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Executive Orders

EXECUTIVE ORDER DCT 82-19

WHEREAS, rape is an act of violence which has become a problem of tragic national importance; and

WHEREAS, I have, by virtue of Executive Order No. 82-15, created a Task Force on Rape to study the facts surrounding the problem and make recommendations for legislation to combat the problem; and

WHEREAS, it is vital to the mission of the task force that it have sufficient time to study relevant information regarding the tragedy of rape and prepare responsible and workable legislation;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby recreate the Governor's Task Force on Rape.

Said task force shall be composed of those members appointed by the Governor prior to September 30, 1982.

Said task force shall make recommendations to the Governor prior to November 30, 1982, and shall disband at that time unless specifically recreated by executive order.

Members of said task force shall receive no compensation for attending meetings of the task force but shall be reimbursed for those necessary expenses incurred in attending meetings of the task force. Such reimbursements shall be made in compliance with state travel regulations.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 30th day of August, A.D., 1982.

David C. Treen
Governor of Louisiana.

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture
Seed Commission

The Department of Agriculture, Seed Commission, has determined that the absence of procedures for the certification of bulk seed has created a severe economic burden among farmers of Louisiana, particularly among wheat farmers who cannot now purchase certified wheat seed in bulk. In order to implement procedures whereby wheat farmers can purchase certified wheat in bulk for crops which must be planted within the next few weeks, the Department of Agriculture, Seed Commission, has adopted the following Bulk Seed Certification regulations on an emergency basis:

1. Bulk seed certification shall be restricted as follows:
   a) Only certification of small grain, soybean, and rice seed in bulk shall be permitted.
   b) Bulk seed certification shall be limited to the certified class.
   c) Seed certified in bulk quantities and marketed in bulk shall not be eligible for recertification.
   d) Sales of certified seed in the bulk can only be made by the grower-applicant directly to the consumer who will be planting the seed.
   e) Upon request of grower, a certificate for each approved lot will be issued from the Louisiana Department of Agriculture, Office of Agronomics and Quarantine Programs, to the grower-applicant covering the entire quantity of seed certified in the bulk. A charge of six cents per bushel will be made at the time the certificate is issued. After a bulk certificate is issued on a lot, a bulk retail certificate must be used for each sale of the lot certified in the bulk.
   f) No certification tags will be issued for seed sold in bulk.
   g) Seed from a lot certified as a bulk quantity, for which a certificate has been issued, may be tagged by the grower-applicant, if an official sample is drawn from bagged seed and meets certified seed standards. Tags will be issued for such situations at normal cost.
2. Official samples
   a) Official samples to determine eligibility for certification must be drawn from the cleaned seed after conditioning and/or treating.
   b) Maximum size of bulk lots will be limited to the quantity approved for drawing official samples, i.e., depth sampling equipment will operate, working room to operate equipment, and access to all parts of the storage by official inspectors.
   c) Complete identity of all bulk lots through the use of lot numbers and bin designations must be maintained until the entire lot is disposed of.
   d) Once official samples are drawn, no additional seed quantities may be added to the lot.
3. Approved Storage for Bulk Certified Seed
   a) In order to store bulk seed, detailed arrangements must be made with and approved by the Louisiana Department of Agriculture, Office of Agronomic and Quarantine Programs, before conditioning.
   b) Genetic identity and purity must be maintained throughout storage such that no mixtures will occur.
   c) Storage bins must be constructed so that bin openings can be kept closed to prevent contamination.
4. Violations or abuses of intent regarding bulk merchandising of certified seed in any form will result in the automatic suspension of this privilege for one subsequent crop year.

Notice of the intention of the Seed Commission to adopt the above Bulk Seed Certification Program regulations on a permanent basis was published in the August 20, 1982, issue of the *Louisiana Register*. The public hearing for consideration of these regulations and other proposed amendments to the Rules and Regulations of the Seed Commission will be conducted on October 13, 1982, at 1 p.m. at the State Capitol, 21st Floor, Baton Rouge.

Copies of other proposed amendments to be considered at the public hearing on October 13, 1982, may be secured by writing Barby Carroll, Office of Agriculture and Environmental Sciences, Department of Agriculture, Box 44153, Baton Rouge 70804, or in person at his office in the Harry D. Wilson Building on the LSU Campus, Baton Rouge.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce
Racing Commission

The Commission, pursuant to the authority contained in R.S. 49:953 B, adopted the Emergency Rule, LAC 11-6:57 *et seq.* The Commission at its meeting on August 26, 1982 by unanimous resolution made a finding that the public welfare required the adoption of a Rule of racing to provide for the exclusion and ejection of certain categories of persons from the grounds of a racing association. Further that Act 779 of 1981 mandates that this Commission adopt such a Rule. Pursuant to R.S. 4:141 *et seq*, and particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent on the Louisiana State Racing Commission to adopt a Rule of racing so as to place under its control and jurisdiction the exclusion and ejection from the grounds of a racing association certain categories of people.

A complete text of LAC 11-6:57 may be found in this issue under Rules.

Ray Vanderhider
Chairman

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, as its meeting of August 26, 1982, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following as emergency Rules:

1. The Civil Service approval date for reclassified personnel shall be the effective date of salary adjustment for the new position.

This emergency adoption will enable classified personnel receiving a reclassification to receive the increase in salary immediately rather than having to wait the customary 60 days.

2. Revise the wording in the certification requirements for Parish or City School Supervisors of Special Education, Bulletin 746, Page 74, Paragraphs (2) and (3) to read as follows:

Page 74
Parish or City School Supervisor/Director of Special Education*

2. Have graduate training in special education including at least one course in administration/supervision of special education, and hold generic certification in special education and/or fulfill certification requirements in two areas of exceptionality as specified in Bulletin 746. In lieu of the second area of exceptionality, a person must be certified or hold a license or credential requirements in a related service area as noted in the Regulations of Act 754.

