Medical Assistance Manual, Section 19-858C, has a policy of prior authorization for non-emergency ambulance transportation. Effective November 4, 1983, the following are three exceptions to the policy.

1. Long Term Care Facilities may arrange for non-emergency ambulance transportation for Title XIX recipients in need of such services at times when the Parish Office of Family Security is closed. This includes nights, weekends, and holidays.

2. When the Parish Office of Family Security is closed and a local ordinance defines "emergency" differently than the definition utilized by the Office of Family Security and the local ordinance definition is more restrictive, and the local ordinance does not allow for the transportation of non-emergency cases in an

emergency vehicle according to the local ordinance definition, arrangements may be made by a Long Term Care Facility to have a recipient, who was transported to a hospital on an emergency basis and not admitted, returned to the facility in a qualified non-emergency ambulance vehicle.

3. If an emergency situation occurs and the local emergency ambulance unit will not transport due to the fact that their definition of an emergency is more restrictive than the definition utilized by the Office of Family Security, the Long Term Care Facility or interested party, if the recipient is at a place other than a Long Term Care Facility, may arrange for the transport of the recipient to the hospital or medical provider by a non-emergency ambulance vehicle.

For the Office of Family Security to make payment for the above services, the ambulance provider must be Title XIX certified and the Office of Family Security must be provided documentation of the need for the service.

This action is necessary to assure that Title XIX recipients have adequate non-emergency ambulance transportation to Title XIX services during times when the Parish Office of Family Security is closed and when a local emergency ambulance unit will not transport due to their definition of emergency being more restrictive than the definition utilized by the Office of Family Security.

Interested persons may submit written comments at the following address: R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule. A copy of this proposed Rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed Rule will held Thursday, January 5, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger  
Secretary

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

#### **Rule Title: Non-Emergency Ambulance Transportation**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Since the need for Non-Emergency Ambulance Transportation would have been met the next working day, there is no anticipated cost or savings to the program as a result of this Rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

There will be no effect on revenue collections.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

Title XIX recipients will benefit from the rule as it will allow for Non-Emergency Ambulance Transportation at times when the Parish Office of Family Security is closed and when a local ordinance definition regarding Emergency Ambulance Transportation is more restrictive than the definition of the Office of Family Security. There would be no cost to this

group.

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

There is no effect on competition and employment.

Jake Canova  
Deputy 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 amend the "Treatment of Assigned Support Payments" rule for the IV-A agency, as published in the *Louisiana Register*, February 20, 1983, Volume 9, Number 2, page 62. The proposed amendment will require any support payments received by a IV-A applicant, in the month of certification prior to authorization of the first payment, to be considered as income in determining both eligibility and amount of assistance to be provided by the agency. This proposed amendment is required in order to comply with 45 CFR 233.20(a)(3)(v) as published in the *Federal Register*, Vol. 47, No. 193, page 43953-57, dated October 5, 1982, and the Department of Health and Human Services Action Transmittal OCSE-AT-81-7 and SSA-AT-81-7 (OFA) dated March 27, 1981.

#### **Proposed Rule**

The IV-A Agency shall treat support payments received by AFDC applicants and recipients in the month of certification, prior to authorization of the first payment, as income in determining both eligibility and the amount of assistance to be provided by the agency. Such support payments shall not be treated as income in the month of certification only when remitted to the IV-D agency by the recipient. Under this Rule an overpayment of assistance shall occur in the month of certification when a support payment is received and retained by an applicant or recipient and not counted by the IV-A agency in determining either eligibility or the amount of assistance to be provided through AFDC payment.

Interested persons may submit written comments at the following address: R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule. A copy of this proposed Rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed Rule will be held Thursday, January 5, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger  
Secretary

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

**Rule Title: Treatment of Assigned Support Payments**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Implementation of this proposed amendment will result in a maximum savings of \$5,412 in FY 83-84, \$16,302 in FY 84-85, and \$16,302 in FY 85-86. There are no estimated implementation costs anticipated as a result of this proposed amendment.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Maximum savings to the state resulting from adoption of this proposed amendment are \$1,924 in FY 83-84, \$5,795 in FY 84-85, and \$5,795 in FY 85-86. Maximum decreases in federal revenues are \$3,488 in FY 83-84, \$10,507 in FY 84-85, and \$10,507 in FY 85-86.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

Adoption of this proposed amendment will effect approximately 247 recipients who receive and retain child support payments. Current policy requires reduction of AFDC payments following the month of certification for any support payments received and retained by recipients. Thus this amendment will effect those recipients for one month only.

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

There is no effect on competition and employment.

Jake Canova  
Deputy Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

Effective February 20, 1984, the Department of Health and Human Resources, Office of Human Development, Division of Evaluation and Services, proposes to adopt policies and procedures to govern the agency's operation of an Adult Protective Services Program in accordance with Louisiana Revised Statutes 14:403.2. These policies and procedures include but are not limited to the following: Program goal and objectives, program priorities for client services, client's rights, division of program responsibility within Department of Health and Human Resources, agency responsibility for investigation, agency responsibility for referrals to District Attorneys for possible court action.

Interested persons may submit written comments at the following address: Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule. A copy of the completed proposed policies and procedures may be obtained by writing to Kay Henderson, Department of Health and Human Resources, Office of Human Development, Division of Evaluation and Services, Box 3318, Baton Rouge, LA 70821. Copies will be available for review at each local/parish Office of Human Development.

A public hearing on the proposed Rule will be held Wednesday, January 4, State Library Auditorium, 760 Riverside,

Baton Rouge, LA at 1:30 p.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

Roger P. Guissing  
Secretary

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

**Rule Title: Adult Protective Service  
Policies and Procedures**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

None - prior to the legal mandate the agency operated a voluntary Adult Protective Service program. Staff and other resources from the voluntary program will be used to implement the mandated program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

None - there is no expected effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

Protective Services are provided without regard to the adult's income and these services are free of charge. Therefore, there is no estimated costs to affected persons. Adults most in need of protection will benefit directly from the availability of these services. There are no monetary benefits to be received by these service recipients.

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

No effect on competition and employment is anticipated.

A.J. Dixon  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Office of Environmental Affairs  
Environmental Control Commission**

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A(1) and (5) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures on proposed amendments to the Louisiana Hazardous Waste Management Plan (LHWMP) now retitled Louisiana Hazardous Waste Regulation, (LHWR) at its December 6, 1983 hearing. During the month of October 1983, the department of Natural Resources conducted state-wide public meetings on an initial draft of the regulations to discuss and receive comments, prior to the Commission's action to initiate rulemaking procedures. The Environmental Control Commission will afford all interested persons the opportunity to submit comments on the proposed amendments, orally or in writing at a public hearing

conducted by an Administrative Law Judge on January 4, 1984 at 7 P.M. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge LA. Comments received by the agency both in person or by mail, prior to the January 4, 1984 public hearing will be considered by the Department before a final decision is rendered to adopt the proposed regulations. All written comments and requests to speak at the public hearing should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1265.

Each section or subsection of the proposed regulations is a separate amendment for purposes of the Louisiana Administrative Procedure Act and the Environmental Control Commission and legislative committees may act on all amendments or any separate section or subsection. Public comments may be made on all amendments or any part thereof.

Following the initiation of rulemaking procedures by the ECC on December 6, 1983, the proposed amendments were forwarded to the Oversight Subcommittees of the Joint Committees on Natural Resources for their consideration and approval. Prior to the hearing conducted by the subcommittees, the Department will submit to the subcommittees: 1) a summary of all testimony received at the January 4, 1984 public hearing; 2) a statement of any tentative or proposed actions agreed upon at the hearing; and 3) if any tentative or proposed action resulted from the hearing, a revision of the proposed Rule and a revision of the report. Upon approval by the Oversight Subcommittees of the Joint Committees on Natural Resources, the Department will consider the final adoption of these Rules.

The primary purpose of the proposed amendments to the newly titled Louisiana Hazardous Waste Regulations is to provide the State with regulations that are equivalent and consistent with the Federal hazardous waste management program for Final Authorization under Title 40 Code of Federal Regulations, Parts 124, 261, 262, 263, 264, 265, 270 and 271 (See Resource Conservation and Recovery Act, Public Law 94-580). The adoption of these regulatory revisions will enable the State to apply to the Environmental Protection Agency for federal authorization to operate a hazardous waste management program in lieu of the Federal government.

The Louisiana Hazardous Waste Regulations have been reformatted and renumbered in order to better assist the Division personnel responsible for enforcing the program and the regulated community. Every attempt has been made to eliminate any redundancies in the Chapters which appeared in the July 20, 1983 version of the regulations.

In general, the following provisions are proposed: 1) increased liability insurance for facilities that utilize land disposal techniques for acutely toxic wastes; 2) the de-minimis rule clarifies the determination of hazardous wastes that may be disposed of in a Natural Pollution Discharge Elimination System (NPDES) wastewater treatment train; 3) list of selected materials that cannot be disposed of by land treatment if the stated limits are exceeded; 4) additional clarification of the recycle/reuse regulations; 5) new chapter - interim status standards and; 6) TSD facilities using a double synthetic liner separated by a leak detection system will be considered equivalent to a groundwater monitoring system; 7) require groundwater monitoring not less than semi-annually and; 8) require annual reports.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Gerald D. Healy, Jr., Administrator, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1227.

Copies of the proposed amendments may be obtained by writing to: Ms. Mary MacDonald, Department of Natural Resources,

Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1227. In addition, copies of the proposed amendments are also available for inspection at all Louisiana Depository Libraries and at the following locations from 8 a.m. until 4:30 p.m.:

State Land and Natural Resources Building  
Room 600, 6th Floor  
625 North Fourth Street  
Baton Rouge, LA

Office of Environmental Affairs  
804 31st Street  
Monroe, LA

State Office Building  
1525 Fairfield Avenue  
Shreveport, LA

Office of Environmental Affairs  
3945 North I-10 Service Road  
Metairie, LA

Office of Environmental Affairs  
1155 Ryan Street  
2nd Floor  
Lake Charles, LA

Office of Environmental Affairs  
100 Epplen Road  
Lafayette, LA

Winston R. Day  
Chairman

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Hazardous Waste Management Regulations

##### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Although the reorganization will make the Rules and Regulations easier to use by the Division personnel, this advantage is not quantifiable. None of the changes will result in any increase in implementation costs to the Department. Without these changes, the Division would need one additional person to handle and review quarterly reports. The changes in groundwater monitoring requirements allowed the Division to seek only six persons rather than nine to administer the program.

##### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no expected effect on revenue collections. Some NPDES facilities will be moved from control of the Division by the "de-minimis" rule. In order to eliminate double billing by this Division and the Water Division on the same facility, the Hazardous Waste Division has not billed for (NPDES) trains in the past, thus this removal of NPDES facilities will not impact revenue.

##### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Some of the changes will have a mixed effect on the regulated community. The items will be considered in the order listed below.

1) 3.5 1)10) - require annual reports.

This change will eliminate nearly three-quarters of the reporting cost for the regulated community with an estimated cost savings of \$60,000 to \$135,000 annually.

2) 4.4a) - allows for signatory other than by a principal executive officer of a corporation.

Although this change simplifies compliance, it cannot be quantified as to the amount of benefit to the permittees.

3) 13.1c), 14.2k), 16.2h) - monitoring between double synthetic liners for purposes of groundwater monitoring.

Any effect that ensues would be cost saving to the permittee. There is no way to estimate whether any permittee will use this option, but in any case the savings would be minimal.

4) 14.2j) - limitations on material which may be landfilled.

There will be some impact on the permitted disposal facilities. All commercial disposal facilities are already required to comply since these restrictions were added to their interim status requirements. Few on-site facilities would be expected to have problems with these requirements. Mishandling of some material covered by these restrictions have cost the regulated community hundreds of thousands if not millions of dollars on clean-ups necessitated by migration. It will increase commercial disposal costs for some wastes.

5) 18.9d) - requires groundwater monitoring not less than semi-annually.

Semi-annual groundwater sampling could save the regulated community well over \$1 million per year, while still providing adequate data on groundwater quality.

6) 20.8a) - Sudden accidental insurance - requires \$5 million in lieu of \$1 million for disposers of acutely hazardous (24.2d) or toxic wastes in the "U" List (24.1e)) because of toxicity or reactivity.

Probably only three to five facilities will be impacted by these requirements. The net effect of the increase in insurance cost will be to increase the premium by three to four fold. The base rate will be very site specific, i.e. type/method of disposal, volume, size of facility, etc. For example, based on \$35,000 for a \$1 million policy; costs for \$5 million coverage could average \$125,000.

Insurance rates are site specific, i.e. dependent on method of disposal, capacity, volume of business, site factors, and operating. The increase for sudden releases would be between \$315,000 and \$700,000 and for nonsudden releases \$210,000 and \$700,000 based on 3 to 5 facilities at a 3 to 4 fold increase of a \$35,000 premium on sudden releases and a 2 to 3 fold increase of a \$70,000 premium on nonsudden releases.

7) 20.8b) - Nonsudden accidental insurance - requires \$5 million per occurrence with and annual aggregate of at least \$10 million in lieu of \$3 million and \$6 million for certain disposers as noted in item 6 above.

The statements in 6) above also apply here although the increased insurance coverage is less than twice the minimum. The policy cost would probably be less than twice that of minimum coverage.

8) Chapter 23 - Include interim status standards in regulations rather than have to make them permit conditions.

This change will have no economic impact since the regulated community would already be required to comply by permit conditions.

9) 24.3 - to remove wastewater containing de-minimis losses of listed wastes from being handled as hazardous waste that is wastewaters controlled by an National Pollution Discharge Elimination Systems (NPDES) permit (under the Water Pollution Control Division) but which contains tested hazardous wastes from inadvertent process losses and from laboratories.

Quantification of this item is not possible. The effect will be to clarify that NPDES trains are regulated by the Water Division unless a RCRA listed waste is being treated. The net effect will be positive for the regulated community. Without

this Rule, all NPDES treatment trains which employ impoundments could be regulated by this Division in addition to the Water Division, thus promoting duplication of efforts and costs.

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

There is no estimated effect on competition or employment between firms in Louisiana since they will all be covered by the same rules. In some cases, Louisiana firms will be more competitive with out-of-state firms because of relaxation of previous State requirements which were more stringent than EPA regulations (items 1),2),3),5),and 8) below. The higher insurance requirements (items 6) and 7) below) would make a minimal increase on commercial disposers with some possible tendency for waste to be disposed outside of Louisiana. The limitation on materials that can be landfilled may also encourage out-of-state disposal or necessitate high technology disposal solutions with correspondingly high prices.

1) 3.5 1)10) - require annual reports.

2) 4.4a) - allows for signatory other than by a principal executive officer of a corporation.

3) 13.1c), 14.2k), 16.2h) - monitoring between double synthetic liners for purposes of groundwater monitoring.

5) 18.9d) - requires groundwater monitoring not less than semi-annually.

6) 20.8a) - Sudden accidental insurance - requires \$5 million in lieu of \$1 million for disposers of acutely hazardous (24.2d)) or toxic wastes in the "U" List (24.1e)) because of toxicity or reactivity.

7) 20.8b) - Nonsudden accidental insurance - requires \$5 million per occurrence with an annual aggregate of at least \$10 million in lieu of \$3 million and \$6 million for certain disposers as noted in item 6 above.

8) 24.3 - to remove wastewater containing de-minimis losses of listed wastes from being handled as hazardous waste that is wastewaters controlled by an National Pollution Discharge Elimination Systems (NPDES) permit (under the Water Pollution Control Division) but which contains tested hazardous wastes from inadvertent process losses and from laboratories.

Gerald D. Healy, Jr.  
Administrator

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Natural Resources Office of the Secretary

Under the authority of the State and Local Resources Management Act of 1978, La. R.S. 30:213.11 and in accordance with the provisions in La. R.S. 49:951 et seq., the Secretary gives notice that rulemaking procedures have been initiated to amend the Rules and Procedures for coastal use permits.

The proposed amendments to the Rules would amend Part III A(1) of Appendix c1, "Rules and Procedures for Coastal Use Permits" and add Parts III A(3) and (4) to Appendix c1.

The primary purpose of the proposed amendment is to insure that copies of applications for coastal use permits for uses of state concern are provided to both the Coastal Management Section of the Department of Natural Resources and the affected



local parish, if the local parish has an approved local coastal plan. The amendment would insure that the affected local parish receives the application at the earliest possible time in order to prepare comments to be considered by the State in determining whether a permit should be issued, and if so, what conditions should be included.

All interested persons are invited to submit written comments on the proposed amendments. Comments must be submitted no later than January 6, 1984 to the agency contact, George Badge Eldredge, at the Louisiana Department of Natural Resources, Legal Division, Box 44396, Baton Rouge, LA 70804.

The proposed amendments are as follows:

I.

Amend Part III A (1) of Appendix c1, "Rules and Procedures for Coastal Use Permits" as follows:

1. Any applicant for a coastal use permit shall file a complete application with the State, or at his option, in areas subject to an approved local coastal management program, with the local government. The Department will provide the application forms and instructions, including example plats and interpretive assistance, to any interested party. The staffs of the coastal management section and approved local programs shall be available for consultation prior to submission of an application and such consultation is strongly recommended. Application forms may be periodically revised to obtain all information necessary for review of the proposed project.