3. Have had five years of successful professional experience, at least three of which must have been in special education. For the purpose of this part, special education shall be defined as experience in any of the identified positions recognized by the State Board of Elementary and Secondary Education in Appendix I of Act 754 Regulations. The classroom experience shall have been as itinerant, resource or self-contained special class teacher as verified on the annual school report.

* This title will apply to all persons, regardless of title, who serve in this capacity.

3. Revise the wording in the certification requirements for Special School Principal, Bulletin 746, Page 75, Paragraph (3) to read as follows:

Page 75
Special School Principal

3. Have had five years of successful professional experience, at least three of which must have been in special education.

This emergency adoption of changes on pages 74 and 75 of Bulletin 746 will enable school systems to better staff the Special Education Program with certified personnel for the 1982-83 school session. The changes requested recognize a broader educational background as appropriate experience for certification.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act R.S. 49:953B, to amend its definition of resources under the Medical Assistance (Title XIX) Program effective August 17, 1982, to specify that burial plots or prepaid burial contracts are not resources for the purposes of determining eligibility for Medical Assistance. This policy applies only to a burial plot or prepaid burial contract intended for the use of an applicant for, or recipient of, Medical Assistance; or to such plots or contracts for the use of persons whose resources, if any, are deemed to the Medical Assistance applicant/recipient.

The definition of income is being amended in regard to burial plots or prepaid burial contracts as follows:

1) The receipt of a burial plot or prepaid burial contract as a gift or inheritance shall not be counted as income;

2) Installment payments on burial plots or contracts made by a third party directly to the provider of funeral services and burial items on behalf of the Medical Assistance applicant/recipient shall not be counted as income. However, if money is given directly to the applicant/recipient, it is counted as income;

3) Any increase in the value of a burial plot or contract or any interest derived from funds paid toward the cost of a burial contract shall not be counted as income. However, if interest is paid directly to the Medical Assistance applicant/recipient, rather than made a part of the contract, it shall be considered under the policies applicable to interest income;

4) The proceeds from the sale of a burial plot or contract shall be counted as income in the month received and if retained, shall be considered a resource in the following month.

The above changes in policy are necessary so that applicants and recipients of Medical Assistance who purchase burial plots do not risk losing their eligibility for Title XIX benefits. These Rule changes bring the Medical Assistance Program into compliance with Interim Final regulations published in the August 17, 1982 issue of the *Federal Register* (Volume 47, No. 159, 35948-35949) and in teletype message from the Social Security Administration in Baltimore, Maryland received August 23, 1982.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedures Act, R.S. 49:953B, to increase nursing home rates, effective with the August, 1982, payment for July, 1982, services, to the following amounts:

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facilities	$34.80	$1,058.50
Intermediate Care Facilities I	29.76	905.20
Intermediate Care Facilities II	23.87	726.05

This action will allow the Medical Assistance Program to increase payments to nursing homes on a timely basis.

Federal Regulation 42 CFR 447.273 and the Title XIX State Plan specify that the Medicaid agency must pay for long term care facility services on a reasonable cost-related basis. The rate is set based on the sixtieth percentile by level of care.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to amend the Medical Assistance Program's policy for payment for in-hospital care effective July 1, 1982, to add the following exception:

Vendor payment for inpatient hospital care in a short-term general hospital is limited to 15 days in a calendar year with the following exception:

Hospitals serving a disproportionate number of low-income patients will not be limited by the 15 day restriction and will have all allowable costs for approved services reimbursed. A hospital serving a disproportionate number of low-income patients is defined as any short-term general hospital in which the combination of Medicaid inpatient days and indigent inpatient days represents 30 percent or more of the total inpatient days for that hospital's most recent fiscal year. An indigent inpatient day is defined as a day of care consumed by a single individual whose monthly income is $200 or less, an individual from a two-member family with a monthly income of $225 or less, a three-member family with a monthly income of $250 or less, a four-member family with an income of $275 or less, and so forth, with $25 added to the monthly limit for each additional member of the family.

This Rule change is necessary to allow payment to those hospitals meeting the above qualifications, for the provision of in-patient hospital care to eligible Title XIX recipients. Such action will prevent imminent peril to the health, safety and welfare of those individuals whose need for inpatient hospital care exceeds 15 days per calendar year.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act R.S. 49:953B to provide for reimbursement to providers for hyperalimentation therapy (parenteral) effective July 1, 1982. This Rule change will enable the Medical Assistance Program to prevent imminent peril to the health and welfare of those individuals with severe pathology of the alimentary tract, which precludes normal oral feeding. Parenteral hyperalimentation therapy is necessary to adequately meet the nutritional requirements of such individuals.

This Rule change is in concurrence with federal regulation 42CFR 440.120.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to impose a maximum limit on the reimbursement rate for certain Home and Community Based Services provided through the Medical Assistance Program effective July 20, 1982. Payment to providers by the Department of Health and Human Resources on behalf of eligible recipients shall be determined individually on the basis of cost associated with providing the services. However, in no instance will the reimbursement to providers for the provision of Adult Day Health, Homemaker and Habilitation services exceed 80 percent of the total monthly Medicaid rate that normally would be paid to a Long Term Care Facility for a comparable level of care for such a person in a Long Term Care Facility.