II.

Add Part III A (3) as follows:

(3) Applicants for coastal use permits for uses of state concern shall include with their application filed with the State a certification that a copy of the application was forwarded by certified mail or hand delivered to the affected local parish(s) with an approved coastal management program.

III.

Add Part III A (4) as follows:

(4) Applicants for coastal use permits for uses of state concern, who elect to submit their application to the affected local parish(s) with an approved local coastal management program, shall include with their application a certification that a copy of the application was forwarded by certified mail or hand delivered to the State.

Cuthbert H. Mandell  
General Counsel

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

**Rule Title: Place of Submission of Applications**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no cost to state or local government units due to implementation of this Rule since no new or additional action on part of such units will be required. There will be no savings to such units due to the implementation of this Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Revenue collections will not be impacted since the only change effected by this Rule is to insure that an affected parish with an approved local coastal management plan receives an application for a coastal use permit for uses of

state concern at about the same time that the application is served on the State, or vice versa.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

While there may be some additional costs to affected groups, neither an exact nor estimated cost can be calculated because of the variables involved. These additional costs would be attributable to reproducing one copy of an application and the mailing costs, if any. These variables include the varying costs attributable to the number of pages to be photocopied, and the weight of the package to be mailed. This Rule will not change the Secretary's authority to grant or deny applications.

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

Competition and employment will not be affected, since this change will have no impact on the Secretary's authority to grant or deny permits for uses of state concern. The only major change effected by the rule is to require the applicant to mail a copy of the application for coastal use permit for a state use to the affected parish if that parish has an approved local coastal management plan, if the original is filed with the State; or to the State, if the original is filed with the parish.

George Badge Eldredge  
Deputy Counsel

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Fire Marshal for the State of Louisiana intends to adopt the following regulation as an amendment to the current provisions of L.A.C. 17-4:7 the standards for mobile homes: L.A.C. 17-4:7.13

Because the warranty provided by these regulations depends upon the financial solvency of the manufacturers of manufactured housing and mobile homes, and because there have been significant incidents of bankruptcies which impair the ability of this office and of a consumer to obtain redress for defects manufactured into the mobile home or manufactured housing, it is now hereby required that every licensed dealer disclose to any consumer that any new mobile home or manufactured housing which was manufactured by a manufacturer known by the dealer to have filed bankruptcy, that the dealer shall disclose to the consumer of any such mobile home or manufactured housing that the manufacturer has filed for bankruptcy, that the fact that the manufacturer has filed for bankruptcy may impair the ability of the consumer to enforce the warranty required by both state and federal law against that manufacturer, and that accordingly, the dealer does and shall honor that warranty in place of the manufacturer in the event that the bankruptcy in fact does impair the recognition and maintenance of the warranty otherwise required of the manufacturer by the laws of the State of Louisiana and of the United States of America.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street, New Orleans, LA 70115, (504) 897-6600, or D. Jeffrey Gleason, Chief Administrative Fire Marshal, 1033 North Lobdell Boulevard, Baton

Rouge, LA 70806, (504) 925-4911. There will be a hearing in the Office of the Attorney for the State Fire Marshal on January 3, 1984 at 12 noon at which time and place any person may present their views orally or in writing.

Carrol L. Herring  
State Fire Marshal

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Proposed Amendment to  
L.A.C. 17-4:7; Mobile Homes  
Adding Section 17-4:7.13**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

It is estimated that no additional costs will be incurred by the agency or by local governmental units due to implementation of this regulation.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

It is estimated that implementation of this regulation will not effect revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

Several groups will be affected directly or indirectly. Mobile home retailers will be held liable for warranties issued by the manufacturer in the event that the manufacturer files for bankruptcy. The assumption of the liability, and the ensuing costs will undoubtedly be passed on to the consumer of mobile homes in some manner. In every business venture the assumption of risk involves the assessment of an associated cost. These costs cannot be determined at this time and will depend upon the perceived value of the risk assumed.

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

The effect on competition and employment cannot be determined at this time.

Carrol L. Herring  
State Fire Marshal

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Board of Registration for Professional Engineers  
and Land Surveyors**

In accordance with the Louisiana Revised Statutes 49:951, et, seq., notice is hereby given that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors intends to revise Louisiana Administrative Code 19-3:4.3.1. This Rule now reads, " — Such registered professional shall be a full-time active employee whose primary occupation or employment is with the firm. — "

The Board intends to revise this Rule as follows, " — Such registered professional shall be either an active employee

(1) whose primary occupation or employment is with the firm on a full time basis or (2) whose secondary occupation or employment is with the firm, provided the firm is totally owned by one or more of the professionals whose registration is used to qualify the firm for certification or (3) whose secondary occupation or employment is with a subsidiary firm wherein the parent firm is certified by the Board and provided the professionals, whose registration is used to qualify the firm for certification, represents the majority ownership in the subsidiary firm — "

This Rule change will make it possible for a registrant of the Board (Professional Engineer or Professional Land Surveyor ) to incorporate a firm, although he may not be a full-time active employee of that firm. The current Board Rule prohibits a registrant from incorporating a firm for the purposes of providing Engineering or Land Surveying consulting services without employing a full-time active registrant of the Board. The Board is of the opinion that this is too restrictive.

Interested persons may submit written comments or offer amendments to the proposed Rule to the Board office at its office, 1055 St. Charles Avenue, Suite 415, New Orleans, LA, 70130, at a time prior to January 10, 1984. The Board proposes to consider and take action on the adoption of this Rule at a meeting in its office at 10 a.m. on January 24, 1984.

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P.E.  
Executive Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 19-3:4.3.1  
Supervising Professional**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Implementation of this regulation will cause the agency to incur no additional costs nor produce any additional savings.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

Implementation of this regulation will not effect revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

Implementation of this regulation will cause no economic benefit nor costs to affected groups.

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

Implementation of this regulation will not affect competition or employment.

Paul L. Landry  
Executive Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Transportation and Development

## REGULATIONS FOR INSTALLATION OF CABLES FOR COMMUNICATION SYSTEMS ON HIGHWAY STRUCTURES

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt Rules and Regulations for communication cable installation on highway structures, as follows:

#### Communication Cable Installation on Highway Structures EDSM NO. IV.2.1.8

1. **PURPOSE.** To establish policy and procedure for the installation of cable for communication systems on highway structures.

2. **BACKGROUND.** Louisiana R.S. 36:504(B)(1)(d) allows the Department of Transportation and Development to permit installation of cables for communications systems on the Department's bridges.

3. **POLICY.** Communication cables may be attached to highway structures, provided that such attachments do not overstress structural members, damage the structure, obstruct the clear roadway or waterway, interfere with structure maintenance, or create a hazard to the traveling public. Where it is feasible and reasonable to locate communication lines elsewhere, attachments to highway structures will be avoided. Communication system owners shall be charged a one-time lump sum fee prior to installation, which will be non-refundable, and an annual rental for the installation.

4. **PROCEDURE.** The Right-of-Way Permits Engineer will be responsible for the implementation and coordination of these procedures.

a. Any request for the attachment of a communication cable to a highway structure will be made using the attached supplement and application for Project Permit Form Nos. DOTD 03-41-3035 or DOTD 03-41-0593, copies of which will be maintained in each District Office.

b. The application for permit shall be reviewed and approved at the District Office then sent to the Right-of-Way Permits Unit in Baton Rouge for further handling.

c. The owners shall be charged an annual rental for the privilege, but not as a payment for a property right or use and occupancy of the highway structure. A schedule shall be maintained by the Right-of-Way Permits Engineer of reasonable annual rental rates to be charged owners.

d. A guarantee deposit to insure the satisfactory completion of the work shall accompany the application for permit. No inspection fee is charged and the guarantee deposit will be refunded promptly upon the receipt of notice from the District Administrator that the work has been satisfactorily completed.

e. Plans will be submitted to the Bridge Design Engineer and the Structures and Facilities Maintenance Engineer for approval.

f. The request must be accompanied by plans of the proposed method of attachment and shall be in accordance with the attached "Regulations for installing of cables for communication systems on highway structures" supplement.

5. **OTHER ISSUANCES AFFECTED.** All directives, memoranda or instructions issued heretofore in conflict with this directive are hereby rescinded.

6. **EFFECTIVE DATE.** This directive will become effective immediately upon receipt.

Supplement to DOTD  
Form 03-41-3035  
or DOTD Form 03-41-0593

This Supplement is part of  
Permit No. \_\_\_\_\_

1. Where it is feasible and reasonable to locate communication lines elsewhere, attachments to highway structures will be avoided.

2. Attachments to a structure shall not materially affect the structural characteristics, the safe operation of traffic, the efficiency of maintenance, and the appearance of the structure.

3. The owner shall submit five prints of plans of method of attaching, showing size and weight of communication cable, and support and attachment details.

4. It is preferred that the installation occupy a location beneath the structure floor or deck, between the outer girder or beams, or within a cellular area at an elevation above low superstructure steel or masonry.

5. There shall be no encroachments on the waterway or roadway of the structure.

6. The installation shall not be below low steel or masonry of the structure.

7. The installation shall be on the downstream side of the structure.

8. The hangers supporting the communication system shall be designed to clamp to the structure as generally no burning or drilling of holes or welding is permitted.

9. The construction and maintenance of the communication cable and its supports shall be done without any closure of any traffic lane and inconvenience or interference with highway traffic. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.

10. The communication cables shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from the point of exit from the ground to re-entry. Only low frequency voltage will be permitted in the communications cable.

11. The permit shall be reviewed and approved by the Bridge Design Engineer and the Structures and Facilities Maintenance Engineer.

12. Communication cables owned by private individuals or concerns and not serving a segment of the general public, shall not be permitted on highway structures.

13. Should the owner fail to maintain his facilities in a condition acceptable to the Department, the Department, after notifying the owner, will perform the maintenance and bill the owner for the cost or take other appropriate action to ensure the safety and convenience of the traveling public.

14. All materials and workmanship shall conform to the requirements of the applicable industry code and to Department specifications.

15. All excavations within the limits of the right-of-way shall be backfilled and tamped in six inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced. Where it is necessary to make excavations in the shoulder, the top six inches of backfill shall be sand-clay gravel or equivalent. Where existing soil material is, at the discretion of the Department unsuitable for backfill, select material shall be furnished in lieu thereof and the existing material disposed of by approved methods.

16. A guarantee deposit to insure the satisfactory completion of the work shall accompany the application for permit. The amount of the guarantee deposit shall be calculated in accordance with schedules given below. No inspection fee is charged and the guarantee deposit will be refunded promptly upon receipt of notice from the District Administrator that the work has been satisfactorily completed.

17. This permit may be terminated by either party upon

30 days notice in writing to the other party after which the Communication Company will be given a reasonable period of time to remove his system. The Department may revise the annual rental rate upon 30 days notice in writing to the owner.

18. The one-time lump sum fee and one year's rental for this privilege shall accompany the application for permit. The amount of the lump sum fee and the annual rental shall be calculated in accordance with schedules given below.

**Guarantee Deposit Schedule**

	Bridges 300' and less	Bridges over 300'
Per cable not over 1"	\$500.	\$1,000.
In excess of 1" dia.	\$700.	\$1,400.

**Lump Sum Fee and Annual Rental Schedule**

Bridges over 300 Ft. long	Computed Charges	Minimum Charges
Lump Sum Fee = \$1.25/Ft./Lb. of Wt.	Lump Sum = \$50,000	
Annual Rental = \$0.15/Ft./Lb.	Annual Rental = \$5,000	

Bridges under 300 Ft. long	Computed Charges	Minimum Charges
Lump Sum Fee = \$0.50/Ft./Lb. of Wt.	Lump Sum Fee = \$5,000	
Annual Rental = \$0.15/Ft./Lb. of Wt.	Annual Rental = \$500.	

all as authorized by and in accordance with Louisiana R.S. 36:504/b.(1)(d). This Secretary will accept written comments regarding adoption of this rule until 4:15 p.m., January 5, 1984, at the following address: P.J. Frederick, Capitol Station, Baton Rouge, LA 70804.

Paul J. Hardy  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Cable Crossing**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

It is estimated that implementation of this regulation will not cause the agency or local governmental units to incur additional costs or realize additional savings.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

An annual rental fee based upon the ft/lb. of weight and the length of the bridge as well as a minimum lump sum fee will be charged. Additional revenues collected, which will accrue to the State General Fund, will depend upon the number of cable companies which decide to avail themselves of this privilege and the length of the bridge utilized.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)**

It is estimated that cable companies who avail themselves of the use of bridges for crossing waterways may realize a cost saving of 25 % to 35% as opposed to submerging the cable in the waterway.

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

Implementation of this regulation will have no effect on competition or employment.

Tom Colten  
Undersecretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Rules to implement the following rate increase, effective April 1, 1984:

Class	Current Monthly Rates	Proposed Rates 4/1/84	Employer Increase	Employee Cost Increase
II. Emp. Only	\$ 53.84	\$ 79.04	\$ 25.20	\$ 25.20
Emp. w/Medicare	29.96	41.24	11.28	11.28
III. Emp. & Dependent	\$ 94.60	\$137.12	\$ 42.52	\$ 42.52
One w/Medicare	75.96	97.92	21.96	21.96
Two w/Medicare	64.56	90.40	25.84	25.84
IV. Emp. & Family	\$126.08	\$181.92	\$ 55.84	\$ 55.84
One w/Medicare	102.20	136.96	34.76	34.76
Two w/Medicare	89.96	126.76	36.80	36.80

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on January 30, 1984, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rate Increases**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

The administrative cost to the Group Benefits Program of implementing the new premium rate will be absorbed within the current appropriation.

Fifty percent of the cost of the rate increase will be paid by the various state agencies in the form of increased employer contributions in the aggregate amount of \$8,485,548 for the four months of 1983-84 and \$33,942,193 for fiscal years 1984-85 and 1985-86.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)**

The self-generated revenues of the State Employees' Group Benefits Program will increase as a result of the change

in group health and accident insurance rates as follows:

FY	Amount
83/84 (Eff. 4/1/84)	\$ 16,971,096
84/85	67,884,386
85/86	67,884,386

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS - (Summary)

The Group Benefits Program plan members will be required to pay 50 percent of the premium increase or \$8,485,548 in 1983-84 and \$33,942,193 in 1984-85 and 1985-86.

The increased rates will provide funding for coverage improvements of the plan which have previously been adopted, ensure compliance with state and Federal laws and render the Benefits Program Fund fiscally sound.

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

Competition and employment will not be impacted by this rate increase.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

# Committee Reports

## COMMITTEE REPORT

### Legislative Joint Committee On Transportation, Highways & Public Works

Subject: Report on Disapproval of Proposed Rule Establishing Procedures for Employment of Consultants for Construction and Preconstruction Engineering Service, Research and Planning Activities by Competitive Bidding and Competitive Negotiation

Dear Governor Treen:

This is to certify that the above referenced proposed Rule of the Department of Transportation and Development has been found unacceptable and disapproved in accordance with LRS 49:968.

Both House and Senate members of the Subcommittee on Oversight, acting as separate committees on behalf of their respective houses of the legislature have unanimously disapproved the proposed Rule as provided in LRS 49:968(D and E).

With respect to the proposed Rule, a suit entitled "Pepper and Associates, Inc., vs. Louisiana Department of Transportation and Development, et al" No. 271,015, 19th Judicial District Court, Parish of East Baton Rouge, was instituted. On December 5, 1982, a written Judgement was signed by Judge William H. Brown ordering DOTD, through its Secretary, to compose Rules and Regulations in the above referenced matter in accordance with the Administrative Procedure Act within 60 days from October 18, 1983. Also, on December 5, 1983, a devolutive appeal was granted to the plaintiff returnable to the First Circuit Court of

Appeals on February 6, 1983. Additionally, the consultants submitted six pages of suggested changes to the Rule and requested that the Department hold a hearing in this matter. More time is needed to schedule the hearing and consider the proposed changes. It was the committee's decision that until a judicial determination is made on the appeal and a hearing is held by the Department, the Rule should be rejected.

Under the provisions of LRS 49:968(G), please be advised that you have five calendar days to consider this report and, if it is your desire, to disapprove the action taken by the subcommittee. Please indicate your approval or disapproval of the subcommittee's action and return this document to my office at Box 44293, Baton Rouge LA, 70804.

Joseph Accardo, Jr.,  
Chairman  
Subcommittee on Oversight  
Joint Committee on Transportation,  
Highways and Public Works

# Potpourri

## POTPOURRI

### Department of Agriculture

Supplement to the  
SWEET POTATO WEEVIL QUARANTINE AND REGULATION  
Revised Effective December 20, 1983

In accordance with the authority vested in the Louisiana Department of Agriculture by Part 2 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the Sweet Potato Weevil Quarantine and Regulation is hereby supplemented as follows:

I. Quarantined Areas

1. In the United States

a) The areas quarantined because the sweet potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, South Carolina and North Carolina.