This Rule change is necessary for the Louisiana Medical Assistance Program to comply with Act 715 (House Bill No. 1072) of the 1982 Regular Legislative Session. As policy now stands, it will be both costly and administratively burdensome for the Department of Health and Human Resources, Office of Family Security, participating providers, and eligible recipients, to utilize one set of reimbursement guidelines, policies and procedures for approximately 53 days and then be required because of Act 715, to utilize a different set of reimbursement guidelines, policies and procedures thereafter. As such a situation would be of imminent peril to the public health, safety, and welfare by impairing the development and delivery of Home and Community Based Services which provide an alternative to institutional care, the Department of Health and Human Resources, Office of Family Security, implements the above described Rule change.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

RESOLUTION

WHEREAS, after a meeting with U. S. Fish and Wildlife personnel in Washington D.C. pertaining to migratory bird seasons other than waterfowl, and

WHEREAS, tentative dates for the migratory bird seasons other than waterfowl were discussed with the Commission at the June 29, 1982 meeting, and

WHEREAS, we received the final notice from the U. S. Fish and Wildlife Service in July, the tentative dates of the June discussion were used in complying with Federal Seasons, and

WHEREAS, these dates were as follows:

1982-83

Doves:

Dates	Days	Bag Limit	Possession Limit
NORTH ZONE			
Sept. 4 - Sept. 19	16 days	12	24
Oct. 16 - Nov. 7	23 days	12	24
Dec. 11 - Jan. 10	31 days	12	24
Total	70 days		
SOUTH ZONE			
Oct. 16 - Nov. 28	44 days	12	24
Dec. 11 - Jan. 5	26 days	12	24
Total	70 days		
Woodcock:			
Dec. 11 - Feb. 13	65 days	5	10
Rails:			
Sept. 18 - Sept. 26	9 days	15*	30
Nov. 6 - Jan. 5	61 days	15*	30
Total	70 days		
Gallinules:			
Sept. 18 - Sept. 26	9 days	15	30
Nov. 6 - Jan. 5	61 days	15	30
Total	70 days		
Snipe:			
Nov. 6 - Feb. 20	107 days	8	16
Teal:			
Sept. 18 - Sept. 26	9 days	4	8

Shooting Hours: From ½ hour before sunrise to sunset daily, except that teal season shooting hours are sunrise to sunset.
*Clapper and king rails: 25 daily bag and possession limits singly or in the aggregate for sora and Virginia rails.

NOW THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission on this date of August 24, 1982, ratify the 1982-83 migratory bird seasons other than waterfowl as discussed and presented by the Game Division staff.

Jesse J. Guidry
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

RESOLUTION
1982-83 Waterfowl Season

WHEREAS, the United States Fish and Wildlife Service has established frameworks for the 1982-83 waterfowl hunting season, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission must abide by these frameworks in setting waterfowl hunting seasons, NOW

THEREFORE BE IT RESOLVED that the following waterfowl hunting season dates are established by the Louisiana Wildlife and Fisheries Commission for the 1982-83 hunting season.

Ducks and Coots

West Zone	Nov. 6 - Dec. 5	30 days
	Dec. 18 - Jan. 11	25 days
East Zone	Nov. 20 - Dec. 5	16 days
	Dec. 18 - Jan. 20	34 days

Geese

West Zone	Nov. 6 - Dec. 5	30 days
	Dec. 18 - Jan. 26	40 days
East Zone	Nov. 20 - Dec. 5	16 days
	Dec. 18 - Feb. 9	54 days

Special Scaup Season

Jan. 21 - Jan. 31

Only in certain designated coastal waters to be identified in the Departmental waterfowl brochure.

BE IT FURTHER RESOLVED that all provisions of the frameworks established for waterfowl hunting by the United States Fish and Wildlife Service which are applicable to Louisiana are hereby adopted and made a part of the Louisiana waterfowl hunting regulations for the 1982-83 hunting season.

Jesse J. Guidry
Secretary

Rules

RULE

Department of Commerce
Cemetery Board

(La. R.S. 8:1 through 914, both inclusive)

The following amendments to the Rules and Regulations of the Louisiana Cemetery Board which presently appear in Vol. I, No. 12, December 20, 1975, pages 519 through 525, both inclusive, having been previously submitted and approved as required by R.S. 49:954 and 968, are hereby promulgated.

1. Renumber present part 6 to read "Part 8 - Construction: Divisibility."

2. Add "Part 6 - Cemetery Care Fund; Merchandise Trust Fund."

Section 1. Perpetual Care Trust Fund, payments to.

After establishment of the permanent care trust fund when and as required by Chapter 7 of La. R.S. 9, Section 451-467, both inclusive, the amount to be deposited in the trust fund, which is a minimum of 10 percent of the gross receipts, less sales tax and interest or finance charges, if any, for the sale or conveyance of any interment space, but in no event less than 10 percent of the fair market value of each interment space conveyed, such fair market value to be determined on the basis of the current fair market value of comparable interment space in the same cemetery, shall be delivered to the trustee not later than 90 days after the end of each quarter of the cemetery authority's tax reporting year.

In the event the purchase price of any such interment space not be fully paid and thereafter be re-sold, the cemetery authority shall be entitled to credit for the amount which in the interim had been deposited in the trust fund with respect to such space.

No deposit to the permanent care trust fund shall be required in those instances in which a cemetery authority uses or conveys an interment space for an indigent interment, provided the space so used or conveyed is contained within a special area or section of the cemetery set aside and used solely for indigent interments.

Section 2. Remittance by the Trustee to the Cemetery Authority

All income received by Trustees of Cemetery Care Funds, which is not remitted to the Cemetery Authority within 120 days after the end of the latest tax reporting year of the Cemetery Authority, owning or operating a cemetery for which the trust fund is maintained, shall become for all purposes part of, and added to, the corpus of the principal of the trust.

Section 4. The Board shall have the right to make on-site inspections and examinations of the endowment care funds and the merchandise trust funds of a cemetery authority, or other legal entity, its books and records pertaining thereto and its cemetery or mausoleum, and its contracts for sales of personal property and/or services for future delivery, at any time during normal working hours, and by any employee or other person designated by the Board so to do.

By way of illustration as to the extent of such on-site inspections, the cemetery authority shall:

As to Endowment Care Funds:

1. Produce copies of all contracts and deeds, for inspection, relative to the last reporting form and since the last examination, as they pertain to the gross selling interment prices of spaces deeded during such period or on the gross receipts from contracts of sales during period.

2. Provide documentation from the trustee as to receipt of the deposit to the Perpetual Care Trust Fund of the required 10 percent deposit of gross receipts from all sales made with a provision for perpetual care during the period covered by the examination.

3. Provide access to its interment records to ascertain that proper information is being documented, including but not limited to the name of each deceased person, date of cremation or interment, and name of funeral director.

4. Provide copies of its contracts and deeds for review so it may be ascertained if perpetual care and the required 10 percent deposit is specific in each document presented to the consumer.

As to Merchandise Trust Funds:

1. Produce for inspection and review copies of all contracts for sales of personal property and/or services for future delivery, relative to the last reporting form or since the last examination, as they pertain to the sales of personal property and/or services during period.

2. Provide documentation from the trustee as to receipt of

the required deposit to the Merchandise Trust Fund of 50 percent of the gross receipts, less sales taxes, on all such contracts for future delivery when delivery is to be made at an uncertain date or more than 120 days after receipt of final payment under any such contract.

3. Provide a copy of each of its contracts for sale of personal property and/or services for review so it may be ascertained if any of said documents specifies that delivery will be made within 120 days after receipt of final payment on contract and if not, that the cemetery authority or other legal entity has established a merchandise trust fund into which 50 percent of the gross receipts, less sales taxes, is being deposited.

During any such on-site inspection the representative of the Board shall:

1. Ascertain that the interment records are adequately protected from destruction by fire in that they are kept in a place of safekeeping.

2. Inspect the grounds and other facilities of the cemetery to determine if perpetual care maintenance is, in fact, being reasonably performed.

Add "Part 7 - Qualifications of Applicants for Certificates of Authority."

Section 1. R.S. 8:71 required the Board to determine whether applicants "are financially responsible, trustworthy, and have good personal and business reputations, in order that only cemeteries of permanent benefit to the community in which they are located will be established in this state." While no rigid specifications, particularly as to character, can be fashioned, some objective evidence of a lack of such qualifications should exist before an application is denied. Clearly, if the applicant is an individual who has, or is a firm, association or corporation any of whose officers, owners, directors or managerial personnel has or have:

1. Been convicted of a felony, or has

2. Employed misrepresentation or deception in obtaining, renewing or reinstating a license or privilege from a public entity, or in seeking a certificate or license from this Board; or

3. Used false or misleading advertising or solicitation in any business venture,

the application should be denied unless the applicant produces evidence indicating complete rehabilitation.

Ms. Frances C. Mayeaux
Administrative Director

RULE

Department of Commerce
Office of Financial Institutions

Under authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions issues the following amendment to the Adjustable Rate Mortgage Rule for the purpose of providing a means by which state charter banks may have authority consistent with that granted national banks by the Comptroller of the Currency Rules and Regulations 12 CFR, Part 29, which was published on Page 23948, Volume 47, No. 106 of the *Federal Register* dated June 2, 1982.

AMENDMENT

Notwithstanding any limitations imposed by R.S. 6:237 and 322, state chartered banks are hereby authorized to make, purchase, and participate in adjustable rate mortgage instruments authorized for national banks by the Comptroller of the Currency Regulation 12 CFR, Part 29. For the information and guidance of state chartered banks, the Comptroller of the Currency Regulation is outlined below. The words "national" and "Comptroller of the Currency" have been changed to "state" and "Commissioner of Financial Institutions". Accordingly, the Office of Financial Institutions amends the Adjustable Rate Mortgage Rule to read as follows.

ADJUSTABLE-RATE MORTGAGE INSTRUMENTS

1. Purpose

This regulations is issued by the Office of Financial Institutions to establish Rules for state banks making or purchasing adjustable-rate loans secured by liens on one to four-family dwellings.

2. Definition

An adjustable-rate mortgage loan is any loan made to finance or refinance the purchase of and secured by a lien on a one to four-family dwelling, including a condominium unit, cooperative housing unit, or a mobile home, where such loan is made pursuant to an agreement intended to enable the lender to adjust the rate of interest from time to time. Adjustable-rate mortgage loans include loan agreements where the note and/or other loan documents expressly provide for adjusting the rate at periodic intervals. They also include fixed-rate loan agreements that implicitly permit rate adjustment by having the note mature on demand or at the end of an interval shorter than the term of the amortization schedule unless the bank has clearly made no promise to refinance the loan (when demand is made or at maturity) and has made the disclosure specified in 8 (d).

3. General Rule

Banks may make or purchase adjustable-rate mortgage loans only if they conform to the conditions and limitations contained in this Part. Banks may make or purchase adjustable-rate mortgage loans pursuant to this Part.

4. Index

Changes in the interest rate charged on an adjustable-rate mortgage loan must be linked to changes in the index specified in the loan documents, i.e., a one basis point (one basis point = .01 percentage point) change in the index must be translated into a one basis point change of the same direction in the contract interest rate except as otherwise provided in 5 (b). A bank may use as an interest rate index any measure of market rates of interest that is readily available to and verifiable by the borrower and is beyond the control of the bank. The index for an adjustable-rate mortgage loan shall be either single values of the chosen measure or a moving average of the chosen measure calculated over a specified period. The initial index value shall be the most recently available index value on the date that the lender commits to the initial interest rate on the loan. Subsequent interest rate changes shall be based on the most recently available index value at the date for notifying borrowers of impending changes in the interest rate.

5. Rate Changes

(a) Frequency of Changes. Interest rate changes on an adjustable-rate mortgage loan shall occur at intervals specified in the loan documents.

(b) Required and Permitted Rate Changes. Interest rate changes on adjustable-rate mortage loans shall be subject to the following provisions:

(1) Interest rate increases permitted in accordance with this Part shall be at the option of the bank.

(2) Interest rate decreases warranted by decreases in the index shall be mandatory except to the extent they would exceed limitations established pursuant to 5(b) (3); to the extent that rate increases fully reflecting increases in the index have not been implemented by the bank, either at its option or because of limitations on interest rate adjustments as permitted in 5(b) (3); or to the

extent that the bank has previously voluntarily reduced the interest rate on an adjustable-rate mortgage loan.

(3) Banks offering adjustable-rate mortgage loans may establish in the loan documents limitations on maximum or minimum interest rate increases or decreases, minimum increments of interest rate increases or decreases, and procedures for rounding the interest rate on the loan to the nearest percentage point or some fraction thereof.