2. In Louisiana

a) Quarantined Areas in Louisiana are hereby declared to be the entire parishes of:

Acadia	Jefferson	St. James
Allen	Jefferson Davis	St. John the Baptist
Ascension	Lafayette	St. Landry
Assumption	Lafourche	St. Martin
Avoyelles	Livingston	St. Mary
Beauregard	Orleans	St. Tammany
Calcasieu	Plaquemines	Tangipahoa
Cameron	Point Coupee	Terrebonne
East Baton Rouge	Rapides	Vermilion
East Feliciana	Sabine	Vernon
Evangeline	St. Bernard	Washington
Iberia	St. Charles	West Baton Rouge
Iberville	St. Helena	West Feliciana

b) The following properties, together with all properties within a one-mile radius of each said properties, are hereby

declared quarantined:

Caddo Parish

Lenna Bell, Tisha Griffin, Section 16, T18N, R14W

Dennis Mason, John McFann, L.B. Bailey, Annie Sullivan,

Section 21, T18N, R14W

Grant Parish

E.H. Lashley, Section 20, T8N, R3W

Ouachita Parish

Thomas M. Sutton, Section 15, T18N, R2E

J.H. Colvin, M.C. Lowe, Section 14, T18N, R2E

Helen Brown, Melnine Cruse, O.N. Slocum, Section 21, T18N, R2E

c) Non-sweet potato areas shall be:

Infested properties in the area north of Avoyelles and Rapides Parishes, east and north east of the Red River line at Grant Parish, northeast of the Red River in Natchitoches Parish, north of the Natchitoches Parish line, west of the Red River and north of the Sabine Parish line and such other area or areas as may hereafter be declared non-sweet potato areas by publication in the Official Journal and the *Louisiana Register* by the State Entomologist, with the approval of the Commissioner.

The above Supplement will be effective on and after December 20, 1983, and will be revised effective November 30, 1984.

John W. Impson  
Assistant Commissioner and State  
Entomologist

### POTPOURRI

#### Department of Agriculture Horticulture Commission

The next retail floristry examinations will be given at 10:30 a.m. daily at Gayle Hall, McNeese University, Lake Charles, LA, on January 24,25,26, and 27, 1984. The deadline for getting in application and fee is January 6, 1984.

Further information concerning examinations may be obtained from Dan Devenport, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom  
Commissioner

### POTPOURRI

#### Department of Health and Human Resources Board of Examiners of Psychologists

The Louisiana State Board of Examiners of Psychologist will be holding a public hearing on the Notice of Intent, proposed rules on Training and Credentials published in the November 20, 1983 issue of the *Louisiana Register* at the Red River Room - LSU Union from 9 a.m. to 11 a.m., January 14, 1984.

June M. Tuma, Ph.D.  
Chair

### POTPOURRI

#### Department of Natural Resources Office of Conservation Injection & Mining Division

DOCKET NUMBER UIC 84-1

NOTICE OF HEARING

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Tuesday, January 24, 1984, in the Police Jury Meeting Room of the Acadia Parish Courthouse, located in Crowley, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Habetz Oilfield Saltwater Service, Inc., Box 1552, Crowley, LA 70526. The applicant intends to operate a commercial saltwater disposal well and facility in Section 15, Township 9 South, Range 1 East, Acadia Parish, Louisiana, and inject into the subsurface salt water generated from oil and gas production.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection & Mining Division, Room 228 of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., January 31, 1984, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275. Re: Docket No. UIC 84-1, Commercial Salt Water Disposal Well, Acadia Parish.

Patrick H. Martin  
Commissioner of Conservation

### POTPOURRI

#### Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20,1980; and also the Rules of the Secretary of this Department, notice is hereby given that 54 completed claims, amounting to \$40,088.85, were received during the month of November, 1983. During the same month, 46 claims, amounting to \$67,079.47 were paid.

The following is a list of the paid claims:

Claim No. 82-668	Claim No. 83-898
Jerry P. Bourgeois	Jim R. Richard
Claim No. 82-711	Claim No. 83-915
Timothy Schouest, Sr.	Marvin Dempster
Claim No. 82-790	Claim No. 83-947
Joseph Cheramie	Kenneth J. Robin
Claim No. 83-815	Claim No. 83-954
Harold Toups, Jr.	John S. Domingo

Claim No. 83-833 Bruce Guerra	Claim No. 83-955 John S. Domingo
Claim No. 83-842 James L. Terrio, Sr.	Claim No. 83-959 Arnold Rodriguez
Claim No. 83-847 William A. Taylor	Claim No. 83-965 Jean Authement
Claim No. 83-856 Joseph Rogers	Claim No. 83-978 Eunice Johnfroe
Claim No. 83-858 Wilbert Broussard	Claim No. 83-983 Allen J. Pellegrin, Jr.
Claim No. 83-861 Wendel David	Claim No. 83-984 Harvey Cheramie, Sr.
Claim No. 83-864 Alvin Charpentier	Claim No. 83-996 James J. George, Sr.
Claim No. 83-865 Daniel Charpentier	Claim No. 83-997 Kenneth J. Robin
Claim No. 83-872 Daniel Bruce	Claim No. 83-1003 Joseph H. Verdin
Claim No. 83-875 Isador Dardar	Claim No. 83-1009 Warren Thibodaux
Claim No. 83-878 Ronnie Ledet	Claim No. 83-1013 Stanley Weiskoph
Claim No. 83-883 Billy Schmill	Claim No. 83-1014 Stanley Weiskoph
Claim No. 83-885 Kerry Rojas	Claim No. 83-1029 Albert Madere
Claim No. 83-886 Ernest Cheramie	Claim No. 83-1035 Warren Thibodaux
Claim No. 83-889 Wayne Vizier	Claim No. 83-1039 Joseph Barasich
Claim No. 83-890 Arnold Rodriguez	Claim No. 83-1042 Kenneth J. Guidry
Claim No. 83-895 George C. Reno	Claim No. 83-1046 Peter Gerica
Claim No. 83-896 Bobby J. Lee	Claim No. 83-1051 John W. Armbruster, III
Claim No. 83-897 David Duet, Jr.	Claim No. 83-1094 Warren Thibodaux

Public hearings to consider completed claims against the Fishermen's Gear Compensation Fund have been scheduled as follows:

Tuesday, January 3, 1984, at 10:30 a.m., in the Lafitte City Hall, Lafitte, LA:

Claim No. 83-906

Herbert Schultz, Jr., of Lafitte, LA, while trawling on the vessel "Lady Sarah", in Breton Sound, north of Bird Island at LORAN-C coordinates of 28,978.7 and 46,902.9, Plaquemines Parish, encountered a submerged barge on June 7, 1983, at approximately 5:30 a.m., causing loss of his 50 foot trawl.

Amount of Claim: \$1,215.

Claim No. 83-930

Freddie Plaisance, of Lafitte, LA, while trawling on the vessel "Miss Sheila", in Hackberry Bay at 29° 24' 09" N, 90° 00' 27" W, Jefferson Parish, encountered an unidentified submerged obstruction, on June 20, 1983, at approximately 8 a.m., causing loss of his 38 foot trawl.

Amount of Claim: \$350.

Claim No. 83-931

Dennis E. Lacoste, of Metairie, LA, while trawling on the

vessel "LA-9503-AU", in Black Bay at 29° 34' 54" N, 89° 33' 03" W, Plaquemine Parish, encountered a submerged pipe, on June 7, 1983, at approximately 12 p.m., causing loss of his trawl.

Amount of Claim: \$495.

Claim No. 83-974 (Rescheduled)

Lester Charles Arcement, of Lafitte, while trawling on the vessel "Charlie's Angels", in the Gulf of Mexico, east of North Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on June 26, 1983, at approximately 8 a.m., causing damage to his 65-foot trawl.

Amount of Claim: \$710.02.

Claim No. 83-976

Herbert Schultz, Jr. of Lafitte, LA, while trawling on the vessel "Lady Sarah", in the Gulf of Mexico at LORAN-C coordinates of 29,064.2 and 46,796.2, Plaquemines Parish, encountered a submerged buoy, on June 21, 1983, at approximately 12:30 p.m., causing damage to his 65-foot trawl.

Amount of Claim: \$338.

Claim No. 83-977

Herbert Schultz, Jr., of Lafitte, LA, while trawling on the vessel "Lady Sarah", in the Gulf of Mexico, east of North Pass, at LORAN-C coordinates of 29,034.3 and 46,828.6, Plaquemine Parish, encountered an unidentified submerged obstruction, on June 25, 1983, at approximately 4 p.m., causing damage to his 65-foot trawl.

Amount of Claim: \$294

Claim No. 83-988

Arthur Plaisance, of Westwego, LA while trawling on the vessel "Shelley Ann", in the Gulf of Mexico, south of Four Bayou Pass, at LORAN-C coordinates of 28,627.4 & 46,869.0, Plaquemine Parish, encountered a submerged boat on June 25, 1983, at approximately 9 a.m., causing loss of his 65-foot trawl.