(4) Voluntary interest rate reductions not related to index changes and changes in the index that do not result in equal changes in the interest rate (including differences between changes in the index rate and changes in the interest rate due to rounding) shall, to the extent not offset by subsequent movements of the index, be carried over and be available at succeeding rate change dates.

(5) A bank may decrease the contract rate on an adjustable-rate mortgage at any time and by any amount beyond the decreases required by the Rules contained in this Part.

(c) Method of Rate Changes. Interest rate changes to an adjustable-rate mortgage loan may be implemented through changes in the amount of the installment payment or the rate of amortization or any combination of these two methods, according to a schedule agreed upon by the borrower and the bank in the loan documents or as agreed upon by the parties at the time of an interest rate change. Notwithstanding the foregoing, installment payments shall be required for and adjustable-rate mortgage loan that are sufficient to reduce the outstanding principal balance of the loan beginning no later than during the twenty-first year and are sufficient to amortize the entire principal of the loan without a substantial balloon payment by the end of the thirtieth year. These methods are permissible regardless of any state-law prohibitions on the charging of interest on interest. Such prohibitions are expressly preempted, provided the interest rate charged by the bank does not exceed the applicable usury limit, if any.

6. Prepayment Fees

Banks offering or purchasing adjustable-rate mortgage loans may impose penalties for prepayments.

7. Assumption

Banks offering or purchasing adjustable-rate mortgage loans that include due-on-sale clauses are not required to allow those loans to be assumed by new purchasers of the mortgaged property or to allow new purchasers to take title to such property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, regardless of any limitations on the validity or enforceability of due-on-sale clauses found in state law, which limitations are expressly preempted. If a bank does allow such a loan to be assumed or a purchaser to take title to property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, the interest rate and any other loan terms may be reset as of the date of assumption. In order for an adjustable-rate mortgage loan to qualify for the benefits of this Section, the loan note must contain a clause stating that the loan is due on sale or must contain some other provision indicating that the loan may be assumed or the property purchased subject to the bank's mortgage lien only at the bank's discretion.

8. Disclosure

(a) A bank offering adjustable-rate mortgage loans shall disclose in writing on the earlier of the date on which the bank first provides written information concerning adjustable-rate mortgage loans available from the bank or provides a loan application form to the prospective borrower, the following items:

(1) The fact that the interest rate may change and a brief description of the general nature of an adjustable-rate mortgage loan;

(2) The index used, including the name of at least one readily available source in which it is published. If the index is based on a cost of funds rate for any group of financial institutions subject to limitations on the interest they may pay certain classes of depositors, a bank must describe that fact and point out that the removal of interest rate ceilings will likely result in an upward bias on future movements of the index, regardless of movements in market interest rates;

(3) A 10-year series updated at least annually showing the values of the index on at least a semiannual basis, presented in a table. The table should show either single values of the measure of interest rates or an average of single values, consistent with the bank's adjustable-rate mortgage loan program;

(4) The frequency with which the interest rate and payment levels will be adjusted;

(5) The method used to calculate the initial monthly payment, if that payment differs from the fully amortizing payment;

(6) Any Rules relating to changes in the interest rate, installment payment amount, and/or increases in the outstanding loan balance;

(7) A description of the method by which interest rate changes will be implemented, including an explanation of negative amortization and balloon payments, if they may occur in connection with the loan;

(8) A statement, if appropriate, of the Rules or conditions relating to refinancing of short-term and demand mortgage loans, prepayment, and assumption;

(9) A statement, if appropriate, of fees that will be charged by the bank and/or any other persons in connection with the adjustable-rate mortgage loan, including fees due at loan closing, prepayment fees and fees that will be charged for interest rate or payment adjustments and a statement of when and how such fees will be charged;

(10) A schedule of the dollar amounts of the installment payments (principal and interest), and the outstanding loan balance at each payment adjustment date on a $10,000 adjustable-rate mortgage that might occur under the bank's adjustable-rate mortgage loan program. The initital interest rate should be a commitment rate offered by the bank within the preceding 12-month period.

(b) At least 30 days and no more than 45 days before any interest rate change may take effect, the bank must notify the borrower in writing of the following items:

(1) The current and proposed new interest rate;

(2) The base index value and the index values upon which the current interest rate and the new interest rate are based;

(3) The extent to which the bank has forgone any increase in the mortgage interest rate;

(4) The monthly payment due after implementation of the interest rate adjustment and/or other contractual effects of the rate change;

(5) The amount of the monthly payment, if different from that given in response to item 4, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(6) The amount of the prepayment penalty, if any, that will be charged if the borrower chooses to prepay the loan rather than accept an interest rate increase.

(c) If under the bank's adjustable-rate mortgage program, a payment change may occur at a different date than an interest rate change, at least 30 days and no more than 45 days before any such payment change may take effect, the bank must notify the borrower in writing of the following items:

(1) An explanation of the circumstances that have led to such a payment change;

(2) The monthly payment due after implementation of the payment adjustment;

(3) The amount of the monthly payment, if different from

that given in response to item 2, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(4) The amount of any prepayment penalty that will be charged if the borrower chooses to prepay the loan.

(d) A bank making any loan to finance or refinance the purchase of and secured by a lien on a one to four-family dwelling which is either payable on demand or at the end of a term which, including any terms for which the bank has promised to refinance the loan, is shorter than the term of the amortization schedule, must include the following notice displayed prominently and in capital letters in or affixed to the loan application form and in or affixed to the loan note:

THIS LOAN IS PAYABLE IN FULL (AT THE END OF ___ YEARS **or** ON DEMAND).(AT MATURITY **or** IF THE BANK DEMANDS PAYMENT) YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE BANK IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL THEREFORE BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER THAN THE INTEREST RATE ON THIS LOAN. IF YOU REFINANCE THIS LOAN AT MATURITY, YOU MAY HAVE TO PAY SOME OR ALL CLOSING COSTS NORMALLY ASSOCIATED WITH A NEW LOAN, EVEN IF YOU OBTAIN REFINANCING FROM THE SAME BANK.

Fixed-rate short-term or demand loans for which this notice has been properly given will not be characterized as adjustable-rate mortgage loans.

(e) At the date on which the initial interest rate on an adjustable-rate mortgage loan is determined, the bank must inform the borrower of the initial index value against which interest rate changes will be measured. This intial index value must be included in the note which the borrower signs. The borrower must be given a copy of that note no later than at loan closing.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

Adjustable-Rate Mortgage Instruments

Under the authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions issues the following additions to the Rule previously published in Volume 7, Number 6 of the *Louisiana Register,* dated June 20, 1981. The purpose of this addition to the Rule is to provide a means by which state-chartered banks may have authority consistent with that granted national banks by the Comptroller of the Currency Rules and Regulations 12 CFR, Part 29, which was originally published on Page 18932, Volume 46, Number 59 of the *Federal Register,* dated March 27, 1981, and amended with this addition on Page 13775, Volume 47, Number 63 of the *Federal Register,* dated April 1, 1982.

SUMMARY

This document makes two technical amendments to the regulation establishing a framework within which state-chartered banks may make or purchase adjustable-rate mortgage loans.

ADDITION TO RULE

The Commissioner of Financial Institutions hereby amends the Adjustable-rate Mortgage Rule to permit state-chartered banks to use two additional indexes to adjust interest rates on adjustable-rate mortgage loans. The following indexes are added:

1. The weekly or monthly average yield on United States Treasury securities adjusted to a constant maturity of three years. The weekly average yields are published in the "Federal Reserve Bulletin" and made available weekly by the Federal Reserve Board in Statistical Release H.15 (519). The monthly average yields are published in the "Federal Reserve Bulletin" and made available by the Federal Reserve Board in Statistical Release G.13 (415) during the first week of each month.

2. The weekly average or the monthly average of weekly average auction rates on United States Treasury bills with a maturity of six months. The weekly average rates are published in the "Federal Reserve Bulletin" and made available weekly by the Federal Reserve Board in Statistical Release H.15 (519). The monthly average yields are published in the "Federal Reserve Bulletin" and made available by the Federal Reserve Board in Statistical Release G.13 (415) during the first week of each month.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 902B and R.S. 950.1D, hereby amends the Rule published in Volume 6, Number 12, *Louisiana Register* dated December 20, 1980, pertaining to the conversion of state chartered savings and loan associations from mutual to stock form of charter.

AMENDMENT TO RULE

So much of Section V of the Rule governing the conversion of state chartered savings and loan associations from mutual to stock form as reads:

V. Content of Applicant's Plan of Conversion. The Applicant's plan of conversion shall comply with the requirements of the FSLIC, including the determination of the eligibility record date and supplemental record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, except, however, *that officers, directors and employees of the Applicant in their individual capacities as officers, directors and employees, will be permitted to purchase in the specific subscription offering category established for that purpose an amount no greater than twenty percent of the total shares being offered in the plan of conversion.*

is amended to read:

V. Content of Applicant's Plan of Conversion. The Applicant's plan of conversion shall comply with the requirements of the FSLIC, including the determination of the eligibility record date and supplemental record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, *and provides that the total number of shares which officers and directors of the converting insured institution and their associates may purchase in the conversion shall not exceed thirty-five percent of the total offering of shares in the case of a converting insured institution with total assets of less than $50 million, or twenty-five*

percent of the total offering of shares in the case of a converting insured institution with total assets of $500 million or more; in the case of converting insured institutions with total assets in excess of $50 million but less than $500 million, the percentage shall be no more than a correspondingly appropriate number of shares based on total asset size (for example, 30 percent in the case of a converting insured institution with total assets of $275 million.)

The change in FSLIC Regulations was published in Volume 47, Number 89, *Federal Register*, dated May 7, 1982.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following amendment to Rule of Volume 6, Number 9 of *Louisiana Register* dated September 20, 1980 for purpose of providing a means by which state chartered associations may have authority consistent with that proposed for federal associations by the Federal Home Loan Bank Board in Section 9855 of the *Federal Register* Volume 47, No. 45, March 8, 1982.

AMENDMENT
to the
Office of Financial Institutions
Rule of Volume 6, Number 9
of
Louisiana Register dated September 20, 1980

Delete Section III. as it appears and substitute the following:

III. Pre-Authorized Subsidiary Investments

Pre-authorized activities of a subsidiary corporation, performed directly or through one or more wholly owned subsidiaries or joint ventures shall consist of one or more of the following:

A. Loan origination, purchasing, selling and servicing.

B. Acquisition of unimproved real estate lots and other unimproved real estate for the purpose of prompt development and subdividing.

C. Development and subdivision of and construction of improvements, including improvements to be used for commercial or community purposes when incidental to a housing project, for sale or for rental on, real estate referred to in subdivision B of this subparagraph.

D. Acquisition of improved residental real estate and mobile home lots to be held for sale or rental.

E. Acquisition of improved residential real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental.

F. Engage in real estate brokerage services if real estate laws, Rules and Regulations are complied with.

G. Serving as an insurance broker, agent, or underwriter if insurance law, Rules and Regulations are complied with.

H. Serving as a title insurance company if insurance laws, Rules and Regulations are complied with.

I. Preparation of state and federal tax returns.

J. Acquisition of real estate to be used for association offices and related facilities.

K. Partial or complete ownership of computer center that provides services for the parent association and others.

L. Make consumer loans as outlined in LRS 9:3510, et seq.

M. Perform debt collection services.

N. Issue letters of credit as part of their commercial lending.

O. Operate coin and currency services by contracting with Federal Reserve banks or commercial banks to make coin and currency available. This includes delivery and security arrangements.

P. Engage in the leasing of consumer and business goods.

Q. A subsidiary may act as agent for the parent association except that it shall not receive payments on new or established savings accounts, nor shall it perform any duties for the association other than those specifically authorized herein.