Amount of Claim: \$1,143.20.

Claim No. 83-1028

Lindbert Santini, Sr., of Lafitte, LA, while trawling on the vessel "LA-9029-AZ", in Bayou St. Denis, at approximately 29° 27' 40" N, 89° 59' 07" W, Jefferson Parish, encountered an unidentified submerged obstruction, on July 6, 1983, at approximately 10 a.m., causing loss of his 45-foot trawl and tickler chain.

Amount of Claim: \$749.

Claim No. 83-1032

Glen Cheramie, of Lafitte, LA, while trawling on the vessel "Miss Sassy", in Breton Sound, northeast of Battledore Reef at LORAN-C coordinates of 28,970.7 and 46,902.9, Plaquemine Parish, encountered a submerged metal object on July 13, 1983, at approximately 10 p.m., causing damage to his vessel and fishing gear.

Amount of Claim: \$5,000.

Claim No. 83-1052

Kirk H. Fisher, of Lafitte, LA, while trawling on the vessel "LA-872-ZY", in the Gulf of Mexico at the mouth of Quatre Bayou Pass, approximate LORAN-C coordinates of 28,627.0 and 46,871.5, Plaquemines Parish, encountered a submerged boat, on July 24, 1983, at approximately 6:30 a.m., causing loss of his 50-foot trawl and related gear.

Amount of Claim: \$715.02.

Claim No. 83-1056

Jerry P. Bourgeois, of Westwego, LA, while trawling on the vessel "Tiger Man", in the Gulf of Mexico, at approximate LORAN-C coordinates of 28,514.0 and 46,854.0, Jefferson Parish, encountered an unidentified submerged obstruction, on July 10, 1983, at approximately 10 a.m., causing damage to his trawl.

Amount of Claim: \$380.

Claim No. 83-1115

Alex J. Sandras, of Harvey, LA, while trawling on the vessel

"Jay-Lin", in Barataria Pass, east of Grand Isle at approximate LORAN-C coordinates 28,567.8 and 46,865.7, Jefferson Parish, encountered an unidentified submerged obstruction on August 28, 1983, at approximately 3 a.m., causing loss of his 45-foot trawl, doors and chain.

Amount of Claim: \$1,356.53.

Claim No. 83-1128

Gerald E. LeBlanc, of Lafitte, LA, while trawling on the vessel "Lydia Marie", in the Gulf of Mexico at approximate LORAN-C coordinates of 28,565.0 and 46,862.5, Jefferson Parish, encountered an unidentified submerged obstruction, on August 31, 1983, at approximately 10:30 a.m., causing damage to his two trawls and one set of boards.

Amount of Claim: \$486.95.

Claim No. 83-1200

Dale Belsome, of Lafitte, LA, while trawling on the vessel "Master Dale", in the Barataria Waterway at LORAN-C coordinates of 28,549.7 and 46,871.6, Jefferson Parish, encountered an unidentified submerged obstruction on September 30, 1983, at approximately 12:45 p.m., causing damage to his vessel.

Amount of Claim: \$1539.25.

Claim No. 83-1279

Myron Berthelot, of Lafitte, LA, while trawling on the vessel "LA-3694-AL", in the Gulf of Mexico near the mouth of Scofield Bayou, at LORAN-C coordinates of 28,786.0 and 46,849.2, Plaquemines Parish, encountered a submerged boat on October 2, 1983, at approximately 3 p.m., causing loss of his 45-foot trawl.

Amount of Claim: \$477.48.

Wednesday, January 4, 1984, at 10:30 a.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:

Claim No. 83-932

Malcolm Assevado, of Yscloskey, LA, while trawling on the vessel "Lady Cynthia", in Breton Sound south of the Mississippi River-Gulf Outlet Channel at approximate LORAN-C coordinates of 29,026.0 and 46,927.4, St. Bernard Parish, encountered an unidentified submerged obstruction, on June 18, 1983, at approximately 7:30 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$600.

Claim No. 83-1043

Malcolm Assevado, of Yscloskey, LA, while trawling on the vessel "Lady Cynthia", in Eloi Bay southeast of Deadman Island, St. Bernard Parish, encountered a submerged pipe flow line, on July 23, 1983, at approximately 7 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$600.

Claim No. 83-1053

Charles Robin, of St. Bernard, LA, while trawling on the vessel "Ellie Margaret", in Eloi Bay south of Codfish Point, St. Bernard Parish, encountered an unidentified submerged obstruction, on July 1, 1983, at approximately 8 a.m., causing damage to his vessel.

Amount of Claim: \$450.

Claim No. 83-1070

Lester Evans, of St. Bernard, LA, while trawling on the vessel "Swamp Rat", in Lake Borgne at approximate LORAN-C coordinates of 29,042.0 and 47,041.3, St. Bernard Parish, encountered a submerged stump, on July 25, 1983, at approximately 10 p.m., causing loss of his trawl and doors.

Amount of Claim: \$1,522.91.

Claim No. 83-1078

George C. Reno, of Venice, LA, while trawling on the vessel "Tidewater Red", in Breton Sound at LORAN-C coordinates of 28,924.5 and 46,901.3, Plaquemines Parish, encountered a submerged 3" x 40' pipe, on July 20, 1983, at approxi-

mately 6 a.m., causing damage to his trawl.

Amount of Claim: \$120.

Claim No. 83-1089

Raymond Menendez, of Buras, LA, while trawling on the vessel "Capt. Ryan", in Breton Sound at LORAN-C coordinates of 8,976.9 and 46,904.8, Plaquemines Parish, encountered a submerged boat rigging on August 21, 1983, at approximately 9 p.m., causing loss of his two trawls.

Amount of Claim: \$1,618.42.

Claim No. 83-1095

Joseph F. Latapie, Sr., of St. Bernard, LA, while trawling on the vessel "El Baba", in Eloi Bay near Grassy Island at approximate LORAN-C coordinates of 28,994.2 and 46,958.7, St. Bernard Parish, encountered an unidentified submerged obstruction on August 17, 1983, at approximately 6:30 a.m., causing loss of his 51-foot trawl

Amount of Claim: \$414.48.

Claim No. 83-1113

Domingo Rano, of St. Bernard, LA, while trawling on the vessel, "Capt. Mingo", in Lake Borgne, ¾ mile northwest of Bayou St. Malo, St. Bernard Parish, encountered a submerged pipe, on August 23, 1983, at approximately 1 p.m., causing loss of his 45-foot trawl.

Amount of Claim: \$665.

Claim No. 83-1118 (See description at end of Chalmette Hearings)

Claim No. 83-1132

Howard Dardar, of Belle Chasse, LA, while trawling on the vessel "Master Timothy", in Breton Sound, east of Pt. Chicot, at LORAN-C coordinates of 29,105.5 and 46,960.2, St. Bernard parish, encountered an unidentified submerged obstruction, on September 3, 1983, at approximately 1 a.m., causing loss of his 50-foot trawl and 16-foot test trawl.

Amount of Claim: \$794.

Claim No. 83-1133

Howard Dardar, of Belle Chasse, LA, while trawling on the vessel "Master Timothy", in Breton Sound, 3 miles north of Pt. Chicot, at LORAN-C coordinates of 29,111.8 and 46,968.8, St. Bernard Parish, encountered an unidentified submerged obstruction on September 3, 1983, at approximately 9:30 p.m., causing loss of his 16 foot trawl and boards.

Amount of Claim: \$168.95.

Claim No. 83-1136

Michael A. Trosclair, of George Trosclair & Sons, Inc., St. Bernard, LA, while trawling on the vessel "Elmer Williams II", in Garden Island Bay south of Redfish Bay, at approximate LORAN-C coordinates of 29,016.2 and 46,785.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on September 1, 1983, at approximately 2 p.m., causing loss of his 50 foot trawl.

Amount of Claim: \$1,100.

Claim No. 83-1152

Howard Dardar, of Belle Chasse, LA, while trawling on the vessel "Master Timothy", in the Gulf of Mexico at LORAN-C coordinates of 28,824.0 and 46,802.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on September 7, 1983, causing loss of his 50 foot trawl.

Amount of Claim: \$695.

Claim No. 83-1154

Rodney Weiskoph, of Braithwaite, LA, while trawling on the vessel "Kurt n Gene", Breton Sound 2½ miles south-southwest of Point Fortuna, Plaquemine Parish, encountered an unidentified submerged obstruction, on September 10, 1983, at approximately 2 a.m., causing loss of his 45 foot trawl and tickler chain.

Amount of Claim: \$678.67.