R. Other activities which may be approved by the Commissioner.

Delete Section V. as it appears and substitute the following:

V. Investment and Debt Limitation

A. Investments in subsidiary corporations shall include investment in its capital stock, obligations, both secured and unsecured, or other securities of the service corporation, and shall not, in the aggregate, exceed ten percent of the association's total assets. The limitation does not apply to subsidiaries organized solely as a holding corporation for business property as outlined in R.S. 6:822F.

B. The subsidiary corporation engaged solely in the activities specified in Paragraph III.A. above; may incur debt in a ratio of 10:1 of the subsidiary's consolidated net worth.

C. Subsidiary corporations engaged in activities other than that authorized in Paragraph III.A. above shall not incur debt in the aggregate in excess of the parent association's net worth less the aggregate investment in all subsidiary capital stock, obligations, both secured and unsecured, and other securities of the subsidiary corporation.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Racing Commission

LAC 11-6:25.35

No owner or trainer shall enter, or cause to be entered, a horse to race at a track of an association in which he has a direct or indirect financial interest.

Ray Vanderhider
Chairman

RULE

Department of Commerce
Racing Commission

LAC 11-6:57

RULE 57: EXCLUSION AND EJECTION

57.1 No person who is known or reputed to be a bookmaker or a vagrant within the meaning of the statutes of the State of Louisiana or a fugitive from justice, or whose conduct at a

racetrack in Louisiana or elsewhere, is or has been improper, obnoxious, unbecoming or detrimental to the best interest of racing, shall enter or remain upon the premises of any licensed association conducting a race meeting under the jurisdiction of the Commission; and all such persons shall upon discovery or recognition be forthwith ejected.

57.2 If a majority of the stewards shall find that any person has violated any of the Rules of racing, or has been involved in any action detrimental to the best interests of racing generally, they may exclude such person from the grounds, or any portion of such grounds, of the association conducting the meeting for a period not exceeding the duration of the race meet plus ten days; or they may suspend the license of such person from participating in racing in this state, for a period not exceeding the duration of the meet plus ten days, or both such exclusion and suspension; and if the stewards consider necessary any further action, they shall promptly refer the matter to the Commission.

57.3 The following categories of persons may be excluded or ejected:

a) Persons who because of age, in accordance with other sections of these Rules, are not allowed to be licensed or attend the races. (See Rules 2.8; 14.3; 20.3; 23.2; 30.1).

b) Anyone convicted of a felony under the laws of the United States, this state or any other state or country, or any crime or offense involving moral turpitude, within the preceding five years, if the presence of said person would be against the public interest and the best interest of horseracing.

c) Persons of notorious or unsavory reputation, whose presence would be contrary to the public interest and the best interest of horseracing.

d) Any person whose presence on the grounds of a racetrack would be inimical to the State of Louisiana and its citizens, or to the track, meeting, race, or association, to such an extent that his presence would be contrary to the public interest and the best interest of horseracing.

e) Persons who have had a license or permit refused, suspended or withdrawn, and whose presence would be contrary to the public interest and the best interest of horseracing.

f) Any person who is knowingly consorting or associating with bookmakers or persons of similar pursuits, or has himself engaged in similar pursuits, or has been found guilty of any fraud or misrepresentation in connection with racing or breeding, or otherwise has violated any law, Rule or Regulation with respect to racing in this or any other jurisdiction, or any Rule, regulation, or order of the Commission, or has been found guilty of or engaged in similarly related like practices.

57.4 It shall be the duty of the owner or officer of each association to notify the Secretary of the Commission of all ejections and exclusions, in writing, within three calendar days after the day on which the exclusion or ejection occurred, exclusive of Saturdays, Sundays or legal holidays. The notice shall include the name of the person excluded or ejected, the date, approximate time, place where the exclusion or ejection occurred, the reason therefor, and other pertinent information.

57.5 The person excluded or ejected may demand a public administrative hearing before the Racing Commission, by giving the Commission written notice of the exclusion or ejection within ten calendar days after its occurrence, exclusive of Saturdays, Sundays, or legal holidays.

57.6 Upon receipt of the notice of the aggrieved person, the Commission shall call and hold a hearing at the next regular meeting of the Commission which is held not sooner than fifteen days after receipt of such notice.

57.7 If the aggrieved person requests an expedited hearing, the hearing shall be set not less than ten days or more than twenty days after the receipt of the request for the expedited hearing, and if the Commission does not hold the hearing within said time period, the aggrieved person may proceed with his other legal remedies. If the Commission and the person demanding a hearing mutually agree, the hearing may be held at any time.

57.8 The Commission, upon evidence received at the hearing and the merits of the testimony, shall determine whether the person was lawfully excluded or ejected in accordance with its Rules and Regulations, and it is the responsibility of the owner or officer of the association to show that the person was excluded or ejected in accordance with the Rules and Regulations.

57.9 If the Commission determines that the exclusion or ejection was lawful, it shall order the person excluded or ejected for a specific time from all racetracks, race meetings, races, or licensed establishments that are under the commission's regulatory powers.

57.10 If the Commission determines that the exclusion or ejection was unlawful, it shall order the owner or officer of the association to allow such person to enter the premises and participate in any race that he is otherwise qualified for.

57.11 Any owner, official, supervisor, or employee of an association shall keep from the premises where they conduct their business or perform their employment any person whom he knows is ordered by the Commission to be excluded or ejected. The Commission may revoke, limit, condition, or suspend the license of or impose a fine on, any individual or licensee in accordance with the laws of the state and Rules and Regulations of the Commission, if the licensee or person knowingly and willfully fails to act to exclude or eject any person who should be excluded or ejected according to the Rules of racing, or any person whom he knows is ordered by the Commission to be excluded or ejected.

57.12 Any person who is excluded or ejected from any racetrack, race meeting, or race, shall exhaust all administrative remedies before the Commission prior to instituting any legal action seeking judicial relief.