Claim No. 83-1169

John S. Domingo, of St. Bernard, while trawling on the vessel "Capt. John", in Breton Sound, southeast of Mozambique Pt. at approximate LORAN-C coordinates of 28,944.0 and 46,931.2, Plaquemines Parish, encountered an unidentified submerged obstruction on September 15, 1983, at approximately 10 a.m., causing the loss of his 42 foot balloon trawl.

Amount of Claim: \$618.09.

Claim No. 83-1172

Peter Gerica, of New Orleans, LA, while trawling on the vessel "Miss Lucy", in Lake Pontchartrain, northwest of South Point, at approximate LORAN-C coordinates of 28,826.3 and 47,052.5, Orleans Parish, encountered a submerged wooden and steel object, on September 15, 1983, at approximately 11 a.m., causing damage to his trawl.

Amount of Claim: \$500.

Claim No. 83-1173

George C. Reno, of Venice, LA, while trawling on the vessel "Tidewater Red", in Breton Sound, northeast of Battledore Reef, at LORAN-C coordinates of 28,976.8 and 46,905.1, Plaquemine Parish, encountered an unidentified submerged obstruction on August 25, 1983, at approximately 11:15 p.m., causing damage to his trawl.

Amount of Claim: \$100.

Claim No. 83-1174

Wilson Assavedo, of St. Bernard, LA, while trawling on the vessel "Mitzi Lynne", in Lake Borgne, northeast of Proctor Point, at approximate LORAN-C coordinates of 28,904.0 and 47,016.0, St. Bernard Parish, encountered an unidentified submerged obstruction on September 10, 1983, at approximately 7:30 a.m., causing loss of his 50 foot trawl.

Amount of Claim: \$800.

Claim No. 83-1177

Cliff Glockner, Jr., of Lacombe, LA, while trawling on the vessel "Wind Song", in Lake Pontchartrain, northwest of South Point, at approximate LORAN-C coordinates of 28,800.0 and 47,056.2, Orleans Parish, encountered a submerged metal object on September 14, 1983, at approximately 2:30 p.m., causing loss of his trawl.

Amount of Claim: \$675.

Claim No. 83-1210

Warren Delacroix, III, of Metairie, LA, while trawling on the vessel "Goldfinger", in Lake Pontchartrain, 1½ miles east of the south draw of the causeway at approximate LORAN-C coordinates of 28,689.0 and 47,045.7, Orleans Parish, encountered submerged concrete and steel, on September 28, 1983, at approximately 4:30 p.m., causing damage to his trawl.

Amount of Claim: \$300.

Claim No. 83-1211

Warren Delacroix, III, of Metairie, LA, while trawling on the vessel "Goldfinger", in Lake Pontchartrain, 4 miles northwest of the Airport runway, Orleans Parish, encountered a concrete filled truck tire, on September 26, 1983, at approximately 3 p.m., causing damage to his trawl.

Amount of Claim: \$450.

Claim No. 83-1212

Warren Delacroix, III, of Metairie, LA, while trawling on the vessel "Goldfinger", in Lake Pontchartrain, south of Goose Point at approximate LORAN-C coordinates of 28,776.0 and 47,057.6, St. Tammany parish, encountered an unidentified submerged metal obstruction on October 3, 1983, at approximately 10 a.m., causing damage to his trawl.

Amount of Claim: \$200.

Claim No. 83-1213

Warren Delacroix, III, of Metairie, LA, while trawling on the vessel "Goldfinger", in Lake Pontchartrain, east-southeast of the

south draw of the causeway, at approximate LORAN-C coordinates of 28,719. and 47,042.4, Orleans Parish, encountered a submerged concrete slab, on October 5, 1983, at approximately 7:15 a.m., causing damage to his trawl.

Amount of Claim: \$280.

Claim No. 83-1227

Warren Delacroix, III, of Metairie, LA, while trawling on the vessel "Goldfinger", in Lake Pontchartrain, west of the railroad bridge, at approximate LORAN-C coordinates of 28,855.0 and 47,058.4, St. Tammany Parish, encountered an unidentified submerged obstruction on October 11, 1983, at approximately 3:45 p.m., causing loss of his 50-foot trawl and boards.

Amount of Claim: \$1,772.

Claim No. 83-1118

Gary J. Trevil, of Metairie, LA, while trawling on the vessel "Dawn Mist", in Lake Borgne at approximate LORAN-C coordinates of 28,993.0 and 47,050.5, St. Bernard Parish, encountered an unidentified submerged obstruction, on August 29, 1983, at approximately 10:30 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$781.

Wednesday, January 11, 1984, at 10:30 a.m., in the Delcambre City Hall, Delcambre, LA:

Claim No. 82-721 (Additional damage)

Howard J. DeRouen, of Howard Board Company, Inc., New Iberia, LA, while trawling on the vessel "Sea Breeze", in the Gulf of Mexico, west of S.W. Pass, at LORAN-C coordinates of 27,327.1 and 46,942.9, Vermilion Parish, encountered a sunken boat, the Lady Verl, on October 11, 1982, at approximately 10 p.m., causing damage to his vessel. This is a claim for \$931 in addition to the amount considered on April 29, 1983, and was paid on May 20, 1983.

Additional Amount: \$931.

Claim No. 82-792

John J. Mialjevich, of Delcambre, LA, while trawling on the vessel "Tee John", in Vermilion Bay, Vermilion Parish, encountered submerged crab traps, on November 18, 1982, at approximately 2:15 p.m., causing damage to his vessel.

Amount of Claim: \$100.

Claim No. 83-1058

John J. Mialjevich, of Delcambre, LA, while trawling on the vessel "Tee John", in the Gulf of Mexico, in Southwest Pass, Vermilion Parish, encountered a submerged piling, on July 30, 1983, at approximately 12 a.m., causing loss of his 40-foot trawl.

Amount of Claim: \$588.63.

Claim No. 83-1059

John J. Mialjevich, of Delcambre, LA, while trawling on the vessel "Tee John", in the Gulf of Mexico, at LORAN-C coordinates of 27,366.2 and 46,943.6, Vermilion Parish, encountered an unidentified submerged obstruction, on July 27, 1983, at approximately 10:15 a.m., causing damage to his trawl.

Amount of Claim: \$81.64.

Claim No. 83-1063

Danny Segura, of Delcambre, LA, while trawling on the vessel, "Mary Carolyn", in the Gulf of Mexico, at LORAN-C coordinates of 26,906.7 and 46,965.3, Cameron Parish, encountered an unidentified submerged obstruction, on July 7, 1983, at approximately 5 p.m., causing damage to his trawl.

Amount of Claim: \$143.15.

Claim No. 83-1087

Joseph H. Touchet, of Kaplan, LA, while trawling on the vessel "Proline", in the Gulf of Mexico, ½ mile east of Freshwater Bayou Channel, at approximate LORAN-C coordinates of 27,204.0 and 46,936.4, Vermilion Parish, encountered an unidentified submerged obstruction, on July 20, 1983, at approxi-

mately 9:30 a.m., causing loss of his 45-foot trawl.

Amount of Claim: \$536.89.

Claim No. 83-1093

Timothy Schouest, Sr., of New Iberia, LA, while trawling on the vessel, "Master Timothy, Jr.," in Breton Sound at LORAN-C coordinates of 29,052.0 and 46,916.4, Plaquemines parish, encountered an unidentified submerged obstruction on August 15, 1983, at approximately 4:30 p.m., causing loss of his 60-foot trawl.

Amount of Claim: \$1,075.85.

Claim No. 83-1045

Gene R. Stutes, of Bell City, LA, while trawling on the vessel "Jo Ellen", in the Gulf of Mexico, southeast of Holly Beach, at approximate LORAN-C coordinates of 26,613.0 and 46,979.2, Cameron Parish, encountered a submerged piling, on July 8, 1983, at approximately 5:30 p.m., causing loss of his 45-foot trawl and related gear.

Amount of Claim: \$678.

Claim No. 83-1110

Wylie B. Pearce, III, of Lake Charles, LA, while trawling on the vessel, "Solomon", in Calcasieu Lake, at approximately 29°52'20" N, 93°17'48" W, Cameron Parish, encountered a submerged pipe, on August 21, 1983, at approximately 8 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$500.

Claim No. 83-1285

Danny Segura, of Delcambre, LA, while trawling on the vessel "Mary Carolyn", in the Gulf of Mexico, west of the "New Cut", Cameron Parish, encountered a submerged anchor, on October 23, 1983, at approximately 1 a.m., causing damage to his trawl.

Amount of Claim: \$266.50

Thursday, January 12, 1984, at 10 a.m., in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.