Ray Vanderhider
Chairman

RULES

Board of Elementary and Secondary Education

Rule 3.01.51.n

The Board adopted an amendment to Bulletin 741, page 14 to allow a foreign language or a course taught in a foreign language as a substitute for the fourth English requirement.

Rule 3.01.70.u(4)(a)

The Board adopted an amendment to Bulletin 746 to allow speech therapists who are certified to teach in Louisiana the certification endorsement of English as a Second Language upon completion of the four required courses as described in the Bulletin.

James V. Soileau
Executive Director

RULE

Department of Education
Louisiana Educational Employees Professional Improvement Program

The State Committee for the Louisiana Educational Employees Professional Improvement Program R.S. 17:3601-R.S.

17:3661 at its August 31, 1982 meeting exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953B, and adopted the following as a Rule:

BULLETIN 1619, REVISED 1982

This publication in its entirety may be examined during regular business hours at the *Louisiana Register,* 1500 Riverside N., Baton Rouge, La.

This adoption is necessary because the Committee must distribute these guidelines in order to allow participating educators to continue in the Professional Improvement Program for 1982-83 as provided by the Louisiana Legislature.

Robert C. Rice, Chairman
State Committee for the Louisiana
Educational Employees Professional
Improvement Program

RULE

Office of the Governor
Department of Facility Planning and Control

LOUISIANA
CAPITAL IMPROVEMENT PROJECTS
PROCEDURE MANUAL
FOR DESIGN AND CONSTRUCTION

ARTICLE 1
CONDITION OF THE CONTRACT

1.1 The Louisiana Capital Improvement Projects Procedure Manual for Design and Construction, 1982 Edition, herein referred to as the "Procedure Manual" and any amendments thereto, as published by Facility Planning and Control Department, shall be a part and condition of the Contract Between Owner and Designer, herein referred to as the "Contract".

ARTICLE 2
DEFINITIONS

2.1 *The Owner* is the State of Louisiana, Office of the Governor, Division of Administration, the responsibilities of which shall be exercised by the Commissioner of Administration or his designated representative, Facility Planning and Control Department.

2.2 *The User Agency* is the agency, department, division, board or institution which will be the principal user of and for which the facility is being designed and constructed, as named in the Contract. Where reference is made hereinafter to the *User Agency,* it will refer to both the "Umbrella" and "Local" entities of the department, board, agency, division, etc. (Examples: The LSU Board of Supervisors and the Department of Health and Human Resources are "Umbrella" Using Agencies and "Local" Using Agencies such as LSU-Alexandria and Pinecrest State School are under their respective jurisdiction and administration).

2.3 *The Designer* is a person or organization professionally qualified and licensed to practice Architecture, Engineering or Landscape Architecture in accordance with the laws of the State of Louisiana, who is to perform Basic Services for the Project, as named in the Contract.

2.4 *Consultants* are individuals or organizations engaged by the Owner or the Designer to provide professional consultant services complementing or supplementing the Designer's Services. As applicable, Consultants shall be licensed to practice in accordance with laws of the State of Louisiana. The Owner shall engage or have the Designer furnish as part of the Designer's Services the services of Consultants which are deemed necessary for the project. Normal Consultants are architects, landscape architects, civil, structural, mechanical and electrical engineers, etc., compensation for which is included in Designer's basic fixed fee. Special Consultants are those, other than the above, which the Owner may approve as required for the Project to perform special services and for which compensation will be in accordance with Article 5.3.1

2.5 *The Project* is a Capital Outlay Project for which funds have been appropriated or other public government project for which funds are available, as specifically defined in the Program attached to and stated in the Contract between Owner and Designer.

2.6 *The Total Construction Budget (TCB)* is the sum of the funds Available for Construction (AFC) plus the Designer's Fee. The AFC is the actual amount of funds available for awarding the construction contract(s).

ARTICLE 3
OWNER-USER AGENCY RESPONSIBILITIES

3.1 The Owner's designated representative shall be the Facility Planning and Control Department. The User Agency shall designate a representative authorized to act in its behalf with respect to the Project.

3.2 After selection of the Designer and prior to signing of the Contract, the Owner shall furnish to the Designer the Preliminary Program, as described below, and a statement of the funds Available For Construction (AFC).

3.3 After the Contract is signed by the Owner, the Owner shall schedule and hold a Pre-Design Conference at the Office of Facility Planning and Control or at a location designated by the Owner. This conference shall be attended by the Designer and representatives of the Owner and User Agency.

3.3.1 The purpose of this conference shall be to initiate a general review and discussion of the Project, including but not limited to, adopting or confirming the following:

1) The Preliminary Program defining (a) the type, number and sizes of spaces required, (b) adjacency considerations, (c) the type and number of people using the facility and (d) the activities to be held in the facility;

2) The site location of the facility;

3) The Total Construction Budget (TCB) stating the amount Available for Construction (AFC) and the Designer's Fee;

4) The Time Schedule outlining completion dates of designated phases as described in Article 7 hereinafter and the anticipated period of construction. The Time Schedule for planning phases shall commence with the date of the Pre-Design Conference and shall continue until completion of all construction documents and their delivery to the Owner and shall take into account review periods agreed to between Designer and Owner.

5) At the Pre-Design Conference, the Owner will give the Designer a package containing "Instructions to Designers" and Bidding and Construction Contract Forms as described hereinafter in 7.1.4(C).

3.3.2 The Owner shall have prepared, at the Owner's cost, by a registered land surveyer, a topographical survey of the site including structures, roads, walks and utilities, when necessary. The Owner will contract for and pay for geotechnical services as described in Article 7.1.1-4 hereinafter.

3.4 The Owner and the User Agency shall examine all documents submitted by the Designer and shall render decisions pertaining thereto, to avoid unreasonable delay in the progress of the Designer's Services.

3.5 The Owner will select a testing laboratory to perform all required tests during construction, and will contract for and pay for all such testing services.

3.6 The Owner shall provide record construction documents of existing buildings for renovation or addition projects, when those are available.