Claim No. 83-877

Timothy S. Guidry, of Galliano, LA, while trawling on the vessel "Capt. Timmy", in the Gulf of Mexico, near Fouchon at LORAN-C coordinates of 28,811.4 and 46,819.6, Lafourche Parish, encountered an unidentified submerged obstruction, on May 15, 1983, at approximately 7 p.m., causing loss of his 72-foot trawl and related gear.

Amount of Claim: \$2,163.95.

Claim No. 83-957

Ted Dufrene, of Pitre & Dufrene, Inc., of Cut Off, LA, while trawling on the vessel "Nelly Rose", in the Gulf of Mexico, southwest of Belle Pass, at LORAN-C coordinates of 28,993.3 and 46,821.1, Lafourche Parish, encountered an unidentified submerged obstruction, on June 23, 1983, at approximately 11 a.m., causing damage to his trawl and door.

Amount of Claim: \$1,825.54.

Claim No. 83-992

Filton Cheramie, Jr., of Galliano, LA, while trawling on the vessel "Miss Norma", in Timbalier Bay, north of Bird Island, at 29°04'27" N, 90°20'03" W, Lafourche Parish, encountered an unidentified submerged obstruction, on June 23, 1983, at approximately 11:30 p.m., causing loss of his 50-foot trawl.

Amount of Claim: \$653.16.

Claim No. 83-1048

Clovis A. Rigand, of Grand Isle, LA, while trawling on the vessel "Master Randal", in Barataria Pass east of Grand Isle, at 29°16'09" N, 89°57'11" W, Jefferson Parish, encountered an unidentified submerged obstruction on July 25, 1983, at approximately 5:15 a.m., causing loss of his boards and damage to his

trawl.

Amount of Claim: \$1,002.80.

Claim No. 83-1067

Perry Felarise, of Cut Off, LA, while trawling on the vessel "Perry and Dana", in Chandeleur Sound, east of Gardner Island, at LORAN-C coordinates of 29,031.5 and 46,952.3, St. Bernard Parish, encountered an unidentified submerged obstruction, on June 22, 1983, at approximately 11 a.m., causing loss of his 45-foot trawl and related gear.

Amount of Claim: \$961.90.

Claim No. 83-1068

Perry Felarise, of Cut Off, LA, while trawling on the vessel "Perry and Dana", in Chandeleur Sound, east of Gardner Island, at LORAN-C coordinates 29,021.8 and 46,952.0, St. Bernard Parish, encountered an unidentified submerged obstruction on June 2, 1983, at approximately 2 p.m., causing loss of his 45 foot trawl and related gear.

Amount of Claim: \$961.90.

Claim No. 83-1123

Mervin Ledet, Jr., of Rudy Joe, Inc., Lockport LA, while trawling on the vessel "Rudy Joe", in the Gulf of Mexico, South of Four Bayou Pass, LORAN-C coordinates of 28,627.4 and 46,867.9, Plaquemines Parish, encountered a submerged boat, on August 26, 1983, at approximately 6 p.m., causing damage to his trawl.

Amount of Claim: \$475.23.

Claim No. 83-1124

John Wunstell, of Galliano, LA, while trawling on the vessel "Guiding Star", in Breton Sound, north of the channel, at approximate LORAN-C coordinates of 29,026.0 and 46,946.0, St. Bernard Parish, encountered an unidentified submerged obstruction, on August 28, 1983, at approximately 10 a.m., causing loss of his two 40-foot trawls.

Amount of Claim: \$1,193.64.

Claim No. 83-1139

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel "Tee Jeff", in the Gulf of Mexico, at LORAN-C coordinates of 28,979.8 and 46,773.4, Plaquemines Parish, encountered an unidentified submerged obstruction on July 24, 1983, at approximately 1:30 p.m., causing loss of his trawl and related gear.

Amount of Claim: \$788.05.

Claim No. 83-1262

Donald Johnfroe, of Galliano, LA, while trawling on the vessel "Lady Miranda", in Bay des llettes, at approximate 29°18'19" N, 90°00'33" W, Jefferson Parish, encountered an unidentified submerged obstruction, on October 17, 1983, at approximately 4:15 p.m., causing damage to his trawl.

Amount of Claim: \$198.49.

Claim No. 83-1277

Henry Charpentier, of Capt. Henry, Inc., Cut Off, LA, while trawling on the vessel "Capt. Henry", in the Gulf of Mexico, east of Southwest Pass, LORAN-C coordinates of 28,790.9 and 46,766.6, Plaquemines Parish, encountered an unidentified submerged obstruction, on October 21, 1983, at approximately 9 a.m., causing loss of his 55-foot trawl and boards.

Amount of Claim: \$1,202.80.

Thursday, January 12, 1984, at 1:30 p.m., in the L.S.U. Cooperative Extension Service Office, 511 Roussell Street, Houma LA.

Claim No. 83-1008

Mrs. Paul A. Luke, of Lady Georgiana, Inc., Houma, LA, while trawling on the vessel "Lady Georgiana", in the Caillou Bay, west of Bayou du Large, LORAN-C coordinates of 27,893.1 and 46,861.2, Terrebonne Parish, encountered a submerged boat, on

# Errata

June 20, 1983, at approximately 5 p.m., causing damage to her trawl.

Amount of Claim: \$285.29.

Claim No. 83-1012

Paul A. Luke, of Houma, LA, while trawling on the vessel "Georgi Girl", in Caillou Bay, southwest of Grand Pass des Ilettes, at LORAN-C coordinates of 27,925.0 and 46,847.0, Terrebonne Parish, encountered a submerged piling, on June 21, 1983, at approximately 4 p.m., causing damage to his 52-foot trawl.

Amount of Claim: \$276.70.

Claim No. 83-1175

Ernie A. Pinell, of Montegut, LA, while trawling on the vessel "J.P.", in West Cote Blanche Bay, north of the north end of Marsh Island, at LORAN-C coordinates of 27,554.3 and 46,952.4, Iberia Parish, encountered an unidentified submerged obstruction, on September 16, 1983, at approximately 10:30 a.m., causing loss of his 52-foot trawl.

Amount of Claim: \$828.06.

Claim No. 83-1178

Houston Trahan, of Chauvin, LA, while trawling on the vessel "Rebecca Lynn", in Lake Pelto on the northwest side of the lake at 29°05'14" N, 90°46'57" W, Terrebonne Parish, encountered an unidentified obstruction, on September 20, 1983, at approximately 11 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$920.

Claim No. 83-1216

Houston Trahan, of Chauvin, LA, while trawling on the vessel "Rebecca Lynn", in Terrebonne Bay, south of Lake St. Jean Baptiste, at 29°10'54" N, 90°33'30" W, Terrebonne Parish, encountered a submerged pipe, on October 4, 1983, at approximately 10 a.m., causing damage to his 50-foot trawl.

Amount of Claim: \$660.

Claim No. 83-1253

Houston Trahan, of Chauvin, LA, while trawling on the vessel "Rebecca Lynn", in Terrebonne Bay, south of Lake St. Jean Baptiste, at 29°09'33" N, 90°33" W, Terrebonne Parish, encountered a submerged pipe, on October 17, 1983, at approximately 11 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$980.

Claim No. 83-1301

Houston Trahan, of Chauvin, LA, while trawling on the vessel "Rebecca Lynn", in Terrebonne Bay, south of Lake St. Jean Baptiste, at 29°10'57" N, 90°33'20" W, Terrebonne Parish, encountered a submerged pipe, on November 3, 1983, at approximately 8 a.m., causing loss of 50-foot trawl.

Amount of Claim: \$980.

Claim No. 83-1338

Houston Trahan, of Chauvin, LA, while trawling on the vessel "Rebecca Lynn", in Lake Pelto, northeast of Whiskey Pass, at 29°04'42" N, 90°04'57" W, Terrebonne Parish, encountered a submerged piece of heavy cable, on November 4, 1983, at approximately 9 a.m., causing loss of his 50-foot trawl.

Amount of Claim: \$1,180.

Any written objections to these claims must be received by the close of business on December 30, 1983. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44124, Capital Station, Baton Rouge, LA 70804.

Frank P. Simoneaux  
Secretary

## ERRATA

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

In the October 20, 1983 edition of the *Louisiana Register*, starting at page 691, the Office of State Fire Marshal adopted an amendment to L.A.C. 17-4:19. The amendment shows the addition of a section 4:19.2, Retail Fireworks Sales. That section should be renumbered 19.3 because there is already a 19.2 and the 19.2 was not repealed and was not intended to be repealed.

Also, the new Rule regarding specifications for flammable and combustible liquid containers, also published in the October 20, 1983 issue on page 691, was designated as L.A.C. 17-4:25 when there is presently no 17-4:24. This Rule should be renumbered from 17-4:25 to 17-4:24.

Plauche F. Villere, Jr.  
Legal Counsel  
State Fire Marshal

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